

**MINUTES**

**MONTANA SENATE  
53rd LEGISLATURE - REGULAR SESSION  
COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By Senator Eleanor Vaughn, on April 22, 1993, at  
10:40 a.m.

**ROLL CALL**

**Members Present:**

Sen. Eleanor Vaughn, Chair (D)  
Sen. Jeff Weldon, Vice Chair (D)  
Sen. Jim Burnett (R)  
Sen. Harry Fritz (D)  
Sen. John Hertel (R)  
Sen. Bob Hockett (D)  
Sen. Bob Pipinich (D)  
Sen. Bernie Swift (R)  
Sen. Henry McClernan (D)  
Sen. Larry Tveit (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Council  
Deborah Stanton, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: SR 12, SR 13  
Executive Action: SR 12, SR 13

Sen. Vaughn apologized for the lateness of the committee and explained they were in another meeting and could not get to the hearing at 10:00. She said there were some questions concerning SR 10 in regard to the Board of Health and Mr. Bob Robinson, Director of the Department of Health and Environmental Sciences appeared to answer questions.

Sen. Weldon said the question was in regard to the people appointed to the Board of Health. He asked Mr. Robinson if it was correct that Dr. Gustafson was acting as Chairman of the Board. Mr. Robinson said that was correct and he had a list of the members (EXHIBIT #1).

Sen. Weldon said that the issue that was brought to his attention was that the Board of Health held a meeting in March and conducted official business over dinner and it was not recorded as such. There is a question as to whether there were even minutes recording the meeting. He asked Mr. Robinson to describe what happened at that meeting.

Mr. Robinson told the Committee that he had only gone to two Board of Health meetings and the first one was in January. After going through that meeting, he suggested to the Board that they follow the same procedure as the Board of Natural Resources. With the Board of Natural Resources, the night before there was a board meeting, there would be a meeting at a publicly announced location to review the agenda. The reason was it gave the director the time to go over the agenda with the Board to make sure the Board knew what was expected of them, whether it is an action item or an information item and if there needed to be a vote taken. Sometimes when an agenda is set, what is thought to be a minor issue, turns out to be major. In March the board had a dinner meeting at Jorgenson's and the next day there was a meeting which followed an agenda. He submitted and explained a draft of the minutes (EXHIBIT #2). Mr. Robinson explained that the board asked him what he thought would be the significant issues. He said the Board then asked him what he thought of the Department of Health and Environmental Sciences since he had been there. He said he talked about his impressions of the department and tried to get feedback from the board as to what they expected. Chairman Gustafson asked, as we continue these meetings, if some division in the department that does not come to the Board very often, could come in and explain what their job is. They asked to have some people from the Health side of the department come in to talk about their departments. One of the things about the board meetings is that they have to be noticed with the public being invited to attend. They can either have dinner or just visit with the Board. No action can be taken at these meetings.

Sen. Weldon asked Mr. Robinson if the intent of the Board of Health and specifically with Dr. Gustafson as the chair, was to recognize the open meeting laws especially the pre-meeting dinners. Mr. Robinson said that was correct and that minutes would also be provided.

#### EXECUTIVE ACTION ON SR 10

**Motion/Vote:** Sen. Weldon moved SR 10 DO PASS. The motion SR 10 DO PASS CARRIED UNANIMOUSLY.

Sen. Vaughn turned the hearings over to the Vice-Chair, Sen. Weldon, to conduct the hearings since she was the sponsor of the bills.

HEARING ON SR 12Opening Statement by Sponsor:

Sen. Vaughn, Senate District #1, presented SR 12 which is a resolution confirming the board appointments of Governor Racicot. She listed the nominations on SR 12.

Sen. Weldon stated that at this point if any of the nominees listed in the resolution would like to introduce themselves they could do so at this time.

Dr. Donald Nordstrom gave the committee a brief outline of his experience and told the committee he would answer any questions. He said he graduated from Dental school in 1967 and has been a dentist since then. He went to the military for two years, he took two more years of school and then moved to Montana. He said some of the things he brings to the Board of Dentistry are many years of experience and a certain amount of maturity. He said when he was growing up he was taught to take care of family, friends and to become involved in making contributions to the community and to the occupation and profession you choose. He said his activities over the past twenty years in Montana reflect favorably on that concept. He handed a bibliography to the Committee (EXHIBIT #3). He stated that there were many areas represented on the Board of Dentistry, adult dentistry, the hygiene association and senior citizens. He said he could bring more focus on children's dentistry. The twenty years of experience with children's dentistry will give the children in Montana a little stronger position on the Board of Dentistry. He said he has no particular agenda or any axe to grind and hopes the decisions made are reasonable, fair and exhibit common sense.

Proponents' Testimony:

Bill Zepp, Executive Director of the Montana Dental Association, rose in support of SR 12 and Donald Nordstrom for the Board of Dentistry. He submitted written testimony (EXHIBIT #4).

Ms. Lorrie Merrick, President of the Dental Hygienist's Association, rose in support the appointment of Ms. Lisa Hinebaugh to the Board of Dentistry. She stated that Ms. Hinebaugh, the Governor's Office, the public, the board and the associations were ill served by the misinformation printed in the Montana newspapers concerning her employment status.

