

SETTLEMENT AGREEMENT RE CAUSE NUMBER ADV-2013-924

The Denturist Association of Montana, Plaintiff, and the Montana Board of Dentistry and Montana Department of Labor & Industry, Defendants, (Plaintiffs and Defendants referred to as "Party" or "Parties"), hereby enter into this Settlement Agreement to fully and finally resolve all claims as asserted by the Plaintiff, Denturist Association of Montana, in Cause Number ADV-2013-924 (previously CDV-2013-924), as filed in the Montana First Judicial District Court, Lewis and Clark County.

Terms and Plaintiff's Release:

- 1) The Plaintiffs brought suit against the Defendants alleging numerous violations, including violations of Section 37-1-131, MCA. Among their claims was the assertion that Administrative Rule of Montana 24.138.2302(1)(j) violated Section 37-1-131(1)(a)(ii), MCA. That rule, regarding the unprofessional conduct of denturists, reads "The board [Montana Board of Dentistry] defines "unprofessional conduct" as follows: ... "(j) fitting, attempting to fit or advertising to fit a prosthesis on or over a dental implant." In order to fully and finally settle all the claims in Cause Number ADV-2013-924, the Defendants agree they shall sunset ARM 24.138.2302(1)(j) and the rule will become void within 18 months from the signing of a Court order entering judgment in accordance with this Settlement Agreement.
- 2) The Parties agree they will jointly request the Court to dismiss Cause Number ADV-2013-924 with prejudice in accordance with the terms of this Settlement Agreement. Between the signing of the Court's order and the sunset date established therefrom, the Montana Board of Dentistry will commence rulemaking substantially addressing the fitting of prostheses over dental implants as regards the practice of dentistry. Rulemaking replacing the current language of Administrative Rule of Montana 24.138.2302(1)(j) will be completed prior to 18 months from the signing of the above referenced Court order, and the current rule as written will expire upon the effective date of the revised language substantially replacing it.
- 3) In return for the Defendant's agreement to sunset Administrative Rule of Montana 24.138.2302(1)(j) and replace it by rulemaking, Plaintiff Denturist Association of Montana agrees to dismiss with prejudice Cause Number ADV-2013-924, and to fully and finally release all of its claims therein as against the Defendants, Montana Board of Dentistry and Montana Department of Labor and Industry. Plaintiff furthermore agrees that it does not contemplate, and agrees that it will not seek, attorneys fees, costs, or monetary damages associated with any of the claims at issue in Cause Number ADV-2013-924 and agrees that all its claims will be dismissed with prejudice.

Disclaimer: The Parties have read the terms of this Settlement Agreement, discussed its legal effect with their respective attorneys, understand the contents thereof, and sign it of their own free will and accord. This agreement shall be binding on the Parties and their successors.

No Admission of Liability: It is understood that the above-mentioned remedy as described in the "Terms" section herein is accepted as the sole consideration for full satisfaction and accord to compromise a disputed claim, and that neither the terms addressed above, nor the negotiations for settlement shall be considered as an admission against interest.

Costs and Fees: Each Party hereto agrees that it will bear its own costs and fees during the prosecution and defense of this action respectively.

Choice of Law and Venue: The Parties hereto agree that Montana law shall govern this Settlement Agreement and that the venue for any dispute that may arise regarding its interpretation shall be the Montana First Judicial District Court.

Final Agreement and Severability: This Settlement Agreement constitutes the complete and final terms settling claims asserted by the Plaintiff in as against Defendants as plead in Cause Number ADV-2013-924. Any portion of this agreement which may later be determined to be unlawful, shall be severable from any other terms not deemed as such. .

Signatures

This two page Settlement Agreement shall be executed in counterpart originals, each and any of which shall be deemed to be an original. To express the Parties' intent to be bound by the terms of this Settlement Agreement, they have executed this document on the dates set forth below.



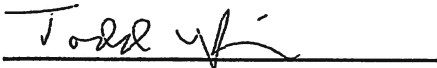
8/16/18 (Date)

Aaron Hansemann, Secretary-Treasurer, on behalf of the Denturist Association of Montana



8/19/18 (Date)

Dr. George Johnston, Chairman of the Montana Board of Dentistry



8/17/18 (Date)

Todd Younkin, Commissioner, Montana Dept. of Labor and Industry