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a subsidiary of  
**Saint Bernard Institute of Denture Care & Treatment**  
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Dr. Dale Chamberlain, President  
Montana Board of Dentistry  
P.O. Box 200513  
Helena, Montana 59620-0513

RE: Request for waiver by Brent Kandarian

Dear Dr. Chamberlain;

I have reviewed the preliminary draft of the minutes of the June 8, 2012 meeting where I submitted a request for a waiver for denturists providing dentures over implant abutments and partial dentures without a dentist referral.

I am totally dissatisfied with the outcome of the vote by the Board for several reasons:

1. In order for a "Rule" to be valid it must have a statute it enhances or supports and in this instance, there is NO statute in 37-29 MCA that speaks to implant retained dentures. In fact 37-29-102 (2) states under Definitions. (2) "Denture" means any removable full or partial, upper or lower, prosthetic dental appliance to be worn in the mouth.

The word ANY was specifically used because there are so many variables in types of dentures created today, including "implant retained", tissue borne. As I have related to you prior, Lee Wiser, Ronald M. Gerughty, D.D.S., Ph.D., and I wrote Initiative 97, so I know what the intent of the initiative **was then** and **still is now** [emphasis added]; regardless of what the board's legal counsel might suggest.

2. I cannot understand why legal counsel did not offer and then follow through with the idea of dropping or repealing the rules as they are without legal standing!

Legal counsel knows that in a courtroom, Findings of Facts are utilized to come to a conclusion of law, either by a jury or jurist; and those offering evidence to the Court are placed under oath. I find it incredulous that the Findings of Facts utilized by the board of dentistry in implementing the implant Rule against denturists is based upon the findings of 68 dentists in agreement; of which, not one has taken and passed the denturist examination, let alone the medical dentistry examinations [emphasis added]. This action, by the board, demonstrates a total bias, a cabal, or total ignorance, and I do not look upon any of the board members as ignorant.

Where did these 68 dentist witnesses garner their FACTS about the denturists without knowledge of the education, training, experience, or abilities of the denturists? Where were the failures of the prostheses placed by denturists over implant abutments? Where were the patient complaints about denturists placing their dentures over implants? Where was anything – other than dentists registering their objections? Could it possibly be that these dentists were asked to come and state the *line of dentistry*, by the MDA or even dental board members? How can 68 dentists appear to testify, when at a normal board meeting 4 – 6 might come?

I am aware of the presentation provided to the board by Bernadette Wilson, D.D.S., M.D., from Whitefish, as she showed pictures and spoke of the essentials necessary for successful implant placement and preservation. The series of photos she provided for the board however, illustrated failures in *dentist placed* implant restorations. Denturists do not place implants [emphasis added]; and, I highly suspect that each prosthetic appliance was also placed by a *dentist or his/her dental assistant*; again, not a denturist. This demonstration by Dr. Wilson, verifies beyond a shadow of a doubt, that many *dentists* lack the education, training and experience necessary to successfully place implant retainers and prosthetic appliances over these retainers! Yet you, as a board, feel secure in your knowledge that all dentists know what they are doing when it comes to implant placement and restorative prostheses? These implants were placed by dentists who attended and graduated from a CODA recognized dental programs and since these educational programs are **ALL** [emphasis added] CODA approved, how could any dentist do anything as improper or unethical as to what Dr. Wilson demonstrated?

Having watched legal counsel advise the board on several occasions, I find her advice and legal theories not appropriate for the betterment of the **people** of Montana. I truly believe legal counsel has forgotten who she actually works for [the PEOPLE of the State of Montana]; however, her directives and findings appear to be, that she works for the Montana board of dentists. I also find that the lay people board members seem intimidated by the “doctor” presentations made by the dentist members; rather than breaking the subject matter down into lay terms – the board members seem to overpower the lay people with dental and medical terminology.

3. The board never even addressed my waiver request relating to partial dentures. Why was this matter not addressed; and, what is the board going to do about revisiting this portion of my waiver request now?

