

January 02, 2025

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

Re: Opposition to OSDB’s Proposed Revisions to Specialty Advertising Laws

Dear Members of the Ohio State Dental Board:

On behalf of the undersigned dental organizations representing thousands of dental specialists across Ohio, we express our strong opposition to the Ohio State Dental Board’s (OSDB) proposed revisions to Ohio Administrative Code 4715-5-04. **We urge the Board to reinstate the 2018 proposed rules submitted to and approved by the Common Sense Initiative and immediately lift the stay on the enforcement of specialty advertising laws.**

Opposition to OSDB’s Latest Specialty Advertising Revisions

Our organizations are deeply concerned about the OSDB’s recent proposed revisions to specialty advertising regulations. These changes fail to protect Ohioans from misleading claims about dental specialty designations, ultimately jeopardizing patient safety and care outcomes. Enclosed are earlier comments submitted by dental organizations to OSDB detailing specific objections to the proposed rule changes.

Our primary concern is the proposed elimination of the requirement for dental specialists to complete a postdoctoral program accredited by the Commission on Dental Accreditation (CODA), recognized by the Department of Education. This revision risks allowing dentists with minimal training—such as those completing weekend or online courses—to advertise as specialists, undermining the rigorous, accredited education essential for specialty designations. Removing these standards compromises patient safety and diminishes the credibility of dental specialties in Ohio.

Ohioans already face challenges with oral health literacy, particularly in distinguishing among various dental providers and services. A 2020 survey revealed that 73% of Ohio residents believe a dentist advertising as a specialist has completed an accredited residency program. Furthermore, 70% of respondents indicated they would be less likely to seek specialty care if they discovered the dentist had not completed such training.¹ The proposed revisions exacerbate and encourage this problem. For these reasons, we strongly urge the OSDB to reconsider these revisions to protect the integrity of dental specialty designations and safeguard the oral health of Ohio residents.

Recommended Solution: Adoption of the 2018 Proposed Specialty Advertising Rules

We urge the OSDB to abandon its proposed revisions and readopt its 2018 proposed rules that the Common Sense Initiative approved. We support this iteration of proposed rules because they continue to protect patients by ensuring that only dentists who have completed an accredited postdoctoral specialty education program accredited by an accrediting body recognized by the U.S. Department of Education, such as the Commission on Dental Accreditation, can advertise as specialists within Ohio.

¹ Fields HW, Casamassimo P, Owsiany DJ, Saperstein M. The case for tying specialty status to completion of dental residency: Dental education’s stake. *J Dent Educ.* 2020; 84:852–856. <https://doi.org/10.1002/jdd.12139>

Our organizations support the adoption of the 2018 OSDB proposed rules, with minor tracked edits outlined below to recognize new dental specialties adopted since 2018:

4715-5-04 Specialty advertising.

(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.

(B) A licensed dentist must comply with one of the following requirements before being recognized as a specialist in Ohio:

(1) Successfully complete **at least a two-year** full-time post-doctoral education program accredited by an accrediting body approved by the United States Department of Education (“USDOE”) and provided by an accredited dental college (as defined in R. C. 4715.10), in one of the following specialty areas: **dental anesthesiology**, dental public health, endodontics, oral and maxillofacial pathology, **and** oral and maxillofacial radiology, oral and maxillofacial surgery, **oral medicine, orofacial pain**, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, or prosthodontics; or

(2) Successfully complete **at least a two-year** full-time post-doctoral education program accredited by an accrediting body approved by the USDOE and provided by an accredited dental college (as defined in R. C. 4715.10), in an area of general dentistry not listed in subdivision (B)(1) of this rule, **including but limited to dental anesthesiology, oral medicine, Implant dentistry, and orofacial pain** or

(3) Successfully complete a full-time post-doctoral education or residency program requiring at least two years of training in an area of general dentistry not listed in subdivision (B)(1) of this rule, , and which was completed through an accredited dental college (as defined in R. C. 4715.10), or in a hospital accredited by one of the following entities: The Accreditation Council for Graduate Medical Education (ACGME), The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), The Joint Commission on Accreditation of Hospitals (JCAH), or the Joint Commission; or

(4) The licensed dentist seeking specialty recognition announced their specialty or designation prior to August 1, 1974.

