

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1960

BY: VOSKUHL

AS INTRODUCED

AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS;

AMENDING 59 O.S. 1991, SECTION 328.28, WHICH

RELATES TO THE STATE DENTAL ACT; MODIFYING ACTS

WHICH CONSTITUTE UNLAWFUL PRACTICES FOR DENTISTS;

AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 328.28, is amended to read as follows:

Section 328.28 A. It shall be unlawful for any dentist to:

1. Engage in forms of advertising of dental services except as herein permitted, and provided that dentists, professional dental corporations and dental partnerships may advertise, by print media in nondisplay type, within their geographic area of the dentist's practice, professional services and fees for simple and routine services, meaning those services regularly and routinely performed by the particular practitioner or practitioners, within his or their practice, so long as the statements advertised are accurate and are capable of factual substantiation and providing such advertisement does not:

- a. publish or circulate any statements, either directly or indirectly, that would be or tend to be fraudulent, deceptive or misleading;

- b. issue any statement as to skill or method of practice of any person or operator;
- c. claim or infer, in any manner, superiority over other dental practitioners;
- d. publish any reports of cases, certificates or testimonials of or from patients or former patients;
- e. claim the use of any secret or patented methods, specific methods of treatment, appliances, medications, chemicals or materials, provided there may be a listing of professional fees for simple and routine services;
- f. advertise any free dental services, free dental examinations or x-rays or the giving or offering to give merchandise or other thing of value exceeding Five Dollars (\$5.00) as an inducement to secure dental patronage; ~~or~~
- g. use his name or the name of a dentist with the names of persons who are not licensed dentists, for the purpose of soliciting for dental services; or
- h. hold membership in any prepaid dental plan or business organization that restricts the freedom of the patient to choose any licensed dental provider, that discriminates in reimbursement determination based on whether the provider is a participating or nonparticipating provider, or that provides or gives or offers to provide or give, directly or indirectly, any consideration or benefit of any kind as an inducement to membership in the dental plan;

2. Place his name, as a member licensed in a specialty, in any other portion of the classified section of a telephone directory, other than under the properly listed specialty in which he is licensed;

3. Employ or use solicitors to obtain dental patronage;
4. Advertise by public exhibitions or by use of specimens of dental work;
5. Give public demonstrations of skill or methods of practicing dentistry upon or along the sidewalks, streets or highways, or any place other than the dental office where such dentist is known to be regularly engaged in the practice of dentistry;
6. Pay or accept commissions, in any form or manner, as compensation for another's referring dental patients to any dentist for professional services, radiograms, written work authorizations or other services or articles supplied to the patient;
7. Advertise by means of billboards or offsite signs;
8. Advertise that the performance of any dental operation or procedure does not cause pain or discomfort;
9. Use any potentially deceptive phrase or claim such as: "satisfaction guaranteed", "unique", "under no obligation", "discount", "low fee", "as little as", "as low as", "indestructible", or similar phraseology of a misleading or potentially misleading nature; or utilize as an office name, building name or location name any term or phraseology calculated to call attention to any particular dental practice or type of dental practice or which is or would tend to be deceptive or misleading to members of the public;
10. Advertise the length of time in practice or time at a particular location;
11. Hold one's self out to the public as practicing dentistry under a trade name, or use an assumed name that is or tends to be either false or misleading to the public;
12. Use the services of a dental laboratory located within the State of Oklahoma whose name is not duly filed in the official records of the Board of Governors;

13. Use or attempt to use the services of a dental laboratory or dental laboratory technician without issuance of an appropriate written work authorization;

14. Operate a commercial dental laboratory and continue in the active practice of dentistry; and

15. Authorize, permit or allow his dental hygienist, dental assistant, dental nurse or dental laboratory technician to violate any provisions of this act or any rule or regulation duly promulgated by the Board of Governors.

B. It shall be unlawful for any person to advertise dental services, as defined in this act, unless he is licensed to practice dentistry by the State of Oklahoma.

Any person committing an offense against any of the provisions of this section shall, upon conviction, be subjected to such penalties as are provided in Section 328.49 of this title, and the writ of injunction, without bond, is made available to the Board of Governors for the enforcement of this section and this act.

Notwithstanding any other provisions hereof, a dentist shall be allowed to use nonilluminated signs to be placed or located at the office or office premises, to advertise the dentist's name, the fact that he is engaged in the practice of dentistry, the location of the dental office and the dentist's office hours. No letter may be more than four (4) inches in height or three (3) inches in width and, if more than one line is used, the lines may be no more than one (1) inch apart. Further, a dentist locating or relocating in a community may announce same in the local press, with the content of such announcements complying with other requirements of this section. A newly licensed dentist or newly licensed specialist may also mail announcements of the opening of his office to members of the dental and allied professions, and such dentist or specialist may also announce the opening or relocating of his dental office by

the use of personal professional cards to be given by the dentist or specialist to patients and friends.

Nothing in this section shall prohibit public service, institutional advertising by recognized national, state or local dental associations or societies.

SECTION 2. This act shall become effective September 1, 1992.

43-2-7227

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