Doris Nordstrom rose in support of her husband, Donald Nordstrom. She stated that there was a certain amount of misinformation distributed about Dr. Nordstrom's character. She said that she was the most qualified to speak about his character. She spoke very highly of her husband's accomplishments and goals.

Carrie Boe, dental assistant, rose in support of Dr. Nordstrom. She stated that she has worked with Dr. Nordstrom for ten years.

She said she works in a very high caliber office, she believes in Dr. Nordstrom and believes he would be good for the board.

Robert Verdon, attorney for the Department of Commerce Licensing Board, rose to say that if the Committee has any questions or any comments in regards to this nomination or the other nominations he will be available to answer those questions.

Sen. Terry Klampe, spoke in support of Dr. Nordstrom as a citizen and a dentist. He said he was not here because Dr. Nordstrom contributed to his campaign because he did not. Sen. Klampe stated that he has been a dentist in Missoula for fifteen years and has been using Dr. Nordstrom for that length of time. He said he refers patients to him. He said he was a children's dentist for two years and it is a "war zone." It is one of the most difficult areas in dentistry. If a dentist is not honest he cannot be a children's dentist. It requires that a dentist be honest with the children and their parents and if he is not, he will not succeed. He stated that Dr. Nordstrom will also sacrifice a lot of money being on the board just as he sacrifices money being a Senator. He said that goes along with Dr. Nordstrom's character. He is an honest individual making the necessary sacrifice. He also added that if Dr. Nordstrom was not trusted as an individual he would not get referrals as a dentist. He said Dr. Nordstrom has a very successful business. He reiterated that Dr. Nordstrom is an honest individual, he is making a sacrifice by being on the board and he is trusted completely by the dentists in Missoula.

#### Opponents' Testimony:

Lorrie Merrick, President of the Montana Dental Hygienists' Association, rose in opposition to the nomination of Dr. Nordstrom. She submitted written testimony (EXHIBIT #5).

Connie Jacques, a retired dental hygienist, spoke in opposition to the nomination of Dr. Nordstrom and submitted written testimony (EXHIBIT #6).

#### Questions From Committee Members and Responses:

Sen. Weldon asked Mr. Verdon if he could explain what his relationship was to the Board of Dentistry. Mr. Verdon said he was an attorney for the Department of Commerce. He said there is a legal pool in the department consisting of three attorneys that handle the boards. The Board of Dentistry is one of ten boards that he represents.

Sen. Weldon asked Mr. Verdon if he was familiar with the complaints against Dr. Nordstrom. Mr. Verdon said it was the board's position to consider complaints privileged until the investigation is complete. Because of Ms. Jacques' statement and with Dr. Nordstrom's consent, he acknowledged that there was one complaint pending against Dr. Nordstrom at this time.

Sen. Weldon asked Mr. Verdon if there were several complaints or if it was his understanding that there was only one complaint. Mr. Verdon said that Ms. Jacques stated that the complaint filed was one of many. She did file complaints against many other dentists, but only one against Dr. Nordstrom.

Sen. Weldon asked Mr. Verdon to what extent he was at liberty to discuss the complaint. Mr. Verdon said he could tell the committee that the Board of Dentistry considered a letter that was written to the Governor's office after the nomination of Dr. Nordstrom was announced. The Board of Dentistry considered whether they should take a position on this nomination and it was decided that the board would not take a position. It considers the matter to be one of appointment by the Governor and the consent of the Senate. In executive session the Board of Dentistry considered all of the complaints. In regards to Dr. Nordstrom, it was noted that Ms. Jacques had been asked six weeks ago to provide the name of the anonymous hygienist who wished not to come forth in Missoula who apparently had the evidence. All the board had was hearsay in this complaint from an anonymous hygienist. The board asked Ms. Jacques if she could provide them with the name of the hygienist as a basis to begin the investigation. That letter was written on March 5 and there was no a response received. Ms. Jacques was again asked on April 12 and did not provide the name. When the Board met on April 16 it assigned a department investigator to contact Ms. Jacques to see if he could get the name. Right now all the board knows is there is an anonymous hygienist and they are working on the case on that basis.

Sen. Weldon said the thing the Committee was trying to discover was whether Dr. Nordstrom had a conflict of interest with the Board or in serving on the board. He asked Mr. Verdon if he could describe any past circumstances where he was aware that a member of the Board of Dentistry had a complaint against him or her. Mr. Verdon said there were instances when a member of the board had a complaint filed against him or her. There was one instance a year ago where one member of the board was complaining about another member of the board. It was resolved by forcing both members to excuse themselves from any discussion of that case and let the remaining board members resolve the matter. There have been other instances where other dentists on the board have filed complaints about other practitioners not on the board. Those dentists have been told, when such complaints are received, that they are no longer members, they are witnesses and they do not have a vote on the matter and are asked to remove themselves from the conversation. That would be the same procedure that would be used with Dr. Nordstrom if the matter of the complaint against him was considered while he was on the board. He stated that 2-15-1842, MCA, notes that a dentist appointed to the board, during his first year of service on the board, has no vote. This matter may be completed by the time that his first year is completed.

Sen. Weldon asked Dr. Nordstrom if he considered himself to have a conflict of interest on the Board of Dentistry. Dr. Nordstrom stated that he did not and he asked to have the opportunity to respond with regards to the complaint filed against.