(C) All licensed dentists who advertise services must comport with rules 4715-13-01 to 4715-13-05 of the Administrative Code.

(D) Rules specifically related to the advertising of specialty services are set forth in rule 4715-13-05 of the Administrative Code.

(E) For purposes of this rule, the term “accredited” in relation to a post-doctoral education program means a post-doctoral educational program that is accredited or holds “preliminary provision approval” or “accreditation eligible status” from an accrediting body approved by the USDOE.

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.

(A) The following advertising, or solicitation, or testimonial endorsement statements are prohibited:

- (1) Statements which falsely indicate the number of years in practice, or the number of years in practice in one location, of any licensee;
- (2) Statements which misname any anesthetic, drug formula, material, or medicine, by not accurately stating the generic or brand name of such substances;
- (3) Statements which misrepresent the anesthetic, drug formula, material, or medicine, actually administered by a dentist or other qualified licensee;
- (4) Statements which misname any dental method or system;
- (5) Statements which misrepresent any dental method or dental system actually employed by a dentist or other qualified licensee;
- (6) 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.
- (7) 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.
- (8) 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.

(B) The state dental board, based on its expertise in regulating the dental profession, has identified certain statements which are likely to mislead the layman who is the target of dental advertising, solicitation, or testimonial endorsements.

4715-13-05 Advertising services as a specialist.

With regard to the advertising of specialty dental services all of the following shall apply:

(A) A dentist who is recognized as a specialist in Ohio must avoid any implication that general dentists associated with him or her in practice are specialists.

(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 for the specialty advertised.

(C) A dentist who is not recognized as a specialist under paragraph (B) of rule 4715-5-04 of the Administrative Code may advertise truthful certification, diplomate status or other similar credentials from a bona fide national organization which grants credentials based upon the dentist's postgraduate education, training, and experience, and an examination based upon psychometric principles, if the following disclaimer appears in a reasonably clear and visible manner compared to the announcement of the credential: "[insert name of the organization] does not meet the specialty recognition requirements of the Ohio State Dental Board". Upon request by the board or a member of the public, the licensed dentist must identify the specific training completed and the organization that granted the credential.

(D) A dentist who practices general dentistry and advertises performance of a specialty procedure but is not recognized as a specialist pursuant to Ohio Revised Code 4715-5-04(B) must clearly state in advertising, and/or public promotions, that he or she is a general dentist by stating "General Dentistry" or "General Dentist" in print larger and/or bolder and noticeably more prominent than any other area of practice or service advertised.

(E) Terms referring to areas of practice are permitted, so long as all other provisions of the rules regarding advertising and specialty designation are adhered to.

Need for Greater Transparency and Stakeholder Engagement

The Board's lack of transparency in its "interested parties" process for revising specialty advertising regulations raises serious concerns. Despite multiple requests from the dental community, the Board has withheld proposed changes, meeting minutes, and process details from public view. Dental specialty representatives—who have direct expertise and stake in these regulations—have been excluded from meaningful participation. This opaque process erodes stakeholder trust and suggests an attempt to expedite changes without proper scrutiny or input. We call on the Board to make all proposed revisions and rulemaking documents publicly accessible and ensure direct engagement with dental specialty organizations, whose expertise is crucial to developing sound policy related to this issue.

Conclusion

We urge the OSDB to abandon its latest revisions to the specialty advertising regulations and adopt the 2018 proposed rules. Our organizations stand ready to discuss these concerns further and collaborate on solutions that prioritize patient safety and maintain the credibility of dental specialties in Ohio. Please feel free to contact Darcy McLaughlin at (312) 872-0462 or via email at DMcLaughlin@aae.org to facilitate further discussions.

