



## **NEWFOUNDLAND & LABRADOR DENTAL BOARD**

### **BY-LAW # 8**

## **RULES FOR PROFESSIONAL ADVERTISING FOR DENTISTS**

### **PREAMBLE**

The Newfoundland and Labrador Dental Board has by the Dental Act 2008 been given the responsibility to create by-laws, a code of ethics and rules governing the use of advertising by persons whom the board licences. The courts have generally supported all reasonable efforts of self-regulating professions to address this responsibility given that such restrictions are reasonable for a professional. As such, it has always been in the code of ethics and now in by-law that dentists licensed by the board are fully responsible to see that this code of ethics, the by-laws and rules are properly carried out.

An ethical dentist must be in control of certain elements of advertising:

1. Commercial vs. Professional Advertising
2. Informed Consent
3. Price advertising
4. Implied Specialty
5. Vendor Acknowledgement

Professional advertising can be deemed to be external and internal. The Board therefore seeks to direct the dentist in advertising about clear provable statements regarding their practice. The first ethical responsibility of the dental professional is to the patients that may wish to avail of professional dental services. Subjective and inaccurate statements are not an appropriate manner to present patient options. The rights of self-regulation demand a standard that clearly acts in the public interest especially with regard to informed consent. The undelivered, heightened expectations of advertising, and, the difficulty of resolving the complaints that subsequently arise is unwarranted. Dentistry is not a manufactured product and the commercialization of it is dangerous as it implies a certain unethical warranty for services provided.

Professional Advertising unlike Commercial Advertising must be based on provable facts, seeking to best inform the public, in an unexaggerated manner of services available with particular reference to the recognized training of those offering the services.

Professional Advertising then can be viewed as either internal or external advertising. The Board therefore wishes to present a distinct set of rules that will assist those dentists who wish to advertise.

For the purposes of this discussion external advertising will be that which occurs outside the dental office. Internal advertising will consist of all materials or information provided in the office . Website advertising will be considered internal for the purpose of the rules of advertising.

For greater knowledge of the specifics of ethical advertising one should be familiar also with the Code of Ethics found in By-Law No. 5 and in particular Article B4.

In this By-Law:

1. All advertising must be approved by the Board.
2. All trade names and by-lines must conform to Board By-Law # 5 and the Code to Ethics.
3. Dentists are responsible for all advertising bearing on their practice whether by them, their staff or an out of office vendor.
4. "Ask The Expert" programs or the like are non-compliant unless approved by the Board or the Newfoundland and Labrador Dental Association.
5. All online advertising provided by vendors must be clearly acknowledged in the advertisement and the content of the advertisement be previously approved by the Board. (See Rule No. 1)
6. Dental treatment options presented on websites must meet the same standard for informed consent as in office presentations. Risks and benefits must be presented.
7. Commercial brand names such as Zoom, Cerec, or Procera are not to be used in External Advertising.
8. If you do not have a Specialist's Certificate but wish to advertise a service that falls within the scope of a Specialty, you must clearly indicate that you are a "General Dentist". The term "General Dentist" must appear in the advertisement immediately after your name and not be obscured in a list of services or in conjunction with other terms that may imply that your services are other than those included in "General Dentistry".
9. The terms Cosmetic Dentistry and Family Dentistry are non-compliant as they imply a specialization that does not exist and are not specific services recognized by the Board outside of General Dentistry. However, the term "Family" may appear in an office Trade Name if approved by the Board.

10. Price advertising must be specific. You shall first indicate the regular price of the service and the exceptional price you are offering; as well as the date on which that offer will expire. Both prices must appear in characters of the same size and quality. Also, you have to specify the kind of item or service offered for the price and the kind of materials used. Finally, you have to specify whether the laboratory fees are included and if any additional required services are not. Furthermore any regular advertised price must remain in force for no less than 90 days after the advertisement last appears.
11. Photography is acceptable where the subject is either a practitioner, their office exterior or part of their interior office.
12. Before and after photography is only acceptable in educational settings for other health care professionals or for the dentist's own active patients. In both cases only acceptable with the approval of the patient involved with the photography.
13. Gift certificates and coupons are unethical as they mean accepting advance payment and the claiming of fees for professional services that have not been provided. Donations other than services are acceptable.
14. By-Lines are permitted that do not indicate superiority and as long as they are not demeaning to other practitioners or the profession.

Examples of advertising that imply or express a specialty which is not in accordance with specialties recognized in BY-LAW #5:

- Las Vegas Institute of Cosmetic Dentistry Masters Graduate
- Pacific Aesthetic Continuum Live Cosmetic Advance Program Graduate
- Pankey Institute Graduate
- Cosmetic Dentistry
- Implantology
- Pain Anxiety Management
- TMJ Management
- Homeopathic, Holistic, Naturopathic Dentistry
- Laser dentistry