Sen. Weldon asked Dr. Nordstrom if he intended to excuse himself from the deliberations of the complaint that may be pending. Dr. Nordstrom said he had not considered the deliberations and discussion. He said at the present time he would not wish to excuse himself from deliberation on the issue. He said the issue was an intense issue with the health of children and he would feel obligated to discuss it. He said he would have no reservations about not voting on it.

Sen. Hockett asked Mr. Verdon if, in light of the comments from the people in opposition to the appointment, there was an implication that the board, by rule, has been putting forth procedures that are in conflict with Montana statutes. Mr. Verdon said he had not seen the testimony, he listened to it at this hearing. He said his interpretation of what has happened is that there is a statute 37-4-408 which states that dentists shall not delegate to dental assistants any activities not allowed to dental hygienists. There seems to be a difference in definitions as to what constitutes a prophylaxis. The board has adopted a rule under its general rulemaking authority to say that a dentist may delegate to assistants who have taken a prescribed course the coronal polishing so long as it is not identified as such or submitted for payment as a prophylaxis.

Sen. Hockett said apparently there was disagreement between some of the dentists and some of the dental hygienists. Mr. Verdon said he was correct. The board, about six months, noticed a proposed rule and refined the definition of prophylaxis. There was considerable opposition to that proposed rule from the Dental Hygienists Association. That proposed rule was drawn at the meeting in January and last week a committee was appointed to look at the question of prophylaxis. The committee was to report to the board what rule should be proposed.

Sen. Hockett asked Mr. Verdon if this issue should be in statute. Mr. Verdon stated the committee may wish to propose an amendment to clarify that issue. Sen. Hockett said that when rules are made regulating yourself someone can always come in and say there is a conflict of interest. Mr. Verdon said this committee can attempt to do that. It is just a matter of where the fire is going to be, at the administrative level or the legislative level.

Sen. McClernan asked if Dr. Nordstrom could respond to the testimony in opposition of his appointment. Dr. Nordstrom said he would expound on the definition of a prophylaxis. "In general a prophylaxis constitutes several important technical procedures that are done either by the dentist or the hygienist or other auxiliaries. They include scaling of the teeth above and below

the gums, curetting the soft tissue below the gums, doing root smoothing below the gums and polishing the crown surfaces of the teeth with an abrasive material with a handpiece. At the present time in Montana, the polishing of the crown surfaces of the teeth is a delegated procedure. A prophylaxis includes any one or all of these above items. The crown surface polishing has been delegated by the Board of Dentistry to qualified people who are certified by the Board. Ms. Jacques stated that approximately 50 percent of the dentists have hygienists. That means that 50 percent do not. That means that many of these people are in outlying areas. One of the advantages of being able to delegate the coronal polishing is that you can have material removed and the dentist does the hand scaling and the heavy removal. That is how I do it. It is not in conflict with the statutes. This is important in order to improve the effectiveness of a practice and the cost effectiveness of patients. I do not understand why the dental hygienists want to take this away. The people have been qualified and used extensively across the state especially in rural areas." Dr. Nordstrom stated his patients are children 10 years of age and under who do not need prophylaxis and he has no need for a hygienist in his office. It would be a waste of their time and his money. He said it would be a mistake to take these things away from hard working people.

Sen. Pipinich asked Mr. Verdon if there was any proof of the complaints. Mr. Verdon said the department is instituting investigations at this time to see what proof there is.

Sen. Pipinich stated that if no one comes to testify before the committee he does not want to hear it. Mr. Verdon said his feeling is that there is a proper place for these matters and the proper place is in the administrative study and that is where the verification or the nonverification of the complaints could be finally determined.

Sen. Pipinich stated that any time there are turf battles taking place they should be taken up in the Public Health Committee and not State Administration. He stated he would accept the nominee.

Sen. Weldon stated that when he asked Dr. Nordstrom if he would excuse himself from the deliberations of his complaint he expressed concern and hesitation in doing so. He asked Mr. Verdon how other complaints were handled and if it was possible for him to excuse himself from the deliberations. Mr. Verdon said when a complaint is determined to have probable cause for a violation it is referred to an independent hearing examiner for his or her consideration of the evidence. The individuals themselves never bring the matter directly to the board. The board takes what the hearing examiner finds, goes to the transcript to determine if the board is satisfied with what the hearing examiner has found. If not, the board finds where they feel the mistakes have been made and if there is substantial evidence and they believe that those mistakes are so sufficient they impose something different. There are instances where

individuals who have complaints filed against them are allowed to attend the meetings to observe how the board deliberates on the matter. They are not allowed any input or discussion.

Sen. Weldon asked Dr. Nordstrom if he sits on the Board of Dentistry and there is a complaint filed against him, in that official capacity he would have an advantage in the complaint, an advantage that a dentist who does not sit on the board would not have. He asked Dr. Nordstrom if he intends to excuse himself from the deliberations of the particular complaint. Dr. Nordstrom stated he did not understand that was what Sen. Weldon was asking prior to this time. He stated he would excuse himself when his particular issue was discussed. He would not want to be there or put any undue pressure on anyone there and would want the board to look at it fairly and objectively.

Sen. McClernan asked Mr. Verdon how many complaints were received in a year. Mr. Verdon said he would like to refer that question to Lisa Casman from the Department of Commerce. Ms. Casman said the average number of complaints per year for the Board of Dentistry is about 50.

