

1                                   **ETHICS IN DENTAL ADVERTISING**

2                                   2006 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Peter C. Knudson**

5                                   House Sponsor: Lorie D. Fowlke

---

---

6  
7                   **LONG TITLE**

8                   **General Description:**

9                   This bill amends the Dentist and Dental Hygienist Practice Act to clarify the definition  
10                  of unprofessional conduct with regard to making unsubstantiated claims of superiority  
11                  in training or skill.

12                  **Highlighted Provisions:**

13                  This bill:

14                  ▶ defines an unsubstantiated claim of superiority in training or skill to include  
15                  advertising as practicing in a dental specialty in which the dentist has not  
16                  successfully completed the education specified for the dental specialty, as defined  
17                  by the American Dental Association, without providing a prominent disclaimer that  
18                  the specialty services will be provided by a general dentist.

19                  **Monies Appropriated in this Bill:**

20                  None

21                  **Other Special Clauses:**

22                  None

23                  **Utah Code Sections Affected:**

24                  AMENDS:

25                  **58-69-502**, as enacted by Chapter 116, Laws of Utah 1996

---

---

26  
27                  *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **58-69-502** is amended to read:

29 **58-69-502. Unprofessional conduct.**

30 (1) "Unprofessional conduct" includes, in addition to the definition in Section  
31 58-1-501:

32 [~~(1)~~] (a) sharing professional fees with an unlicensed person or paying any person for  
33 sending or referring a patient;

34 [~~(2)~~] (b) making an unsubstantiated claim of superiority in training or skill as a dentist  
35 or dental hygienist or in the performance of professional services;

36 [~~(3)~~] (c) refusing authorized agents of the division or state or local health authorities  
37 access to the facilities related to the practice of dentistry or dental hygiene during normal  
38 business hours for the purpose of inspection; and

39 [~~(4)~~] (d) failing to maintain facilities, instruments, equipment, supplies, appliances, or  
40 other property or conditions related to the practice of dentistry in a sanitary condition consistent  
41 with the standards and ethics of the professions of dentistry or dental hygiene.

42 (2) For purposes of Subsection (1)(b), an unsubstantiated claim of superiority:

43 (a) includes ~~§~~ → **for the practice of dentistry** ← ~~§~~ :

44 (i) advertising or otherwise holding oneself out to the public as practicing a dental  
45 specialty in which the dentist has not successfully completed the education specified for the  
46 dental specialty as defined by the American Dental Association; and

47 (ii) using ~~the following~~ ← ~~the following~~ words in advertising ~~the following~~ → [such as] ← ~~the following~~ "Endodontist,"  
47a "Orthodontist," "Oral and

48 Maxillofacial Surgeon," "Specialist," "Board Certified," "Diplomat," "Practice Limited to,"

48a ~~the following~~ → "pediatric dentist," "periodontist," ← ~~the following~~ or

49 "Limited to Specialty of" when the dentist has not successfully completed the education  
50 specified for the dental specialty as defined by the American Dental Association; and

51 (b) does not include a dentist who advertises as being qualified in a recognized  
52 specialty area of dental practice so long as each such advertisement, regardless of form,  
53 contains a prominent disclaimer that the dentist is licensed as a general dentist or that the  
54 specialty services will be provided by a general dentist.

**Legislative Review Note**  
as of 12-6-05 1:10 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**