

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

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

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 words in advertising "Endodontist," "Orthodontist," "Oral and
48 Maxillofacial Surgeon," "Specialist," "Board Certified," "Diplomat," "Practice Limited to,"
49 "pediatric dentist," periodontist," or "Limited to Specialty of" when the dentist has not
50 successfully completed the education specified for the dental specialty as defined by the
51 American Dental Association; and

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