Sen. McClernan asked Ms. Casman how many dentists there were in the state. Ms. Casman said approximately 480.

Sen. Swift asked Sen. Klampe if the description that Dr. Nordstrom gave for the procedures were accurate in his opinion. Sen. Klampe said there was a device that people could buy at K-Mart or Shopko to clean the coronal surfaces. He said in his practice he does the same thing that Dr. Nordstrom does utilizing dental assistants to do the coronal polishing.

Sen. Tveit asked Mr. Verdon if it was correct that the new appointee would not have any voting authority for the first year. Mr. Verdon said that was correct. The enabling statute for the Board of Dentistry was amended two years ago when dentists were added to the Board of Dentistry because of concerns over voting strength and voting blocks. A compromise was worked out where that individual does not have a vote on the board for the first year. He serves as an advisor and learns the procedures of the board.

Closing by Sponsor:

Sen. Vaughn thanked the people for their interest in the resolution and closed the hearing.



HEARING ON SR 13

Opening Statement by Sponsor:

Sen. Vaughn, Senate District #1, presented SR 13. SR 13 is a resolution confirming the board appointments of Governor Racicot. She listed the Board of Housing nominees.

Proponents' Testimony:

None.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

Sen. Vaughn said she closed.

Sen. Tveit said that was the board that he investigated and all of the responses he received from his inquiries were positive.

Sen. Weldon thanked the committee for the prompt response on the board investigations and also thanked Greg Petesch for filling in for David Niss.

EXECUTIVE ACTION ON SR 12

Motion: Sen. McClernan moved SR 12 DO PASS.

Discussion: Sen. Hockett asked Sen. Vaughn if, in her investigation of the Board of Dentistry, she had any comments or complaints against anyone. Sen. Vaughn said there were no complaints except from the dental hygienists. She stated that because there was no three day notice given, she called them to let them know about the hearing and that she had also called Dr. Nordstrom to tell him about the hearing. She added that she talked to other dentists and they all gave strong support for Dr. Nordstrom.

There was additional discussion on the qualifications of the dentist assistants and other boards.


Vote: The motion SR 12 DO PASS CARRIED UNANIMOUSLY.


EXECUTIVE ACTION ON SR 13

Motion/Vote: Sen. Hockett moved SR 13 DO PASS. The motion SR 13 DO PASS CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 11:40 a.m.

  
\_\_\_\_\_  
SENATOR ELEANOR VAUGHN, Chair

  
\_\_\_\_\_  
DEBORAH STANTON, Secretary

EV/ds

# ROLL CALL

SENATE COMMITTEE STATE ADMINISTRATION DATE 4-22-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Eleanor Vaughn	✓		
Sen. Jeff Weldon	✓		
Sen. Jim Burnett	✓		
Sen. Harry Fritz	✓		
Sen. John Hertel	✓		
Sen. Bob Hockett	✓		
Sen. Henry McClernan	✓		
Sen. Bob Pipinich	✓		
Sen. Bernie Swift	✓		
Sen. Larry Tveit	✓		
<del>David Niles</del> <i>Greg Petersch</i>	✓		

F08

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 22, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 9 (first reading copy -- white), respectfully report that Senate Resolution No. 9 be adopted.

Signed: *Senator Vaughn*  
Senator Eleanor Vaughn, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 22, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 10 (first reading copy -- white), respectfully report that Senate Resolution No. 10 be adopted.

Signed: *Senator Vaughn*  
Senator Eleanor Vaughn, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 22, 1993

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 12 (first reading copy -- white), respectfully report that Senate Resolution No. 12 do pass.

Signed: *Eleanor Vaughn*  
Senator Eleanor Vaughn, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 22, 1993

MR. PRESIDENT:

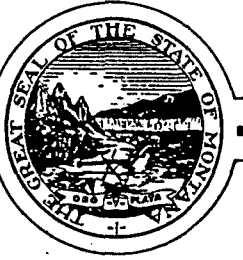
We, your committee on State Administration having had under consideration Senate Resolution No. 13 (first reading copy -- white), respectfully report that Senate Resolution No. 13 do pass.

Signed: Senator Eleanor Vaughn  
Senator Eleanor Vaughn, Chair

AW  
Amd. Coord.  
Sec. of Senate

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DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL SCIENCES  
STATE ADMIN.  
DIRECTOR'S OFFICE



