

Bartlett Letterhead

Mr. Dennis Clark, Board Administrator  
Montana Board of Dentistry  
301 South Park 4<sup>th</sup> Floor Delivery  
Helena, MT 59620-0513

RE: Denturist Waiver

Dear Mr. Clark,

I am officially contacting you, as Board Administrator to the Montana Board of Dentistry, with a request for a waiver for R. Brent Kandarian, a licensed Montana denturist, against the Administrative Rules of Montana #24.138.416 [partial dentures] and #24.138.2302(j) [dentures over implant abutments]. I would ask that this waiver request be placed on the agenda of the June 8, 2012 Board of Dentistry meeting scheduled in Helena, Montana.

Whereas, the board of dentistry shall follow the duties of boards as defined and outlined in 37-1-131 MCA:

**37-1-131(a)(i)** set and enforce standards and adopt and enforce rules governing the licensing, certification, registration, and conduct of the members of the particular profession or occupation within the board's jurisdiction; and

**37-1-131(a)(ii)** apply the standards and rules referred to in subsection (1)(a)(i) in a manner that does not discriminate against any person licensed by the board with regard to how the standards and rules are applied to other persons licensed by the board and that does not restrain trade or competition unless necessary to protect public health and safety; and,

Whereas, I am sure that the board of dentistry authorized these administrative rules with the intent of protecting the health and safety of the citizens of Montana; utilizing the rationale that denturists with the basic educational requirements for licensure, simply do not possess adequate education, training and experience to justify providing these technical and clinical services in these specific areas, even though 37-29 MCA may authorize such acts; and,

Whereas, the duty of the board is to protect the public at large but not to discriminate; not to create a market interference; not to create or cause a restraint of trade; not to interfere with or attempt to limit consumer choice; or initiate or support any anti-competitive positions against any licensee when such discrimination is unwarranted based upon educational astuteness or when other licensees of the board are granted like rights with similar or less education, regardless of license type [37-1-131(a)(ii)]; and,

Whereas, in the matter I bring before the board today, it is quite evident that R. Brent Kandarian has had education that appears to be equal to or greater than the average dental student for graduation as a dentist in the specific areas of partial dentures, implant retained dentures, and radiology. I have included his radiology hours to justify, not only his ability to take, read, and utilize radiographic

protocols in aiding his patients, as well as dentists that he counsels with; but to provide to this board, that his education as a D.D.M. qualifies him to provide these services as well as a D.D.S. or D.M.D. qualifies a dental applicant in these specialty areas of service and treatment; and,

Whereas, these course hours are signified as accurate and authentic by the Seal of Mills Grae University and signed by the President of the University, Ronald M. Gerughty, D.D.S., Ph.D., I respectfully submit this document as evidence as to my client's educational achievement; and,

Whereas, the Administrative Rules of Montana 24.138.304 clarifies the Definition of Non-routine Applications, and Section (2) of this ARM authorizes the board to consider this request under the non-routine application process, as ALL [emphasis added] denturist applications are to be classified as non-routine. Additionally, my client has completed his educational advancements from a non-accredited educational institution as covered in Section (2)(c) of this ARM; and,

Whereas, my client has complied with the Administrative Rules of Montana and has gained education as verified supra, I would expect to receive, by return mail, a letter from the Montana Board of Dentistry granting the waivers sought by my client.

Thank you for your prompt attention to this request.

James C. Bartlett, Esq.