



HB525 Review of the Board of Dentistry
Economic Affairs Interim Committee
August 23, 2011

Chairman Berry, Members of the Committee:

The Montana Dental Hygienists' Association believes that the licensure and regulation of dental professionals is necessary to protect the health, safety and welfare of the public. The state has recognized the importance of licensing and regulating dentistry since 1895 with good reason. It is important that the state ensures dental professionals are educated in accredited colleges, pass state and national board examinations, demonstrate integrity and moral character, and satisfy continuing education requirements.

This committee has the ability to solve several problems that have kept the Board of Dentistry from functioning properly on behalf of the public. You have no doubt noticed that complaints and dissension regarding the Board of Dentistry are a recurrent theme. This is due to the structure of the Board which is unique among all of the other boards you will review. When the Board of Dentistry was created in 1895, there were only dentists to regulate, but over time two other dental professions were placed under rule of the Board of Dentistry.

On this board only, one profession is allowed to rule two others. This occurs in two ways, first by maintaining a disproportionate majority of dentists on a board that regulates three distinct professions, and then by placing dental hygienists and denturists under the control of dentists who employ them or compete with them for business. The results are *bias, discrimination, and preventing the public from accessing lower cost professional dental care.*

- Bias - The dentists on the board demonstrate their bias by ignoring the recommendations of the Dental Hygiene Committee which was established in a previous attempt to "fix" the Board of Dentistry. The committee was rendered useless because it has no authority, its recommendations carry no weight, and the controlling faction on the Board simply ignores its decisions.
- Discrimination - When the legislature allows one profession to regulate others that can and should be able to work independently to serve the public, it creates an opportunity for discrimination, and that is what has occurred on the Board of Dentistry for many years. It is discriminatory to spend an inordinate amount of time discussing a misdemeanor on a dental hygiene application but allow a dentist guilty of felony criminal endangerment, with a history of complaints to continue to practice. The Board discriminates against denturists when it upholds a rule that has no basis in statute to prevent denturists from practicing fully, and it discriminates against dental hygienists with rules that prevent them from providing services within their scope of practice.

There are several solutions that can protect the public health, safety and welfare as well as allow all three professions to thrive and serve the citizens of our state.

1. Separate the professions - No other board is composed of employers and employees or competing professionals. Doctors do not regulate nurses; audiologists do not regulate

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hearing aid dispensers; radiologists do not control the board of radiologic technologists. These professions all have their own boards, as do physical therapists, occupational therapists, massage therapists, and the list goes on. You will review 33 boards and the board of dentistry is the **ONLY ONE** in which you will find one profession controlling others.

2. Restructure the Board using the 2-2-2-3 plan. Under this arrangement, there would be no controlling faction on the board. Three public members would serve with two dentists, two dental hygienists and two denturists to separately decide issues relative to each profession.
3. Reapportion and rename the Board – The numbers of licensed dentists and dental hygienists in the state are virtually equal. Reduce the number of dentists on the board and increase the dental hygienists to increase fairness and accountability, and to minimize bias and discrimination. Call it the "Board of Dental Professionals" or the "Board of Dentistry and Dental Hygiene." (In this case, dentistry may be better administered as a program since the number of licensed denturists is far fewer than licensed hygienists and dentists.)
4. Give the Dental Hygiene Committee authority, requiring the Board of Dentistry to adopt its recommendations in matters pertaining to the practice of dental hygiene.

Thank you for your consideration of these important issues that affect our profession and livelihoods, as well as the oral health of Montanans.



Colleen Grass, President
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