STATE OF MONTANA

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HELENA, MONTANA 59620-0901

BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES

MEMBERSHIP LIST  
REVISED: MARCH, 1993

RAYMOND W. "RIB" GUSTAFSON, D.V.M., CHAIRMAN Rt. 1, Box 136 Conrad, MT 59425	Ofc. 338-5220 Home 278-3017	Appointed: 1/2/89 Reappointed: 1/1/93 to January 1, 1997
VERNA M. GREEN 651 N. Rodney Street Helena, MT 59601	Home: 458-5206	Appointed: 7/28/92 Reappointed: 1/1/93 to January 1, 1997
PAUL L. KATHREIN, O.D. 509 2nd Avenue, North P.O. Box 3427 Great Falls, MT 59403	Ofc. 452-9507 Home 727-3293	Appointed: 6/27/90 Reappointed: 1/1/93 to January 1, 1997
REMINGTON C. KOHRT 240 Mallard Loop Whitefish, MT 59937	Ofc. 892-3252 Home 862-2184	Appointed: January 2, 1991 to January 1, 1995
LORETTE I. MESKE, M.D. 1 Medical Park Drive Helena, MT 59601	Ofc. 442-6977 Home 442-6243	Appointed: March 11, 1993 to January 1, 1997
DENNIS D. SCHREFFLER, M.D. 501 Chancery Lane Billings, MT 59102	Ofc. 657-4072 Home 256-8823	Appointed: January 2, 1991 to January 1, 1995
JEREMY THANE Attorney at Law P.O. Box 4747 Missoula, MT 59806	Ofc. 721-3400 Home 549-7057	Appointed: January 2, 1991 to January 1, 1995

SECRETARY TO THE BOARD:

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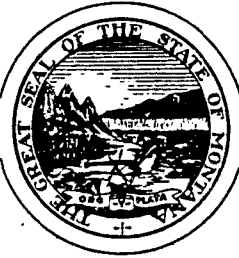
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HELENA, MONTANA 59620-0901

**AGENDA**  
**BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES**  
**MARCH 18 & 19, 1993**

**THURSDAY, MARCH 18, 1993**

7:00 p.m. Dinner Meeting - Jorgenson's Restaurant, 1720 11th Avenue, Helena, Montana  
Agenda & Procedural Review

**FRIDAY, MARCH 19, 1993**

**COGSWELL BUILDING, CONFERENCE ROOM C209**  
**1400 BROADWAY, HELENA, MONTANA**

**NOTE: TIMES APPROXIMATE.** Some items may take more time than allotted. Matters will be considered by the Board at times specified or as soon thereafter as they may be heard.

- 8:00 a.m. 1) Approval of Minutes, January 15, 1993 Meeting.
- 2) Confirm Meeting Dates: May 21 and July 16, 1993.
- 3) Hearing re. Proposed Components of the State Health Plan on Inpatient Rehabilitation Services and Medical Assistance Facilities. State Health Plan criteria are used to review applications of Certificates of Need.
- 8:30 a.m. 4) Briefing by Staff: Overview of Department's Vital, Records and Statistics Bureau.
- 5) Billings Area Indian Health Service - Request for Access to Death and Birth Records.
- 9:00 a.m. 6) AQB Hearing to consider: (a) Revisions of the Solid Fuel Burning Device, Road Dust Control, and Open Burning Regulations of the Lincoln County Air Quality Control Program in Montana, (b) Revisions to the Libby PM-10 (inhalable particulates) State Implementation Plan (SIP), (c) Revisions to the Libby PM-10 Emission Inventory Report, and (d) Incorporation into the Montana State Implementation Plan (SIP) of the above-mentioned revised local air quality control program, the revised Libby PM-10 SIP and Libby PM-10 Emission Inventory Report.
- 9:30 a.m. 7) Board consideration of Water Quality Rules: In the matter of the adoption of rules I-VI establishing procedures for local water quality district program approval and procedures for granting enforcement authority to local water quality districts (MAR Notice No. 16-2-415). The Board will consider public testimony and amendments received as a result of the January 15th, 1993 hearing.
- 10:00 a.m. 8) OTHER BUSINESS
- 9) ADJOURNMENT

SENATE STATE RECORDS

EXHIBIT NO. 2

DATE 4-22-93

BILL NO. SR10

D R A F T

Minutes of 3/18/93 Board of Health  
and Environmental Sciences Dinner Meeting  
Jorgensons Restaurant, Helena, MT

New board member Dr. Lorette Meske was introduced to the board members and welcomed by Chairman Gustafson.

After dinner, DHES director, Bob Robinson, reviewed the agenda and proposed timeline for the March 19, 1993 meeting.

The board then asked Bob Robinson to provide his impressions of the department since his arrival. The discussion ranged from proposed legislation, the department budget, to the various services the department provides.

Chairman Gustafson concluded the discussion by saying the board appreciated the review of DHES functions and would appreciate programmatic presentations at future meetings.

Meeting concluded at 8:45 p.m.

Biographical information - Donald O. Nordstrom, D.D.S. (M.S., F.A.C.D.S.)

SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE 4-22-93

BILL NO. SR 12

Education:

Indus High School, Graduation 1961  
Bemidji State College, 1961-1963 Pre-dental  
University of Minnesota, B.S. 1965, D.D.S. 1967  
University of Iowa, M.S. Pedodontics 1971 (Received William Gooddale Award)

Military:

U.S. Army 1967-1969, Captain, Dental Corps (National Defense Service Medal,  
Armed Forces Expeditionary Medal- Korea)  
U.S. Army Reserve 1969-1971, Unit Commander, 294th Dent. Detachment, Iowa City

Professional Memberships:

Montana Dental Association  
American Dental Association  
American Academy of Pediatric Dentistry  
Fellow in the American College of Dentistry (elected 1992-sponsored by  
Dr. Stephen Dailey, Missoula)

Positions held in professional organizations:

