

Chairman Berry, Committee Members and Staff, thank you for your time.

I am Allen Casteel, representing the Denturist Association of Montana

I am here to talk about fairness. Without equal representation, Denturists have been at the mercy of a regulatory body that is dominated by members of a profession who are opposed to the profession of Denturistry. Dentist members of the Board are members of the Montana Dental Association, and by extension, the American Dental Association. Stated goals of the ADA are to oppose Denturistry at every opportunity. Contrary to the will of the American Dental Association, Denturistry is a growing profession world-wide.

As a separately educated and licensed profession, with a separate statutory Practice Act, we feel that we should not be regulated by a hostile profession. We have statutory regulation in place – we do not need supervision by a board of dentists. In almost every jurisdiction where Denturistry is a vibrant profession, they are not regulated by dentists but have their own regulatory boards.

At the direction of the MDA, dentist members of the Board refuse to recognize our statutory right to practice through their illegal promulgation of rules designed to restrict our scope of practice.

The Board's stated position for dentists is that if a dentist is trained, educated and experienced in a procedure, they may practice that procedure. As an example, the Board has ruled dentists are allowed to administer Botox and dermal fillers.

They refuse to recognize the same standards for Denturists. A specific example: I am trained, educated and experienced in providing oral anti-snoring appliances. The Board illegally tried to prohibit my providing these appliances until its decision was overturned by a District Court ruling. Once the Board received the Court decision it failed to act for nearly a year to remove the disciplinary notification placed in the public records. This shows bias and discrimination against my professional abilities and my profession.

In instances where Denturists do attend advanced education, the Board has threatened us with sanctions, if we use designations and degrees we have earned.

Title 37-29-301 says "A person shall hold a license for the practice of Denturistry in order to perform the following acts:

- (2) Use in conjunction with the person's name, the words or letters "denturist", "L.D." or any other (emphasis added) words, letters, abbreviations, or insignia implying that the person is engaged in the practice of denturistry.

On February 15, 2000, the Board sent a letter to the Denturist Association referencing restrictions in Title 37, Chapter 4. Denturists are exempt from the provisions of this Chapter. Denturists are regulated under Chapter 29. A copy of that letter is included in my written

testimony. I do not believe the Board has the authority or ability to recognize denturist educational institutions.

I have also included a letter from the Montana Dental Association to Dr. Wayne Hansen, then President of the Board of Dentistry, trying to insert itself into the regular operation of the Board by providing legal counsel for the Board.

This pattern of abuse by the Board does not, in any way, serve to protect the health and welfare of the people of Montana. It only serves to restrict the access of people already in need of services a denturist can safely provide. Denturists work as legitimate, equal partners in providing appropriate health care services.

We work with every branch of dentistry and many other medical providers for the benefit of our patients. At a time when the focus is on achieving affordable, accessible, safe healthcare, dentistry, through its associations and the Board, is trying to reassert its monopoly and restrict or eliminate access to care for tens of thousands of Montanans.

We are not asking for special treatment, we are asking for fair treatment. You can do this by removing Denturists from the Board of Dentistry or restructuring the current board to be more equitable to each profession it regulates.

Thank you again for your time.

Allen L Casteel, MT Denturist #22
Secretary-Treasurer
Denturist Association of Montana



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MONTANA BOARD OF DENTISTRY
DEPARTMENT OF COMMERCE
HELENA, MONTANA

February 15, 2000

By Certified Mail:

MONTANA DENTURISTS ASSOCIATION
%DOUGLAS CRUMB LD
923 SOUTH MAIN
KALISPELL MT 59901

Dear Sir/Madame:

Recently, the Montana Board of Dentistry (Board) has become aware that a small number of the Denturists licensed by the Board may have begun utilizing and advertizing with the designation D.D.M. (Doctor of Medical Denturistry). Section 37-4-102(j), MCA provides the following:

uses the words "dentist", "dental surgeon", or "oral surgeon", the letters "D.D.S.", "D.M.D.", or any other words, letters, title, or descriptive matter that in any way represents the person as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of human teeth, jaws, or adjacent structures. . . .

Section 37-29-301 (2), MCA provides that a licensed denturist may "use in connection with the person's name the word or letters "denturist", "L.D", or any other words, letters, abbreviations or insignia implying that the person is engaged in the practice of denturity".

Historically and at present, the Board has only used the designation for Licensed Denturists as "L.D." on their licenses and wall hangers. Given the limited educational background in obtaining a D.D.M. and the fact that the institution that confers the degree has not been recognized by the Board of Regents, the Board considers using the D.D.M. designation and

those holding themselves out as Doctors to the public as extremely misleading considering the limited scope of practice allowed by state law. The term "Doctor" in the health care profession implies to the public that a person may diagnose, treat conditions various medical conditions, or prescribe medications when L.D.'s are prohibited from doing so by law.

Section 37-1-316(5), MCA defines unprofessional conduct as "a misleading, deceptive, false, or fraudulent advertisement or other representation in the conduct of the profession or occupation." As of the date of receipt of this letter, any Licensed Denturist who utilizes the designation D.D.M. and/or holds themselves out to the public as being a "doctor" has the potential of subjecting themselves to disciplinary action by the Board of Dentistry.

If you have any questions, please do not hesitate to call myself at 406-444-0610 or Board Administrator, Sharon McCullough at 406-444-3745.

Edward L. Myers III
Department of Commerce

Cc: Board File



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David Hemion, CAE

To: Dr. Wayne Hansen

Fr: Mary McCue

Date: August 28, 2000

Re: Board of Dentistry ability to contract with outside legal counsel

I am attaching several sections from the Montana Procurement Act which set forth the laws dealing with the purchase of goods and services by the state and its agencies. In general, the Act applies to expenditures of public funds by any state agency. These statutes provide that most state contracts are subject to a competitive bid process.

However, MCA section 18-4-132 of the Act provides that it does not apply to employment of a hearings officer hired in rulemaking and contested case proceedings under the Montana Administrative Procedure Act or an attorney as specified by executive order of the governor.

This means that a state agency may contract with or employ an attorney without having to go through the statutory competitive bid process. It is a common practice for state agencies to contract with private attorneys for legal services. A state agency may select the attorney based upon the agency's needs and the attorney's qualifications.

Depending in part upon the Board of Dentistry's cost of hiring outside legal counsel, the Montana Dental Association likely would favor doing so in order to ensure some continuity in the legal advice being provided to the board. Neither the board nor the dental community have been well-served by the frequent turnover in board legal counsel these past several years. Most importantly, the public is not well-served by the failure of the Department of Commerce to provide consistent legal advice to the Board of Dentistry.

If the MDA may be of further help in pursuing this avenue, please let us know.

c: MDA Executive Committee and Board of Directors