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 Association of Orthodontists
American College of Prosthodontists
American Society of Dentist Anesthesiologists

December 2, 2024

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

Re: Opposition to Proposed Revisions to Specialty Advertising Laws (OAC-4715-5-04)

Dear Members of the Ohio State Dental Board:

On behalf of the undersigned dental organizations representing thousands of dental specialists in Ohio, **we strongly oppose the Ohio State Dental Board’s proposed revisions to Ohio Administrative Code 4715-5-04.** These changes pose significant risks to patient safety, threaten the integrity of dental specialty practice, and lack transparency in their development process. Despite their far-reaching impact on providers and patients, we are concerned that these revisions were drafted without consultation from Ohio’s dental and dental specialty organizations, whose missions include promoting optimal oral health by upholding the highest standards of patient care.

Our principal concern is the grave risk these revisions pose to patient safety, directly contradicting the Board’s mission to “protect the oral health of Ohioans and promote access to care.” Dentists are trusted healthcare leaders in their communities, and patients depend on accurate, transparent information about their providers’ training, education, and qualifications to make informed healthcare decisions. The proposed changes undermine this trust, fostering misinformation and potentially jeopardizing patient outcomes.

Oral health literacy remains a significant challenge for many Ohioans, who often struggle to differentiate between dental providers – these proposed revisions exacerbate that problem. A 2020 survey revealed that 73% of Ohio residents would assume a dentist advertising as a specialist had completed an accredited residency program. Notably, 70% of patient respondents indicated they would be less likely to seek specialty care if they learned the dentist had yet to complete such training.¹ Current specialty truth-in-advertising laws protect patients by ensuring clarity and preventing misleading claims about providers’ education and qualifications. The proposed amendments, however, would dismantle these safeguards, exposing patients to greater confusion and harm.

We oppose the provisions that eliminate the requirement for dentists to complete a Commission on Dental Accreditation (CODA) postdoctoral program before advertising as specialists and reject lifting restrictions that limit specialty advertising to only those designations recognized by the ADA’s National Commission on Recognition of Dental Specialties and Certifying Boards. Additionally, the new provision that allows dentists to advertise as a specialist—based solely on affiliation with a self-designated certifying board—opens the door to unregulated, inadequately trained practitioners.

The ADA’s National Commission on Recognition of Dental Specialties and Certifying Boards protects the public and the profession through a rigorous and objective review process for dental specialties and specialty certifying

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boards, based on the *Requirements for Recognition of Dental Specialties and National Certifying Boards for Dental Specialists.*” These requirements ensure that each individual specialty is well defined in scope, that it requires advanced knowledge, skills and training that differentiates it from other recognized specialties, and that it has a direct benefit to clinical patient care and meet the needs of the patient population, among others. Recognized specialties and boards undergo regular reviews to prove continued adherence to these standards. Allowing any “organization” to recognize specialties or specialists would lack this scrutiny and fail to uphold standards.

This deregulation risks the rise of uncertified boards or organizations granting “specialist” status through insufficient virtual or weekend courses in Ohio. Such programs lack the rigorous hands-on training and experience required for safe, competent specialty care that is already in place in the state. Currently, the Commission on Dental Accreditation is the sole agency recognized by the Department of Education for accreditation of dental and advanced dental education programs. By removing this specialty education training requirement, the Board jeopardizes patient safety and invites malpractice, undermining the very standards it is charged with upholding.

The Ohio State Dental Board has a duty to protect patients and ensure the provision of high-quality dental care across the state by dental professionals. **For these aforementioned reasons, we urge the Board to withdraw the proposed revisions to OAC 4715-5-04 and preserve Ohio’s existing specialty advertising requirements.** These protections are essential for preventing medical misinformation, safeguarding patient trust, and supporting positive health outcomes. Our organizations would welcome the opportunity to speak with you further about our concerns and the severe consequences this would have on Ohio dental specialists. Please contact Darcy McLaughlin at (312) 872-0462 or DMcLaughlin@aae.org to facilitate further discussion.

Sincerely,

American Academy of Oral and Maxillofacial Pathology
American Academy of Pediatric Dentistry
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American Association of Oral and Maxillofacial Surgeons
American Association of Orthodontists
American College of Prosthodontists
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