President, MDA, 1979  
2nd District Committee for expanded duties  
Instructor for expanded duties  
President, MT. Academy of Pediatric Dentistry  
Past chairman, 2nd Dist. Children's Dental Health Month  
Past member ADA Legislative Committee  
Past Chairman, 2nd District - ModePAC and AdPAC (Conventions-Washington, D.C.)  
Table Clinic, MDA, 1977  
Table Clinic, Academy of Pediatric Dentistry, National Assembly 1978

Dental representation or volunteer opportunities:

Past delegate Western MT. Health Education Council  
Past member AHECK-Board of Directors  
Western MT. Cleft Palate Team - dental consultant 1976 to present  
Missoula Headstart screening and education volunteer  
Missoula WIC parenting classes volunteer-15 years  
Missoula Well Child Clinic-free screening examinations, once monthly - 8 years  
Hamilton Headstart dental screenings and educational speaker - 4 years  
University of Montana-lecturer to Education students on dental trauma - 2 years  
Big Sky High School - volunteer instructor on smoking and chewing to all Freshmen  
classes - 7 years  
DOC-member of Docs Ought to Care and volunteer educator to grade schools on  
smoking and chewing- 5 years  
Volunteer screening examinations of all students in the Clinton School-annually  
Volunteer dental educator - Cold Springs School - 1st grade/kindergarten-annually  
Block chairman-Diabetes Association-2 years  
Headstart-dental consultant to Headstart Board of Directors-15 years  
Sponsorship of Tommy Toothbrush dental educator to all daycares in Missoula  
- 6 years

Civic-and community activities:

Member Immanuel Lutheran Church 21 years(service on church council and various  
committees)  
Scoutmaster and Assistant Scoutmaster, Boys Scout Troop, 7 years  
Backcountry Horsemen of America (past director and member)  
Volunteer American Heart Association  
Volunteer manager, Little League Girl's Softball  
Volunteer Assistant Coach, Little League Boy's Baseball  
Volunteer Assistant Coach, Kiwanis 8th Grade Boy's Basketball  
Volunteer for Missoula Ski Educational Foundation (Head Gatekeeper, etc.)



**Montana Dental Association**

P.O. Box 1154 • Helena, MT 59624  
(406) 443-2061 • FAX: (406) 443-1546

Constituent: AMERICAN DENTAL ASSOCIATION

SENATE STATE ADMIN.  
EXHIBIT NO. 4  
DATE 4-22-93  
BILL NO. SR12

April 22, 1993

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690 SW Higgins Avenue  
Missoula, MT 59803

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121 N. Last Chance Gulch  
Helena, MT 59601

**Executive Director**

William E. Zepp  
P.O. Box 1154  
Helena, MT 59624

To: Members of the Senate State Administration Committee  
From: Bill Zepp, Executive Director *WZ*  
Re: Board of Dentistry Appointment

Senator Vaughn and Members of the Senate State Administration Committee:

My name is Bill Zepp and I am the Executive Director of the Montana Dental Association. The MDA is composed of 482 doctors throughout the state, representing 94% of the resident dentists of Montana. The MDA is proud to support Governor Racicot's nomination of Dr. Donald O. Nordstrom to the Board of Dentistry.

Dr. Nordstrom is a 1967 graduate of the University of Minnesota Dental School and completed his Master of Science degree in Pedodontics at the University of Iowa Dental School in 1971. He has been an active member of the Montana Dental Association for over twenty years and has served organized dentistry in a variety of roles, including the following:

- \* MDA Board of Directors 1976-1978
- \* MDA President 1986-1987
- \* Twice President of the Montana Academy of Pediatric Dentists
- \* Four terms as Chairperson of the Second District Dental Society's Children's Dental Health Month Program.

Dr. Nordstrom has also been extremely active in the Missoula community in both dental and civic activities, including work with the Missoula HeadStart Program, the Missoula Women and Infant Children Program, the Missoula Well Child Clinic, the Boy Scouts of America, and the Immanuel Luthern Church.

In 1992, Dr. Nordstrom was selected to receive the T.T. Rider Award, one of two annual awards presented by the Montana Dental Association. This award is presented to individuals who have "rendered outstanding service to the profession and to their community." In his letter nominating Dr. Nordstrom for the award, Dr. John C. Remien II, Missoula periodontist, noted the following:

Most importantly, we feel, Dr. Nordstrom has maintained a high degree of ethics and integrity in all his activities. His actions have consistently brought credit to himself his family and his profession.

Dr. Don Nordstrom is a proven professional. He brings a level of expertise and maturity to the Board of Dentistry, with a special interest in the dental needs of children. Governor Racicot has chosen well in submitting his name to you today and we are proud to speak on his behalf.

Thank you for your attention and consideration.

John C Remien II DDS, MS

Exhibit #4  
2-22-93  
SR-12

# periodontics, PC

January 14, 1992

T.T. Rider Award Committee

Dear Doctors,

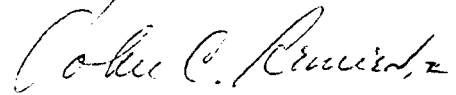
The Second District Dental Society takes great pleasure in nominating Dr. Donald O. Nordstrom for the T.T. Rider Award.

Dr. Nordstrom has been very active in his community as well as in organized dentistry both on the local and the state levels. He has been involved in nearly all facets of organized dentistry including political action, public dental education, and the executive chairs of the Montana Dental Association.

