



LITCH'S LAW LOG

## LEGAL PARAMETERS FOR ADVERTISEMENTS BY GENERAL DENTISTS WHO TREAT CHILDREN

The AAPD welcomes Affiliate (general dentist) members, and, in fact, over 500 general dentists are currently Affiliate members of the AAPD. In the interest of fairness to both Active (pediatric dentists) and Affiliate members of the AAPD and for the clarity of parents/guardians seeking oral health care for their children, the AAPD has clear membership requirements related to public advertisements of general practitioners/general dentists who treat children in their practices.

AAPD bylaws related to the privileges and responsibilities of AAPD Affiliate members provide that:

"Affiliate members may not use the Academy name, membership status or logo, nor imply special expertise or training in pediatric dentistry." (AAPD Bylaws, Chapter I, Section 3, H)

The AAPD Bylaws incorporate by reference the standards of the ADA *Principles of Ethics and Code of Professional Conduct*.<sup>1</sup>

The full text of the ADA Code of Professional Conduct section 5.1, General Practitioner Announcement of Services, reads as follows:

**"5.1. General Practitioner Announcement of Services. General dentists who wish to announce the services available in their practices are permitted to announce the availability of those services so long as they avoid any communications that express or imply specialization.** General dentists shall also state that the services are being provided by general dentists. No dentist shall announce available services in any way that would be false or misleading in any material respect." [emphasis added]

### WHAT TYPE OF ADVERTISEMENT WOULD BE A CONCERN?

For example, the name "Smith Pediatric Dentistry" — which utilizes the name of the specialty — would clearly not be allowable for a general dentist. On the other hand, an advertisement such as "Smith, General Dentist for Children and Families" would be allowable. "Family Dentistry" has become an increasingly popular term, **but must always be accompanied by the disclosure that services are provided by a general dentist.**

Any concerns or specific issues related to AAPD Affiliate members can be addressed to the AAPD credentials and ethics committee. Please bear in mind, however, that the AAPD's actions can only impact continued membership status within the AAPD. Normally, the first action taken by the AAPD will be to send a letter to the Affiliate member indicating the concern, re-stating the AAPD membership requirements and requesting appropriate corrective action. If warranted, the AAPD credentials and ethics committee will hold a hearing to determine whether there is cause for a member's censure, suspension or expulsion from AAPD membership as specified in the AAPD Bylaws. (AAPD Bylaws Chapter XIII, Section 3, Paragraphs A, B and C)

State dental boards, of course, hold the ultimate authority in terms of issuing, suspending or revoking licenses to practice dentistry. Many state dental board regulations address this matter. For example, the relevant Illinois regulation (available on the Web at [www.ilga.gov/commission/jcar/admincode/068/068012200D04210R.html](http://www.ilga.gov/commission/jcar/admincode/068/068012200D04210R.html)) reads as follows:

**TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
PART 1220 ILLINOIS DENTAL PRACTICE ACT  
SECTION 1220.421 ADVERTISING**

f) When words relating to specialty practice are used in an advertisement, the advertisement must not imply that the dentist offering those services is licensed as a specialist unless he holds a specialty license issued by the Department. **Words that cannot be used by a dentist unless licensed in that specialty are Endodontist, Pedodontist, Pediatric Dentist, Periodontist, Prosthodontist, Orthodontist, Oral and Maxillofacial Surgeon or Oral Surgeon.** Terms as "Specialist", "Practice Limited To" or "Limited To Specialty Of", with the name of such branch of dentistry practiced as a specialty, (Endodontics, Pedodontics (Pediatric Dentist), Periodontics, Prosthodontics, Orthodontics, and Oral and Maxillofacial Surgery) shall be prima facie evidence that such dentist is holding himself out to the public as a specialist. **A general dentist who advertises, in any media, using words or phrases customarily used by a specialist, except those prohibited above, but who does not hold a specialty license, shall include in such advertisement a prominent disclaimer that he is licensed only as a general dentist.** [emphasis added]

Many other states have similar regulations, and these are readily accessible on the internet. State Board information, including Web site addresses, can be located on the American Association of Dental Examiners (AADE) Web site ([www.aadexam.org/](http://www.aadexam.org/)) To get to the State Board information, click on the link to State Boards on the left side navigation bar.

For further information, please contact Deputy Executive Director and General Counsel C. Scott Litch at (312) 337-2169 ext. 29 or [slitch@aapd.org](mailto:slitch@aapd.org).

<sup>1</sup> Chapter XIII, Section 1 of the AAPD Bylaws provides that the professional conduct of AAPD members is governed by the ADA's Principles of Ethics and the Advisory Opinions