Because of the many inequities that this and former Montana boards of dentistry have functioned around and under, I am asking the board, for the complete assemblage of the Findings of Facts that the Board of Dentistry utilized in implementing the Rules on denturists placing dentures over implant retainers and providing partial dentures without a dentist referral. Oh yes, please provide all of the patient names and implant problems created by the denturists in placing dentures over implant abutments also. These can be given to me at the next board meeting, September 7, 2012 as I am requesting these documents under the Freedom of Information Act.

The actions taken against denturists by the board are always disguised or masked as being protective of the people's health, safety, and welfare. However, the actions taken against denturists are most often, at the directives and/or whim[s] of the MDA and the ADA. This fact was clearly demonstrated by the board's denial of my request for a waiver against dentures over implant abutments and partial dentures. I presented more education than 99% of Montana's dentists in these given areas of service and I was still denied a waiver; apparently "education" is not the prerequisite for this approval. Therefore, what is the prerequisite and where does the board's validity in its denial of my request for a waiver based upon my education lie?

Do not embarrass yourself by going to CODA recognition. CODA "accredits" everything from A to Z in dental education. The 1976 STUDY OF CURRICULUMS OF UNITED STATES DENTAL SCHOOLS, Study conducted by the Council on Dental Education of the American Dental Association, of which I maintain an original copy, was so devastating, that to the best of my knowledge, the study was never repeated. I will have a copy of this document with me at the next board meeting should the board care to review it. Just so the board members are aware, this study was originally planned to be done every 10 years by the Council on Dental Education, but as I stated, the results were so demeaning to dental education the study was never reexamined or brought forth again.

It is the pressures placed upon you and the other dentist board members by the MDA's Executive Director, Officers, and Board of Directors, and the mandates of the ADA that controls your actions; neither of which are valid reasons, nor supported via the FTC, the Montana Constitution or statutes. Your position in the dental higherarchy is jeopardized by not adhering to the MDA and the ADA mandates. The ADA and the MDA are nothing more than clubs; neither entity enjoys "police powers", which is where the board of dentistry comes in. Clean up the dirty work under the guise of protecting the public; but in reality, protecting the vested economic interests of dentistry. Dr. Wilson's presentation provides visual substance to this fact and you as a board offer the "seal of approval" to some dental practitioners' proven mediocrity.

However, the posture taken by the board is invalid as determined by the Federal Trade Commission and I can refer you to the FTC v NCSBDE, Summary of Conclusions of Law, page 87, numbers 35 – 42 [I have attached the entire FTC case for your review]. Dr. George Johnston pushed his chair away from his table while I was addressing the board, and told me in an adversarial tone to sue the board; why would I want to sue the board when personally, I agree with the position of the board, providing of course there is a way around the "rules" via education and training; not licensing degree? Otherwise, I see no advantage for the people of Montana, just "police powers" for organized dentistry affecting commerce and causing a restraint of trade. These actions and others fall under the Shennan Act and are the same as those utilized by the Federal Trade Commission Act and are looked upon as an infringement upon trade and therefore, classified as illegal.

The board has now reversed its' position with regard to the Wiser case. Why? You know that you, as a board, have been avoiding 37-1-131(a)(ii) for as long as possible. It is my understanding that your legal counsel has either advised you of dentistry's

exemption to this statute or has supported dentistry's disregard to this statute. According to Senator Joe Balyeat, sponsor of SB 165, now codified as 37-1-131(a)(ii) MCA, no such exemption currently exists or ever did exist [emphasis added].

I would ask to address the board as a whole at the next board meeting and answer any questions and concerns the board would like to ask me with regard to my request for a waiver and to question each board member as to his/her educational background in partial denture and implant retained dentures.

It is high-time that we start acting like adults, start treating each other with respect, and provide *equal examinations*, at the highest level, on services that both professions render; and the board of dentistry starts doing the PEOPLE'S work – not the MDA's or the ADA's!

It is also time the denturists move forward and away from dentistry's strangled grip and regain control of their profession and destiny.

Sincerely submitted,

R. Brent Kandarian, D.D.M.