Most importantly, we feel, Dr. Nordstrom has maintained a high degree of ethics and integrity in all his activities. His actions have consistently brought credit to himself, his family, and his profession.

Thank you for your consideration of Dr. Nordstrom for the 1992 T.T. Rider Award. He is highly deserving.

Sincerely,



John C. Remien II D.D.S.

JCR/dkp

DONALD O. NORDSTROM, DDS

CURRICULUM VITAE

Personal:

Wife- Doris

Children:

Alison- sophomore in Engineering; MSU  
Hans- sophomore at Sentinel High School  
Eric-freshman at Sentinel High School

Education:

Indus High School, Graduation 1961, Indus, MN  
Bemidji State College, 1961-1963, Pre-dental  
University of Minnesota, B.S. 1965, D.D.S. 1967  
University of Iowa, M.S., Pedodontics 1971  
Received the William Gooddale Award

Continuing Education:

Excellent record of continuing education  
Craniofacial and interceptive orthodontics

Military:

U.S. Army 1967-1969, Captain, Dental Corps, National Defense Service  
Medal, Armed Forces Expeditionary Medal (Korea)  
U.S. Army Reserve 1969-1971, Unit Commander, 294th Dental Detachment, Iowa  
City, Iowa

Professional Memberships:

ADA and MDA, 1971 to present  
MDA Executive Council, 1976-1978 (Board of Directors)  
President Elect-1979

Activities in MDA and ADA:

Second District Committee for expanded duties  
Instructor for expanded duties  
President, Montana Academy of Pediatric Dentists (twice elected)  
Past Chairman, 2nd District Children's Dental Health Month program-4 terms  
Past member ADA Legislative Committee  
Past Chairman, 2nd District MoDePAC and ADPAC  
Table Clinic, MDA 1977  
Table Clinic, Academy of Pediatric Dentistry National Assembly 1978

Dental representation and volunteer activities:

Past delegate Western Montana Health Education Council  
Past member AHECK-Board of Directors  
Western Montana Cleft Palate Team-dental consultant 1976-present  
Missoula HeadStart screening and education volunteer  
Missoula WIC parenting classes volunteer-15 years  
Missoula Well Child Clinic-free screening examination, once monthly  
for 6 years  
Hamilton HeadStart-dental screenings and educational speaker-4 years  
University of Montana-lecture to education students on dental trauma-  
2 years  
Big Sky High School-volunteer instructor on smoking and chewing to all  
freshman classes-5 years  
DOC-member of Docs Ought to Care, volunteer education to grade schools on  
smoking and chewing-3 years  
Volunteer-screening of all students-Clinton School annually-5 years  
Guest Speaker-Cold Springs School- 1st grade- annually  
Block Chairman-Diabetes Association-2 years  
Headstart screenings-2nd District Chairman of Dental Volunteer Screenings  
Program-6 years  
Headstart-Dental Consultant-Headstart Board of Directors-15 years

Non-dental civic or Community activities:

Member of Immanuel Lutheran Church, 19 years on church council and  
committees; currently Vice President of Church Board  
Scoutmaster and Assistant Scoutmaster, Boys Scout Troup, 7 years  
Director and member, Backcountry Horsemen of America  
Volunteer, American Heart Association  
Volunteer Manager, Little League Girl's Softball  
Volunteer Assistant Coach, Little League Boy's Baseball  
Volunteer Assistant Coach, Kiwanis 8th Grade Boy's Basketball  
Volunteer Head Gatekeeper-Hellgate Cup Ski Race





# Montana Dental Hygienists' Association

SENATE STATE ADMIN.  
EXHIBIT NO. 5  
DATE 4-22-93  
BILL NO. SR 12

## SENATE RESOLUTION NO. 12

April 22, 1993

Committee Chairperson and Committee Members:

My name is Lorrie Merrick and I am President of the Montana Dental Hygienists' Association. We wish to oppose the appointment of Dr. Donald Nordstrom to the Board of Dentistry.

It was published in the January edition of the Dentist's newsletter that a complaint had been filed against Dr. Nordstrom with the Board of Dentistry, concerning the illegal delegation of dental hygiene procedures to unlicensed personnel. This is clearly limited in statute MCA 37.4.408. This is not a new issue, and it has been vigorously debated by the Board of Dentistry for several years. Even as we speak this issue continues, and most recently the Dental Board has assigned a committee to again draft rules pertaining to these procedures.

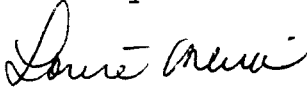
We believe that any changes could very possibly reduce the quality of dental care to the public, as well as weaken educational and clinical standards. There are approximately 450 other dentists in Montana who have no legal conflict or personal interest in the outcome of this particular issue.

The recent history of this board involves an increased number of complaints, legal conflicts between board members, and turf battles between the represented groups of licensees. To illustrate the depth of this problem, the board drafted legislation last fall to increase funding for a full time attorney, which was denied prior to this session by the department of commerce.

The makeup of this board is unusual in that it regulates both the employers and the employees in dental practices. Dr. Nordstrom does not employ a dental hygienist and although we know that this is not a requirement of a Board member, at least 50% of the dentists in this state do employ a dental hygienist as part of a cooperative dental team. This cooperation between professionals is essential to the boards purpose.

