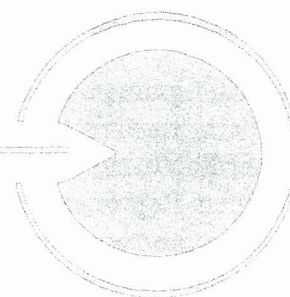


# BIO-PROBE

# NEWSLETTER



Vol. 17, Issue 6

Bio-Probe Newsletter

November 2001

## FLORIDA DILEMMA!

In the previous issue [Vol. 17, Issue 5, Sept 2001], we reported on the passage of a new law in Florida allowing and encouraging alternative health care [Florida SB1324].

The "Patients' Freedom of Choice" bill was signed into law by Florida Governor Jeb Bush, in spite of strong opposition from the Florida Dental Association.

Now, the Florida Board of Dentistry is attempting to pass a series of Rules, under the Florida Administrative Code, that would severely restrict, if not eliminate, the practice of mercury-free dentistry. Under Florida Law, the Board of Dentistry is authorized to promulgate Rules to implement the Florida Dental Practice Act [Chapter 466] of Florida Statutes.

It is very apparent that the Florida Board of Dentistry is attempting to usurp the authority of the Florida Legislature!

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## PROPOSED FLORIDA BOD RULES

In an apparent attempt to eliminate the practice of mercury-free dentistry in the state, the Florida Board of Dentistry has proposed the following Rules:

- "64B5-17.014: Removal of Amalgam Fillings. (1) The Board of Dentistry has determined pursuant to Sections 466.001, 466.004, 466.019 and 466.028 (1)(d), (l), (w), (x), (y), and (ff) Florida Statutes, that removal of amalgam fillings from

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*non-allergic patients for the alleged purpose of removing toxic substances from the body does not meet the minimum standards of performance for competent dental practice in Florida and poses an inherent danger to the public.*

**BP Comment:** The use of the phrase "minimum standards of performance for competent dental practice in Florida" is ominous, usually referred to as "standard of care." The Florida BOD here

is defining the parameters of dental practice by declaring that one area of dentistry is forbidden. According to the most recent estimates (Dental Products Report, etc.), dentists who do not use mercury amalgam because of possible health concerns may be as much as 10-12% of the total number of general dentists. But what about "cosmetic" dentists, who also do not utilize mercury amalgam? How many of these are there in Florida? Then you also have "reconstruction" dentists, who replace "clinically serviceable" amalgam fillings with gold restorations. They also do not use mercury amalgam fillings.

The point is, a substantial portion of contemporary dentists do not use mercury fillings. Does the Florida BOD have the right, and the authority, to establish the parameters of dental practice within a limited scope consistent with their philosophies? Does the Florida BOD have the right, and the authority, to force all Florida dentists to practice according to the philosophies they hold?

An additional point is that the Florida BOD is, in effect, establishing a legal policy that dentists who place mercury amalgam fillings are practicing in a manner that is superior to the practice of mercury-free dentists. This, in itself, is a clear violation of Florida Law and dental ethics.

There are other issues of this proposed rule that will have a huge impact on fundamental rights of dentists and patients.

1. Florida dental patients will no longer have the right of freedom of choice, as well as the right to know (the continuous transfer of dental amalgam mercury into their body tissues).

2. Florida dentists will be subject to restriction of trade, as well as freedom of speech.

3. Florida dentists will be obliged, by law, to expose patients to a continuous, time-release highly poisonous substance.

- (2) (b) "*Scientifically valid*' means findings accepted as correct by a majority of state

*licensing boards or consistent with the curriculum and standards as taught in the majority of the dental schools in the United States."*

**BP Comment:** Here, quite obviously the Florida BOD is trying to establish, by Law, that the State Dental Boards and dental schools (which are all accredited by the ADA) are the only authorities on mercury toxicology! Even if 100% of all mercury toxicologists scientifically determine that dental amalgam mercury is toxic, the Florida BOD would have the power to overrule them.

- (3) "*There is no scientifically valid evidence that amalgam fillings cause a systemic pain, deformity, deficiency injury, or physical conditions such as multiple sclerosis. Similarly, there is no scientifically valid evidence that removing amalgam fillings will diagnose, prescribe or treat such systemic pain, deformity, deficiency, injury, or physical condition."*

**BP Comment:** The position of the Florida BOD in this paragraph is establish by the preceding paragraph [(2)(b)], by establishing - under LAW - that the only acceptable authorities on mercury toxicology are the dental boards and dental schools. The Florida BOD is attempting to establish law that declares practicing dentists to be unfit to address mercury toxicity and, at the same time, establishes that other dentists (on the dental boards and in the dental schools) are the only authorities on the subject!

Further, the BOD ignores that mercury in itself is highly toxic, and that there are volumes of validly published studies demonstrating the severe toxicity of mercury vapor, at any level of exposure.

The pathological condition caused by exposure to mercury is called "mercury toxicity" or "mercury intoxication" and should be evaluated exactly the same as other toxic heavy metals, such as lead.

- (4) "*There is, however, scientifically valid*