

Advertising of Professional Dental Credentials

The purpose of this document is to provide a quick overview as to how states have addressed the issue of professional advertising in laws and regulations. This is not intended to be a comprehensive review of the current law for each and every state. The credentials in advertisements may consist of dental degrees, specialty designations, or credentials issued by national specialty boards. Not addressed here are advertising regulations prohibiting statements of quality, comparisons to other dentists, claims about pain control, or other non-credential related statements in ads.

States may appear in more than one category. An attempt has been made to be as accurate as possible in placing states within the proper category and providing more detail in footnotes. Reliance for this information has been solely on the text of the statute or regulations provided us by the Boards of Dental Examiners in the states.

Policies of dental boards, opinions of state attorneys general, and decisions by state courts interpreting the statutes and regulations may have an affect on how these states are categorized. You are advised to contact the dental board for the state of your interest to determine how the laws and regulations are applied in that state.

The areas of dentistry recognized by the American Dental Association as dental specialties are: *Dental Public Health, Oral and Maxillofacial Surgery, Oral and Maxillofacial Radiology, Oral and Maxillofacial Pathology, Endodontics, Orthodontics and Dentofacial Orthopedics, Pediatric Dentistry, Periodontics, Prosthodontics.*

35 states' statutes and / or regulations expressly allow announcement of credentials in specialty areas of dentistry recognized by the ADA.

Alabama, Alaska, Arizona, Arkansas, **Colorado**, Connecticut, Georgia, **Idaho**, **Indiana**, Iowa, Kansas, **Kentucky**, **Maryland**, Massachusetts, Michigan⁴, **Minnesota**⁵, Mississippi, **Montana**, **Nevada**⁸, New Mexico, **North Carolina**, **North Dakota**⁸, Oklahoma, **Oregon**, Rhode Island, South Carolina, South Dakota, **Utah**, Vermont, Virginia, **Washington**, West Virginia, Wisconsin, **Wyoming**.

Dentists without specialty training (states in bold type) must disclose general dentistry status.⁶

13 states allow announcement of credentials in areas of dentistry not recognized as specialties by the ADA.

Alabama¹³, **California**¹, Florida⁷, **Idaho**, **Illinois**², **Louisiana**³, Missouri, **Nebraska**, New Hampshire, **New Jersey**⁹, **Ohio**, Pennsylvania^{8,11}, Tennessee¹², Texas.

The states in bold font require disclosure of general dentistry status when announcing credentials in non-recognized specialty areas and the underlined states require disclaimer that the practice area is not an area of dentistry recognized by the ADA.

4 states - no law or regulation was located regulating announcement of credentials.

Delaware, Hawaii, Maine, New York

16 of the states that regulate specialty announcement require a state issued specialty licensee to announce as a specialist or to announce a limitation of practice in an area of dentistry recognized as a specialty by the ADA.

Alaska, Arkansas, Idaho, Illinois², Kansas, Kentucky, Michigan, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Oregon, South Carolina¹⁰, Tennessee, West Virginia

States that allow dentists to announce practice in a dental specialty require that the dentist actually limit the practice to the announced specialty. In at least one state, Illinois, a dentist need not announce the practice as being limited to the announced specialty but can announce other areas of practice as well.

The Principles of Ethics and Code of Professional Conduct of the American Dental Association sets forth standards for determining education, experience and other appropriate requirements for announcing specialization and limitation of practice. Code section 5-H. ANNOUNCEMENT OF SPECIALIZATION AND LIMITATION OF PRACTICE, General Standards, provides:

1. The special area(s) of dental practice and an appropriate certifying board must be approved by the American Dental Association.
2. Dentists who announce as specialists must have successfully completed an educational program accredited by the Commission on Dental Accreditation, two or more years in length, as specified by the Council on Dental Education, or be a diplomate of a Specialty Certifying Board recognized by the ADA Council on Dental Education. The scope of the individual specialist's practice shall be governed by the educational standards for the specialty in which the specialist is announcing.
3. The practice carried on by dentists who announce as specialists shall be limited exclusively to the special area(s) of dental practices announced by the dentist.

Announcement of Credentials in Non-Specialty Interest Areas: A related issue is the announcement of credentials by dentists in non-specialty interest areas. Most states place restrictions on such announcement to prevent confusion with the recognized specialties. These restrictions may take the form of establishing minimum education, training and examination requirements for the credential, requiring that the entity that issues the credential be a "bona fide" organizations and requiring the use of disclaimers.

The ADA Council on Ethics, Bylaws and Judicial Affairs has recently issued two advisory opinions to the ADA Code dealing with this issue: Advisory Opinion 5.I.1. GENERAL PRACTITIONER ANNOUNCEMENT OF CREDENTIALS and Advisory Opinion 5.H.2 SPECIALIST ANNOUNCEMENT OF CREDENTIALS IN NON-SPECIALTY INTEREST AREAS. The advisory

opinions set minimum education, training and examination requirements for announcement of credentials in non-specialty interest areas and require the dentist to disclose that the particular interest area is not recognized as a specialty by the American Dental Association. General dentists are also required to disclose that they are general dentists.

¹ **California** rules specify the announcement must disclose the Board of dentistry, rather than the ADA, has not recognized the specialty.

² **Illinois** does not license dental specialists in dental public health and oral pathology. Areas of dentistry not recognized as specialties by the ADA are termed "specialties" such as "implant dentistry."

³ **Louisiana** rules designate as "specialties" areas of dentistry not recognized by the ADA as specialties. However, DSGA reads the rules as requiring these so called "specialists" to disclose general dentistry status. Check with the **Louisiana** state dental board for their application of the rule.

⁴ **Michigan** does not list dental public health as a recognized specialty. General dentists cannot announce limitation of practice or practice as a specialist but can announce inclusion of services constituting areas of specialty. Instead of disclosing "general dentist" status these dentists need only disclose non-licensure in the announced specialty area according to an attorney general opinion.

⁵ **Minnesota** is authorized by statute to license dental specialties but does not do so.

⁶ By statute or regulation most states will allow general dentists to announce the availability of dental specialty services in their general practices as long as they make clear in the announcement that they are general dentists (in 35 states these must be areas of dentistry that are recognized specialties and in 13 states certain non-recognized areas may be announced such as implant dentistry see above.)

⁷ **Florida** in March 2001, a federal district court decided that dentists may advertise membership and credentialed status in AAID and ABOI/ID and announce practice limited to, or emphasis in, implant dentistry without incorporating a disclosure statement.

⁸ **Nevada, North Dakota, Pennsylvania**, allow general dentists to announce a limitation of practice.

⁹ **New Jersey** requires dentists to have a permit from the dental board prior to announcing as a specialist. This is not the same as licensure of specialists; dentists only need show the board evidence of credentialing from an ADA recognized specialty board.

¹⁰ **South Carolina** is authorized to issue general dentistry licenses by credential but do not currently do so.

¹¹ **Pennsylvania** rule allowing announcement of credentials in areas not approved as specialties by ADA predates ADA Ethics advisory opinion 5.I.1.

¹² **Tennessee** expressly allows announcement of credentials in implant dentistry from the AAID and ABOI/ID.

¹³ **Alabama** law prevents a dentist from advertising, without appropriate disclosure, membership in an organization that may be perceived by the public as an ADA-recognized specialty. The legislation also prevents advertising a non ADA-recognized specialty or other area of dental practice without appropriate disclosure or unless certain prerequisites are met.