While the complaint against Dr. Nordstrom is ongoing, it is inappropriate to ask that he participate as an objective member of this board. We ask that this committee deny confirmation of his appointment, and allow the governors office to reconsider.

Respectfully submitted,



Lorrie Merrick, RDH  
President, MDHA  
P.O. Box 853  
East Helena, MT 59635  
227-6411 (H)  
442-0282 (W)

SENATE STATE ADMIN.

EXHIBIT NO. 6

DATE 4-22-93

BILL NO. SR12

April 22, 1993

Senator Vaughn, and Members of the Committee:

My name is Connie Jacques. I am a dental hygienist, currently retired.

I am here to ask that this particular appointment of Dr. Nordstrom be denied. In October of 1992, I filed a complaint against Dr. Nordstrom based on information from hygienists in Missoula, that he uses auxiliary personnel to perform dental cleanings on patients, and that patients had indicated "his girls" did the cleanings. It is up to the Board to investigate this complaint. Dr. Nordstrom's complaint is only one of several complaints currently filed against dentists who are using assistants to perform dental hygiene duties.

The issue of delegating coronal polishing to dental assistants, has been long standing issue, and has legal ramifications, as well as possible fraud included. I have taken a stand against the Board over this issue for the past four years, because I do not feel that dental assistants have the formal education, nor the licensure to be providing dental cleanings, in any form to the public. The Board has progressively been writing and interpreting their own rules, to allow dentists in this state to delegate a "coronal polish" to an assistant who has 8 hours of "training", and if the dentist checks her work, they may bill it as a prophylaxis to the patient, or the insurance carrier. Montana statute currently in place (37-4-408) states that **"nothing herein shall be construed to allow the board by rule to provide for any of the duties prohibited to dental hygienists under 37-4-401, or a prophylaxis."** In May of 1984, then President of MDHA Peggy Newman, testified before the Board of Dentistry to not allow coronal polishing to orthodontic dental assistants. The rule was passed. In September of 1989, I testified, for MDHA, along with others, to not allow coronal polishing as a duty of all dental assistants. The rule was passed. In September of 1992, I testified against allowing coronal polishing being delegated to assistants, and against dropping the (eight hour) educational requirements so that assistants could become certified. This is currently an item of business for the Board of Dentistry.

As a hygienist, and as a consumer myself, I have become frustrated with the outcome of the Board's decisions, over the past nine years, which uses their rule making authority to pass rules, and then interpret them, which I view is in direct conflict with statute. In illustration, let's say that each of you in this room, make an appointment at your dentist's office, for a "check-up, and cleaning". A cleaning, or prophylaxis, is a procedure which varies from a short appointment which may include some or little scaling, and polishing with an abrasive agent to remove stain; to

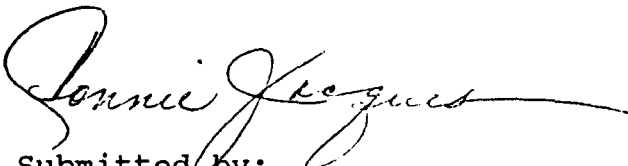
full mouth scaling with appropriate instruments as well as polishing.

Is coronal polishing a prophylaxis? If polishing is the only treatment provided and no scaling is performed, particularly in the healthy dentition of children who sometimes have little or no hard deposits, then yes this same polishing procedure is still called a prophylaxis, and is billed as such. If a hygienist does a polish, it's called a prophylaxis, and billed accordingly. According to the Board's rule, as it exists, a dentist may delegate a coronal polish to an assistant, and the doctor bills the procedure as a prophylaxis.

I do not feel it is appropriate at this time to approve this appointment until the outcome is decided. Allowing input, and debate as a Board member, over his complaint, as well as others which involve the same issue, does not seem judicious or proper. I do not feel the people of Montana will be best served by someone who has a personal interest in the decisions of this Board.

I find it more than a discredit to the legislature, that a Board adopts rules which are in conflict with statute. My complaints have been submitted to document cases of possible abuse, as well as to document the outcome of the board's actions. I am prepared let the courts decide whether or not the coronal polishing rule is in conflict with statute. Until then, I would ask this committee to ask Governor Racicot for a nomination of someone who is not directly involved with this particular issue.

Thank-you.



Submitted by:  
Connie Jacques, R.D.H.  
416 North Ewing  
Helena, MT 59601  
442-7964

DATE 4-22-93

SENATE COMMITTEE ON State Admin.

BILLS BEING HEARD TODAY: SR12, SR13

Name	Representing	Bill No.	Check One	
			Support	Oppose
Mary McCue	MT. Dental Ass'n	SR12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lorne Murreli	MT Dental Hygienist Assoc.	SR12	<input type="checkbox"/>	<input checked="" type="checkbox"/>
William E. Zapp	MT. Dental Association	SR12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donald Nordstrom	self	SR12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Doris Nordstrom	self	SR12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kelly Laden	self	SR12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maureen Hocking	self	SR12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carrie Rose	self	SR12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Vera	DEPT of Commerce	SR12	<input type="checkbox"/>	<input type="checkbox"/>
LISA CASMAN	DEPT OF Commerce	SR12	<input type="checkbox"/>	<input type="checkbox"/>
Conni Jacques	myself	SR12	<input type="checkbox"/>	<input type="checkbox"/>
Terry Klump	"	SR12	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY