

**650—26.1(153) General.** Communications by inclusion or omission to the public must be accurate. They must not convey false, untrue, deceptive, or misleading information through statements, testimonials, photographs, graphics or other means. Communications must not appeal to an individual's anxiety in an excessive or unfair way; and they must not create unjustified expectations of results. If communications refer to benefits or other attributes of dental procedures or products that involve significant risks, realistic assessments of the safety and efficacy of those procedures or products must also be included, as well as the availability of alternatives and, where necessary to avoid deception, descriptions or assessments of the benefits or other attributes of those alternatives. Communications must not misrepresent a dentist's credentials, training, experience or ability, and must not contain material claims of superiority that cannot be substantiated.

There are several areas that the board believes to be susceptible to deceptive or misleading statements. While the board does not intend to discourage dentists from engaging in any form of truthful, nondeceptive advertising, dentists engaging in the type of advertising listed below shall take special care to ensure that their ads are consistent with these rules.

**26.1(1)** Claims that the service performed or the materials used are professionally superior to that which is ordinarily performed or used or that convey the message that one licensee is better than another when superiority of service or materials cannot be substantiated.

**26.1(2)** The use of an unearned or nonhealth degree in general announcements to the public.

**26.1(3)** The use of attainment of an honorary fellowship in an advertisement. An honorary fellowship does not include an award based on merit, study or research. However, the attainment of the fellowship status may be indicated in scientific papers, curriculum vitae, third party payment forms, and letterhead and stationery which is not used for the direct solicitation of patients.

**26.1(4)** Promotion of a professional service which the dentist knows or should know is beyond the dentist's ability to perform.

**26.1(5)** Techniques of communication which intimidate, exert undue pressure or undue influence over a prospective patient.

**26.1(6)** The use of any personal testimonial attesting to a quality of competence of a service or treatment offered by a licensee that is not reasonably verifiable.

**26.1(7)** Utilizing any statistical data or other information based on past performance or predication of future success, which creates an unjustified expectation about results that the dentist can achieve.

**26.1(8)** The communication of personally identifiable facts, data, or information about a patient without first obtaining patient consent.

**26.1(9)** Any misrepresentation of a material fact.

**26.1(10)** The knowing suppression, omission or concealment of any material fact or law without which the communication would be deceptive.

**26.1(11)** Any communication which creates an unjustified expectation concerning the potential result of any dental treatment.

**26.1(12)** Where the circumstances indicate "bait and switch" advertising, the board may require the advertiser to furnish to the board data or other evidence pertaining to those sales at the advertised price as well as other sales. Where the circumstances indicate deceptive advertising, the board will initiate an investigation or disciplinary action as warranted.