Quick Tips for the Dental Office

PDA.
Pennsylvania Dental Association

Advertising Regulations

Pennsylvania State Board of Dentistry (SBOD) regulations permit advertising to provide the public with sufficient information to make an informed selection of a dentist. Advertisements include:

- signs,
- letterhead,
- business cards and
- printed or broadcast announcements of services offered to the public.

An advertisement in any medium must contain the name of *at least one dentist* whose services are being advertised. Any dentist whose name appears in the advertisement assumes responsibility for the advertisement, and they must use the name that appears on their current biennial renewal certificate.

If a dentist chooses to advertise under a *fictitious name*, which is a name other than the name that appears on the dentist's current biennial renewal certificate, they must comply with the regulations regarding fictious names. Those regulations are listed in **§33.202:** http://www.pacodeandbulletin. gov/Display/pacode?file=/secure/pacode/data/049/chapter33/s33.202.html&d=reduce.

If a print or broadcast advertisement contains information regarding fees for services offered, or free services, the dentist must honor the advertised fee for *at least 60 days* from the final publication or broadcast of the advertisement, unless the advertisement specifically stated that the advertised fees would be available for a shorter time period. If the patient accepts a treatment plan for those services within the 60 days, or the period of time stated in the advertisement, the advertised fee must be honored even if services are rendered later.

If a minimum fee is advertised, the advertisement must clearly disclose that the advertised fee is the minimum fee charged, and the actual fee may vary depending on the complexity involved in treatment. Print advertisements must include this disclosure in text that is at least equal to the fee information in size, legibility and length. For broadcast advertisements, this disclosure must be at least equal to fee information in volume, quality and duration.

A recorded copy of broadcast advertisements must be retained for at least one year following the final broadcast.

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False Advertising

SBOD regulations prohibit advertising that is false, misleading or deceptive. Advertising is considered to be false advertising if it does one or more of the following:

- Contains a misrepresentation of fact, or omits a fact that is necessary to avoid making the advertisement as a whole misleading
- Likely to create an unjustified expectation or unrealistic expectations about the results that the dentist can achieve
- Compares a dentist's services with the services of other dentists, unless the comparison can be substantiated in fact

Advertising as a Specialist

An advertisement may not claim or imply that a dentist is a specialist in any area unless that particular specialty is recognized by the SBOD as a dental specialty, and the dentist has successfully completed a CODA approved specialty training program. The SBOD has adopted the ADA's standards for recognizing dental specialties.

A dentist who is a specialist in one area, and advertises services in another recognized specialty area or non-specialty area, must disclose that their specialty status does not extend to the other specialty. For example, a pediatric dentist who announces additional services in orthodontics cannot advertise themselves as an orthodontist.

Holding out as a specialist includes the use of terms "specialist" and "limited to specialty of" or the use of such words as "endodontist" or "pediatric dentist" which denote a practitioner of a particular dental specialty. The dental practice of a specialist may not imply that any general dentists associated with the practice are also specialists. Neither general dentists or specialists can imply that a non-speciality area of dentistry has specialty status.

Pennsylvania State Board of Dentistry regulations regarding advertising in their entirety can be found in Pa Code §33.203: http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/049/chapter33/s33.203.html&d=reduce.