

February 3, 2025

Ohio State Dental Board
77 High Street, 17th Floor
Columbus, OH 43215

Re: Dental Organizations' Response to the Interested Parties' Process on Specialty Advertising

Dear Members of the Ohio State Dental Board:

On behalf of the undersigned dental organizations representing thousands of dental specialists across Ohio, **while we believe the 2018 Proposed Specialty Advertising Rules submitted to and approved by the Commonsense Initiative continue to be appropriate, we would insist the Ohio State Dental Board (OSDB) incorporate the enclosed edits to the proposal presented in Exhibit 2. Additionally, we urge the OSDB to immediately lift the stay on the enforcement of specialty advertising laws.**

Finally, we request that the OSDB refrain from further action on the specialty advertising issue until the Governor fills the two vacant specialty seats on the Board. These designated seats exist to ensure representation from the dental specialty community, whose perspectives are critical in shaping specialty advertising rules.

Recommended Solution: Adoption of the 2018 Proposed Specialty Advertising Rules

As requested by the OSDB, our organizations believe that readopting the 2018 proposed rules, which were approved by the Common Sense Initiative, is an appropriate solution for both patients and the dental community. We support this iteration of the proposed rules because they continue to protect patients by ensuring that only dentists who have completed an accredited postdoctoral specialty education program—recognized by an accrediting body such as the Commission on Dental Accreditation under the U.S. Department of Education—can advertise as specialists in Ohio.

We urge the Board to review [many of our organizations' January 2, 2025](#), comments, which outline our support for the 2018 rules and include recommended minor edits to acknowledge the new dental specialties adopted since 2018.

Feedback and Proposed Revisions to Exhibit Two

Our organizations oppose the proposed language in Exhibit Two as currently written, as it compromises patient safety and undermines established professional standards. At the request of the OSDB, we have outlined our proposed revisions below, using red-lined tracked changes, to address our critical concerns. As written, Exhibit Two fails to safeguard Ohio patients by allowing dentists with minimal training to advertise as specialists, despite lacking the rigorous, accredited education essential for legitimate specialty designation. This not only misleads the public but also risks lowering the standard of care patients rightfully expect and deserve.

4715-5-04 | Specialty recognition.

(A) A licensed dentist is recognized as a specialist in Ohio if the dentist meets the standards set forth in paragraph (B) of this rule. Any licensed dentist who does not meet the standards set forth in paragraph (B) of this rule is a general dentist. A general dentist is permitted to render specialty services in Ohio in accordance with paragraph (D) of rule 4715-13-05 of the Administrative Code.

(B) A licensed dentist shall be recognized as a specialist in Ohio if the dentist meets any of the following:

- (1) The licensed dentist has completed a qualifying postdoctoral education program in that area as set forth in paragraph (C) of this rule; or
- (2) The licensed dentist holds a current certification by a qualifying specialty board or organization approved by the board pursuant to paragraph (D) of this rule.

(C) For purposes of this rule, a "qualifying postdoctoral education program" is a postdoctoral advanced education program accredited by an agency recognized by the United States Department of Education ("USDOE").

(D) ~~When~~ determining whether to approve a qualifying specialty board or organization, the **Ohio State Dental Board may consider the following criteria: must ensure the specialty board or organization meets the following requirement:**

1. ~~Whether~~ ~~+~~ The specialty board or organization requires the completion of a **postdoctoral educational** program with didactic, clinical, and experiential requirements appropriate for the specialty or subspecialty field of dentistry in which the dentist seeks certification, and the collective didactic, clinical and experiential requirements are **equivalent or greater similar** in scope, **training length**, and complexity to a qualifying postdoctoral education program. A specialty board or organization that issues a certification based solely upon experiential training, continuing education courses, on-the-job training, or payment to the specialty board or organization shall not constitute a qualifying specialty board or organization.

The Ohio State Dental Board should also consider the additional criteria when deciding to recognize a specialty board or organization:

(12) Whether the organization requires all dentists seeking certification to pass a written or oral examination, or both, that tests the applicant's knowledge and skill in the specialty area of dentistry and includes a psychometric evaluation for validation;

(23) Whether the specialty board or organization has written rules on the maintenance of certification and requires periodic recertification;

(3-4) Whether the specialty board or organization has written by-laws and a code of ethics to guide the practice of its members;

(45) Whether the specialty board or organization has a permanent headquarters and staff dedicated to respond to consumer or regulatory inquiries;

(56) Whether the specialty board or organization is recognized by another entity whose primary purpose is to evaluate and assess dental specialty boards or organizations;

(67) Whether the specialty board or organization maintains a website that includes online resources for the consumer to verify the specialty board or organization's certification criteria and maintains a public list of names and addresses of the dentists holding a certification by the specialty board or organization;

(78) Any other relevant information as determined by the board.

