



AMERICA'S PEDIATRIC DENTISTS
THE BIG AUTHORITY on little teeth®

March 1, 2018

Ms. Jill Steucker
Executive Director
Iowa Dental Board
400 SW 8th St., Suite D
Des Moines, IA 50309

Submitted via e-mail to: IDB@Iowa.gov

Dear Ms. Steucker:

We are following up to the letter submitted on October 2, 2017 by the Iowa Academy of Pediatric Dentistry (IAPD) and the American Academy of Pediatric Dentistry (AAPD) in response to the request for comments regarding the proposal to amend sub-rule 650—26.4.

We are dismayed that the Iowa Dental Board (IDB) would abdicate its responsibility to the public by proposing to abandon any advertising criteria for dental specialties. As we indicated in our previous letter, we believe that the children and families of Iowa deserve to know whether a pediatric dentist specialist is their dental provider, and this should be clearly distinguishable in advertisements from services provided by a general dentist. It is in the very best interest and safety for the public to continue to acknowledge the ADA recognized specialty of pediatric dentistry. It is critical for the IDB to continue to protect the public from any misinformation and confusing advertising.

We urge the IDB not to over-react in haste to the case of *American Academy of Implant Dentistry v. Parker*.¹ That decision upheld a district court decision that the state board could not restrict advertising as a dental specialist to only ADA-recognized specialties. The court believed the board had failed to demonstrate harm it was trying to prevent. However, the court went on to say that:

¹ No. 16-50157 (5th Cir. 2017), U.S. Court of Appeals for the Fifth Circuit decision of June 19, 2017.

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“We do not suggest that the Board may not impose appropriate restrictions in the area of dental specialist advertising. The plaintiffs agree that advertising as a specialist is potentially misleading and that reasonable regulation is appropriate. We hold only that the Board has not met its burden on the record before us to demonstrate that Section 108.54, as applied to these plaintiffs, satisfies Central Hudson’s test for regulation of commercial speech.”

Therefore, we urge IDB to maintain reasonable specialty advertising regulations.

We would be pleased to respond to any questions or comments from the IDB concerning these comments. Thank you for this opportunity to voice our opinions on this matter.

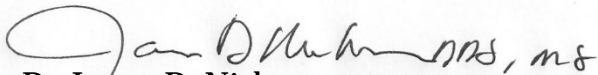
Sincerely,



Dr. Michael Stufflebeam

President

Iowa Academy of Pediatric Dentistry



Dr. James D. Nickman

President

American Academy of Pediatric Dentistry

cc: C. Scott Litch, AAPD Chief Operating Officer and General Counsel