

**GIFT GIVING TO DENTISTS FROM PATIENTS, COLLEAGUES AND INDUSTRY: IS IT A PROBLEM
IN DENTISTRY TODAY?
STATEMENT OF THE ADA COUNCIL ON ETHICS, BYLAWS AND JUDICIAL AFFAIRS**

Media and professional reports note an increase in gift giving to professionals, particularly from industry. Below are recommendations that may help guide dentists. The overriding principle is whether the gift is intended to lead to a benefit for patients, while not creating the perception of an obligation to the giver.

Gifts from Patients to Dentists

These are generally gifts of appreciation for long time service or for prolonged or protracted or difficult treatment. Because they are most often of nominal value, it is generally felt by the Council that these sorts of gifts are not an obstruction to patient care. Exceptions would be gifts of more than nominal value, or if there are expectations of preferential treatment because of the gift.

Gifts from Industry to Dentists

Gifts from industry to dentists should be in one of two areas to be acceptable, and should be directed at benefiting patients, not the dentist or the donating company directly.

1. The first area would be gifts of products to dentists. If the intent is to provide a benefit to patients, the gift of samples or trial size products would be acceptable. Examples might be toothpaste, or toothbrushes, or unit dose samples of antibiotics or analgesic medications. Sampling of new dental materials could be acceptable too.
2. The second area would be gifts of educational benefit, such as updated knowledge and techniques that will ultimately benefit patients. Dentists should avoid accepting incentives or rewards that create perceived obligations, whereas accepting CE or product training courses and modest meals during the course are acceptable. Declarations of presenter/industry affiliations (full disclosure) should be clearly stated in promotional materials and during the presentation of the course.
3. Gifts from industry awarding vacations, cars, boats or other gifts of significant value based upon the degree of business activity with the company should not be accepted.

Gifts from Dentists to Dentists

Gifts between referring colleagues may pose the most awkward situations, since it is hard to see how patients would benefit from this activity. While it is not improper for colleagues to give colleagues or their employees gifts at certain times of the year, dentists should not accept or offer gifts if the size or value of the gift is based upon the number of patient referrals, or the value of production from those referrals. Dentists and their employees should avoid accepting incentives or rewards that create perceived obligations.

Caution in Giving and Receiving Gifts Advised

In addition to the ethical considerations in giving and receiving gifts, there may be legal considerations as well. For example, state and federal fraud and abuse laws may, depending on the circumstances present, prohibit the exchange of gifts between dentists, from industry entities to dentists, and from dentists to patients. These laws vary from jurisdiction to jurisdiction but are generally designed to protect governmental healthcare programs like Medicare and Medicaid. General information on federal fraud and abuse laws can be accessed at <https://oig.hhs.gov/compliance/physician-education/>. The Physician Payment Sunshine Act may require certain gifts from industry entities to dentists to be publicly disclosed. Information on the Open Payments Program can be found at <https://openpaymentsdata.cms.gov/>.

Those contemplating gift giving are urged to seek the advice of an attorney familiar with healthcare laws and regulations.

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