

**NOTICE OF INTENT TO AMEND RULE OF THE GEORGIA STATE BOARD OF
DENTISTRY
RULE 150-10-.01 FRAUDULENT, MISLEADING, OR DECEPTIVE ADVERTISING AND
NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Dentistry (hereinafter "Board") proposes amendments to Georgia Board of Dentistry Rule 150-10-.01 FRAUDULENT, MISLEADING, OR DECEPTIVE ADVERTISING (hereinafter "proposed amendments").

This notice, together with an exact copy of the rule including the proposed amendments and a synopsis of the rule including the proposed amendments, is being forwarded to all persons who have requested, in writing, that they be placed on an interested parties list. A copy of this notice, an exact copy of the rule including the proposed amendments, and a synopsis of the rule including the proposed amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Department of Community Health at 2 Peachtree Street, NW, Atlanta, Georgia, 30303. These documents will also be available for review on the Georgia State Board of Dentistry's web page at <http://gbd.georgia.gov/>.

A public hearing is scheduled to begin at 10:00 AM on August 13, 2021 via conference call at the Department of Community Health at 2 Peachtree Street, NW, 6th Floor, Atlanta, Georgia, 30303 to provide the public an opportunity to comment upon and provide input into the proposed amendments. At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received prior to August 6, 2021. Written comments should be addressed to Executive Director of the Georgia State Board of Dentistry at 2 Peachtree Street NW, 6th Floor, Atlanta, Georgia 30303. You may email your comments to elacefield@dch.ga.gov.

The proposed rule amendments will be considered by the Georgia State Board of Dentistry during its meeting scheduled to begin at 10:05 AM on August 13, 2021 via conference call at the Department of Community Health at 2 Peachtree Street, NW, 6th Floor, Atlanta, Georgia, 30303. According to the Department of Law, State of Georgia, the Georgia State Board of Dentistry has the authority to adopt the proposed rule amendments pursuant to authority contained in O.C.G.A §§ 43-11-7 and 43-11-47.

At its meeting on August 9, 2019, the Board voted that the formulation and adoption of these amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-11-7 and 43-11-9.

At its meeting on August 9, 2019, the Board also voted that it is not legal or feasible to meet the objectives of O.C.G.A §§ 43-11-7 and 43-11-9 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these amendments will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of dentistry.

For further information, contact the Board office at 404-651-8000.

This notice is given in compliance with O.C.G.A. §50-13-4.

This 6th day of July, 2021.



Eric R. Lacefield
Executive Director
Georgia Board of Dentistry

Posted: July 6, 2021

**SYNOPSIS OF PROPOSED AMENDMENTS OF THE
GEORGIA STATE BOARD OF DENTISTRY
RULE 150-10-.01 FRAUDULENT, MISLEADING, OR DECEPTIVE ADVERTISING.**

Purpose of rule: The purpose of this amendment is to update language, correct spelling, incorporate internet advertising and update the list of statements deemed misleading.

Main Features: The main features of this amendment incorporate internet advertising and contractors, spelling correction, and multiple changes to what is considered misleading to the public.

**DIFFERENCES OF PROPOSED AMENDMENTS OF THE
GEORGIA STATE BOARD OF DENTISTRY
RULE 150-10-.01 FRAUDULENT, MISLEADING, OR DECEPTIVE ADVERTISING.**

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

150-10-.01 Fraudulent, Misleading, or Deceptive Advertising.

(1) For purposes of O.C.G.A. § 43-11-47(a)(15), "advertising" shall include any information communicated in a manner designed to attract public attention to the practice of the licensee, including the use of a trade name or corporate name.

(2) A dentist may provide information regarding ~~himself or herself~~ the dentist personally, ~~his or her~~ the dentist's practice, and fixed fees associated with routine dental services in a dignified manner in newspapers, magazines, yellow page directories, consumer directories, ~~or~~ comparable written publications, ~~or~~ broadcast advertising, or Internet advertising. The dentist shall have ultimate responsibility for all advertisements approved or placed by the dentist or ~~his or her~~ the dentist's agents, employees, ~~or~~ associates, or contractors. The dentist shall retain a copy, recording, or specification of the advertisement for at least one year following the last appearance or use of the advertisement, and shall provide a copy, recording, or specification to the Board within ten (10) days of any request by the Board.

