

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:

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 words in advertising such as "Endodontist," "Orthodontist," "Oral and
48 Maxillofacial Surgeon," "Specialist," "Board Certified," "Diplomat," "Practice Limited to," 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