
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Martiny (SB 167)

Proposed law defines "advertisement" and "advertising" to mean any statement, oral or written, requested and approved in writing by a licensed dentist, disseminated to or displayed before the public or any portion thereof with the intent of selling professional dental services, offering to perform professional dental services, or inducing members of the public to enter into any obligation relating to such professional dental services. This shall apply to advertising of any nature regardless of whether it is in the form of paid advertising but shall not apply to any such statement which has not been requested and approved in writing by the licensed dentist. Listing, identifying, or grouping of dentists by an insurance company on a website or by any other means of disseminating information involving a dentist participating with an insurance company and an associated affiliate (i.e., third party payer including, without limitation, a dental health maintenance organization, a dental preferred provider organization, Medicaid, or a dental discount entity) shall not be deemed an advertisement or advertising by the dentist, and the insurance company, and the associated affiliate shall not be deemed a "referral" company nor shall a "listed" dentist be considered to be advertising through a referral service by participating with such a company.

Present law provides for one of powers of the Louisiana State Board of Dentistry (board) to be investigating complaints of illegal practice or a violation of present law when evidence is presented to the board.

Proposed law amends present law to provide the board the power to investigate complaints of illegal practice or a violation of present law when evidence is presented to the board. Further, upon receipt by the board of a complaint against a licensee, the board shall notify the licensee of the nature and facts of the complaint, the identity of the complainant, and provide the licensee with a copy of the complaint, if such a complaint is in writing.

Present law defines "unprofessional conduct" to mean advertising of dental services in any medium which has not been approved by the licensed dentist and which does not contain the dentist's full name, address, and telephone number.

Proposed law amends present law to define "unprofessional conduct" to mean advertising of dental services in any medium that does not contain the dentist's full name as it appears on the license or renewal certificate issued by the board or the dentist's commonly used name, address, and telephone number.

Present law provides when it is required by present law that an advertisement include the name of the advertising dentist as it appears on the license or renewal certificate of the dentist or the specialties of all dentists practicing within or under the name of a corporation, company,

association, limited liability company, or trade name be disclosed in the advertisement, such requirement shall be deemed to be sufficiently satisfied if the names and specialties of all dentists practicing in, with or under the said corporation, company, association, limited liability company, or trade name are made available on an Internet website fully disclosed in the advertisement, or are provided without delay to any individual requesting such information by contacting the advertiser at a telephone number also disclosed in the advertisement.

Proposed law amends present law to provide when it is required by present law that an advertisement include the name of the advertising dentist (either as it appears on the license or renewal certificate of the dentist or the dentist's commonly used name) or the specialties of all dentists practicing within or under the name of a corporation, company, association, limited liability company, or trade name be disclosed in the advertisement, and address and phone number of the dentist, such requirement shall be deemed to be sufficiently satisfied if the names and specialties of all dentists practicing in, with or under the said corporation, company, association, limited liability company, or trade name and the address and the phone number are made available on an Internet website fully disclosed in the advertisement, or are provided without delay to any individual requesting such information by contacting the advertiser at a telephone number also disclosed in the advertisement.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:751(A), 760(A)(7), and 775(A)(9) and (B))