

1 Board of Dentistry

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3 Adopted Rules Relating to Names and Advertising

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5 Rules as Adopted

6 3100.6400 IMPROPER AND UNJUSTIFIED NAMES.

7 Any name used for a dental practice which connotes unusual
8 or superior dental ability, or which is likely to create a false
9 or unjustified expectation of favorable results shall be in
10 violation of Minnesota Statutes, sections 150A.11, subdivision 1
11 and 319A.07.

12 3100.6500 COMMUNICATING DECEPTIVE STATEMENT OR CLAIM.

13 A person shall not, on behalf of himself, a partner,
14 associate, or any other dentist affiliated with him through a
15 corporation or association, use or participate in the use of any
16 form of public communication containing a false, fraudulent,
17 misleading, or deceptive statement or claim.

18 A false, fraudulent, misleading, or deceptive statement or
19 claim is one which:

20 A. contains a misrepresentation of fact;

21 B. is likely to mislead or deceive because in context
22 it makes only a partial disclosure of relevant facts;

23 C. is intended or is likely to create false or
24 unjustified expectations of favorable results;

25 D. appeals to an individual's anxiety in an excessive
26 or unfair way;

27 E. contains material claims of superiority that
28 cannot be substantiated;

29 F. misrepresents a dentist's credentials, training,
30 experience, or ability; or

31 G. contains other representations or implications
32 that in reasonable probability will cause an ordinary, prudent
33 person to misunderstand or be deceived.

34 3100.6600 ADVERTISING DENTAL FEES AND SERVICES.

35 Subpart 1. Routine services. If the following routine

1 dental services are advertised, either the advertised service
2 must include the listed components or the advertisement must
3 disclose the components which are not included.

4 A. Examination: a study by the dentist of all the
5 structures of the oral cavity, including the appropriate
6 recording or charting of the condition of all such structures
7 and appropriate history thereof, the identification of
8 periodontal disease and occlusal discrepancies, the detection of
9 caries and oral abnormalities, and the development of a
10 treatment plan. ~~If the examination does not include~~ there is a
11 charge in addition to the examination fee for radiographs
12 ~~or~~ and/or the provision to the patient of a written opinion of
13 the items found in the examination (i.e., diagnosis) or of a
14 written itemized treatment recommendation and itemized fee
15 (i.e., treatment plan), such ~~facts~~ fact shall be disclosed in
16 the advertisement.

17 B. Radiographs (X rays): adequate X rays of the oral
18 structures to provide necessary radiographic study.

19 C. Denture: either a complete maxillary or complete
20 mandibular replacement of the natural dentition with artificial
21 teeth. If the service advertised is for a denture which is
22 partially prefabricated, intended for a partial replacement of
23 the natural dentition, intended to be used as an emergency or
24 temporary denture, or if any advertised fee does not include a
25 reasonable number of readjustments, such facts shall be
26 disclosed in the advertisement.

27 D. Prophylaxis (cleaning): the removal of calculus
28 (tartar) and stains from the clinically exposed surfaces of the
29 teeth.

30 E. Extractions: the removal of nonimpacted teeth ,
31 including necessary X rays, anesthesia, preoperative, and
32 postoperative care.

33 Subp. 2. [See Repealer.]

34 Subp. 2a. Set fees. Set fees may be advertised for any
35 service where the dentist intends to charge a standard price for
36 the service.

1 Subp. 3. Identification of related services and additional
2 fees. Related services which may be required in conjunction
3 with the advertised services, and for which additional fees will
4 be charged, must be identified as such in the advertisement.

5 Subp. 4. Range of fees. When a range of fees is
6 advertised, the advertisement must disclose the basic factors on
7 which the actual fees will be determined.

8 Subp. 5. [Unchanged.]

9 3100.7100 PROHIBITED ADVERTISEMENTS.

10 Advertisements shall not:

11 A. reveal a patient's identity or personally
12 identifiable facts, data, or information obtained in a
13 professional capacity without having first obtained a written
14 waiver of patient confidentiality; or

15 B. after one year, include the name of any dentists
16 formerly practicing at or associated with any advertised
17 location.

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19 REPEALER. Minnesota Rules, part 3100.6600, subpart 2, is
20 repealed.