(3) Advertising may include, but is not limited to, the following information:

(a) The dentist's title or degree;

(b) A designation of specialty dental practice, if said specialty is recognized by the Georgia Board of Dentistry pursuant to Rule 150- 11-.01 and the dentist has completed the educational requirements stated in the American Dental Association's specialty practice guidelines in existence at the time the advertisement is made;

(c) Office and telephone answering hours, office location, office telephone number, and residence address and telephone number;

(d) Fees for a specific, routine service. For purposes of this Rule, a dental service may be characterized as a "routine dental service" if it is performed frequently in the dentist's practice, is usually provided at a specific fee to substantially all patients receiving the service, and is provided with little or no variance in technique or materials. The following requirements shall be met when a dentist advertises a routine dental service:

1. If a range of fees is advertised (including use of words such as "from," "as low as," "starting at"), the minimum and maximum fees shall be fully disclosed;

2. Consultation, treatment planning, or treatment for any routine dental service advertised for a specific fee must be made available for a minimum of sixty (60) days following the date of the last publication or broadcast of that fee, unless another date is specified in the advertisement;
3. When a routine dental service is advertised as "free," "no charge," or like terms, such service must be made available at no cost for a minimum of sixty (60) days following the date of last publication or broadcast of that fee, unless another date is specified in the advertisement;
4. When a patient accepts the treatment planned for a routine dental service which was advertised by the dentist for a specific fee during the previous sixty (60) days (or other period specified in the advertisement), any subsequent dental service that is reasonably and ~~foreseeably~~ foreseeably related to the advertised routine service must be provided without additional charge, unless the advertisement for the routine dental service includes the following statement: "ADDITIONAL CHARGES MAY BE INCURRED FOR RELATED SERVICES WHICH MAY BE REQUIRED IN INDIVIDUAL CASES."

(4) A dentist may use or participate in the use of professional cards, appointment slips or cards, letterhead, office signs, or similar professional notices, provided they are not false, misleading, or deceptive.

(5) Advertising shall not reveal a patient's personally identifiable facts, data or information obtained in a professional capacity, without the patient's written consent.

(6) The following statements in advertising shall be deemed to be misleading to the public for purposes of this Rule:

(a) Statements claiming or implying the superiority of a method of treatment, material, drug or appliance;

(b) Statements that assert or allude that a certain dentist is a specialist or specializes in any branch of dentistry, unless that specialty is recognized by the Georgia Board of Dentistry pursuant to Rule 150-11-.01 and the dentist has completed the educational requirements for that specialty as stated in the American Dental Association's specialty practice guidelines in existence at the time the advertisement is made;

(c) Statements that a dentist has received certification by a particular Board, credentialing organization, professional association, or other certifying body when the dentist has not;

~~(e)(d)~~ Statements that assert or allude that a certain dentist practices at a location, if the dentist does not regularly provide dental treatment to patients at said location;

~~(d) Statements offering or announcing "quality dentistry," "quality work," "staff of skilled dentists," "skilled employees," or other like terms, and statements indicating that uncertified persons perform functions requiring a license under O.C.G.A. § 43-11-1, et seq.;~~

~~(e) Statements indicating the availability of superior facilities at a certain office, including statements that an office is "scientifically equipped" or has the "latest modern equipment," statements making reference to a "modern office," "modern methods," "modern devices," or any similar expressions;~~

(e) Statements that a dentist has an ownership interest in a dental practice, facility, or clinic, when that dentist does not in fact have such an ownership interest. The listing of a dentist's full name in any sign, card, announcement, advertisement, or method used to state or imply that dentistry may or will be done by anyone at any place in this state, in

compliance with O.C.G.A. §43-1-18, shall not in and of itself be construed as implying ownership in a dental practice, facility, or clinic for the purposes of this rule;

(f) Statements that a dental operation or treatment can be performed without causing any pain; and

(g) ~~Use of a trade name or corporate name that is confusingly similar to a trade name or corporate name already in use by a dental practice in this state.~~Statements that contain other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

Authority: O.C.G.A. §§ 43-11-7, 43-11-47.