(E) A dentist shall maintain documentation of completion of a qualifying postdoctoral education program or certification from a qualifying specialty board or organization approved by the board. Upon request by the board, the dentist shall provide the documentation to the board.

Rule 4715-13-04 | Statements tending to deceive or mislead the public.

All dental advertising, or solicitation, or testimonial endorsement statements which tend to deceive or mislead the public are prohibited, including, but not limited to, any of the following:

(A) Statements which falsely indicate the number of years in practice, or the number of years in practice in one location, of any licensee;

(B) Statements which misname any anesthetic, drug formula, material, or medicine, by not accurately stating the generic or brand name of such substances;

(C) Statements which misrepresent the anesthetic, drug formula, material, or medicine, actually administered by a dentist or other qualified licensee;

(D) Statements which misname any dental method or system;

(E) Statements which misrepresent any dental method or dental system actually employed by a dentist or other qualified licensee;

(F) The retention in or about the office or building of a sign or signs of a former dentist, owner, or occupant, for a period longer than ninety days. The owner dentist has ninety days from the date of change in employment to make all necessary changes to signs as necessary and warranted.

(G) Statements on letterhead, business cards, brochures, or other advertisements indicating that a retired, deceased, or other dentist formerly affiliated with the dental practice is still actively practicing dentistry with the dental practice.

- (H) Statements that contain an express or implied claim of superiority which cannot reasonably be substantiated or which are intended or likely to cause an ordinary, prudent person to misunderstand or be deceived.
- (I) Advertisements, announcements, and/or promotions in any form, for dental services, which do not meet the requirements of rule 4715-13-05 of the Ohio Administrative Code.

Rule 4715-13-05 | Advertising as a specialist.

With regard to advertising as a specialist recognized in Ohio, or advertising specialty dental services as a general dentist, all of the following shall apply:

- (A) It shall be false or misleading for a dentist to advertise as a specialist, or any variation of that terms, unless the dentist has complied with rule 4715-5-04 of the Administrative Code and includes in the advertisement the qualifying postdoctoral education program or qualifying specialty board or organization recognizing the dentist as a specialist and provide information about the certification criteria or where the certification criteria may be located.

~~(B) The terms "specialist," "specializes," "orthodontist," "oral and maxillofacial surgeon", "oral and maxillofacial radiologist", "periodontist," "pediatric dentist", "prosthodontist," "endodontist," "oral pathologist", "public health dentist", "dental anesthesiologist", "oral medicine specialist", "orofacial pain specialist", "dental implant specialist" or other terms that would cause a reasonable person to believe that a dentist is a recognized specialist, may only be used by a licensed dentist meeting the requirements of paragraph (B) of rule 4715-5-04 of the Administrative Code.~~

- ~~(B)~~ (C) In multidisciplinary practice, it is required that any advertisement indicates the services being provided by each practitioner in the office.

- ~~(C)~~ (D) A general dentist is not prohibited from announcing to the public that the dentist renders specific types of services, including, but not limited to, specialty services, and that the announcement does not contain words or phrases which are otherwise prohibited by this rule.

Conclusion

We strongly urge the OSDB to postpone any action on the specialty advertising issue until the Governor has filled the two vacant specialty seats. These positions ensure fair representation from the dental specialty community, and proceeding without their input undermines the integrity of the Board’s decision-making process.

Our undersigned organizations believe that adopting the OSDB’s proposed 2018 rules remains an appropriate pathway to regulating specialty advertising in Ohio. To be clear, we do not support Exhibit Two or the OSDB’s 2024 proposed rules as written and presented during the interested parties’ process.

We continue to remain fully committed to engaging in meaningful discussions with the OSDB to address our concerns and ensure that specialty advertising laws prioritize patient safety in Ohio. For further discussions, please contact Darcy McLaughlin at (312) 872-0462 or DMcLaughlin@aae.org.

Sincerely,

American Academy of Oral and Maxillofacial Pathology
American Academy of Pediatric Dentistry
American Academy of Periodontology
American Association of Endodontists
American Association of Oral and Maxillofacial Surgeons
American College of Prosthodontists
American Society of Dentist Anesthesiologists
National Commission on Recognition of Dental Specialties and Certifying Boards
Ohio Association of Endodontists
Ohio Society of Oral and Maxillofacial Surgeons