
SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 167 by Senator Martiny

1 AMENDMENT NO. 1

2 On page 1, line 2, after "37:751(A)," delete the remainder of the line and delete lines 3 and
3 4 and insert:

4 "775(A)(2) and (9) and (B), and 776(14) and to enact R.S. 37:780(B)(3), relative to
5 the Louisiana State Board of Dentistry; to provide for definitions; to provide for
6 dental advertisements; to provide relative to unprofessional conduct; to provide for
7 fines; to provide for terms, procedures, and conditions; and to provide for related"

8 AMENDMENT NO. 2

9 On page 1, delete lines 7 and 8 and insert:

10 "Section 1. R.S. 37:751(A), 775(A)(2) and (9) and (B), and 776(14) are hereby
11 amended and reenacted and R.S. 37:780(B)(3) is hereby enacted to read as follows:"

12 AMENDMENT NO. 3

13 On page 1, line 12, delete "**in writing**"

14 AMENDMENT NO. 4

15 On page 1, line 16, change "**advertising**" to "**an approved statement**"

16 AMENDMENT NO. 5

17 On page 1, line 17, after "**advertising**" insert a period and delete the remainder of the line
18 and on page 2, delete lines 1 and 2 and insert:

19 "**In addition, listing, identifying, or grouping of dentists by an insurance**"

20 AMENDMENT NO. 6

21 On page 2, line 5, change "**(i.e., third party payer)**" to "**, including but not limited to a**
22 **third party payor**"

23 AMENDMENT NO. 7

24 On page 2, line 7, change "**entity)**" to "**entity,**"

25 AMENDMENT NO. 8

26 On page 2, delete lines 8 through 10, and insert "**by the dentist. For the purposes of this**
27 **Chapter, neither the insurance company nor the associated affiliate shall be deemed**
28 **a referral company and a listed dentist shall not be considered to be advertising**
29 **through a referral service by participating with such company or affiliate.**"

30 AMENDMENT NO. 9

31 On page 3, delete lines 27 through 29 and on page 4, delete lines 1 through 7

1 AMENDMENT NO. 10

2 On page 4, between lines 10 and 11

3 "(2) Not including in advertisements the name which appears on the license or
4 renewal certificate of the dentist, **the dentist's commonly used name, or the name**
5 which is authorized under Chapter 11 of Title 12 of the Louisiana Revised Statutes
6 of 1950, as amended, relative to professional dental corporations or the use in
7 advertisements of any name other than that which appears on the license or renewal
8 certificate of the dentist, **the dentist's commonly used name, or the name** which
9 is authorized under Chapter 11 of Title 12 of the Louisiana Revised Statutes of 1950,
10 as amended, relative to professional dental corporations.

11 * * *

12 AMENDMENT NO. 11

13 On page 4, line 11, after "(9)" insert "(a)"

14 AMENDMENT NO. 12

15 On page 4, line 12, change "~~which~~ **that**" to "which"

16 AMENDMENT NO. 13

17 On page 4, between lines 14 and 15 insert:

18 **"(b) Intentionally releasing inaccurate or misleading information by a dentist**
19 **to any source that promotes dissemination of inaccurate or misleading**
20 **information about the dentist by, from, or through such source and failing to**
21 **take immediate steps to request the correction of the inaccurate or misleading**
22 **information that has been released by the source pursuant to its relationship**
23 **with the dentist. For the purposes of this Subparagraph, "source" includes but**
24 **is not limited to an insurance company, dental health maintenance organization,**
25 **a dental preferred provider organization, Medicaid, dental discount company,**
26 **or any other third party.**
27 **(c) Engaging or hiring an advertising agency or any other agency or person to**
28 **prepare material to promote the dentist's professional dental services, and**
29 **thereafter failing to review and approve the material before publication or**
30 **release, unless the dentist can show the failure to review and approve the**
31 **material was caused by the failure of the agency or person and not his own.**

32 AMENDMENT NO. 14

33 On page 4, line 16, after "B." insert "(1)"

34 AMENDMENT NO. 15

35 On page 4, line 17, change "~~(either~~" to "**, either**"

36 AMENDMENT NO. 16

37 On page 4, line 19, change "**name)**" to "**name,**"

38 AMENDMENT NO. 17

39 On page 4, line 21, change "**phone**" to "**telephone**"

40 AMENDMENT NO. 18

41 On page 4, line 22, change "requirement" to "requirement **requirements**"

1 AMENDMENT NO. 19

2 On page 4, line 25, change "phone" to "telephone"

3 AMENDMENT NO. 20

4 On page 4, delete lines 28 and 29 and on page 5, delete lines 1 through 3 and insert:

5 ~~"advertisement. Whether the advertisement is run by the corporation, company,~~
6 ~~association, limited liability company, or trade name, or any individual member~~
7 ~~practicing therein, all dentists practicing in, with or under the corporation, company,~~
8 ~~association, limited liability company, or trade name shall be responsible for the~~
9 ~~content of the advertisement. Whenever any advertisement is run by or on behalf~~
10 ~~of a corporation, company, association, limited liability company, or trade~~
11 ~~name, all dentists practicing in, with or under the corporation, company,~~
12 ~~association, limited liability company, or trade name shall be responsible for the~~
13 ~~content of the advertisement unless an individual dentist practicing in, with or~~
14 ~~under the corporation, company, association, limited liability company, or trade~~
15 ~~name, advises the board in writing prior to the time the board takes any action~~
16 ~~regarding the advertisement that he assumes sole responsibility for the~~
17 ~~advertisement. If an individual dentist assumes sole responsibility for the~~
18 ~~advertisement pursuant to the provisions of this Paragraph, no other dentist~~
19 ~~shall be responsible for such advertisement.~~

20 (2) Whenever the board determines that an advertisement constitutes a
21 violation of R.S. 37:775(A)(3), (4), or (5), before taking any further action, the
22 board shall notify the advertising dentist by mail of its determination and the
23 specific portion of the advertisement that constitutes a violation. The dentist
24 shall have thirty days from the date of receipt of the notice by the dentist to
25 correct the portions of the advertisement in violation and submit to the board
26 proof of such correction. If the advertisement is corrected to remove the
27 violation within thirty days, the board shall take no further action against the
28 advertising dentist for unprofessional conduct with regard to such
29 advertisement. In the event an advertisement cannot be corrected within the
30 thirty days, it shall be deemed sufficient if the dentist submits proof to the board
31 within thirty days that he has directed that the correction be made at the next
32 publication date. Pursuant to the provisions of this Paragraph, a dentist shall
33 have this right to correct an advertisement deemed by the board to be in
34 violation of R.S. 37:775(A)(3), (4), or (5) only the first two times notified of such
35 violation; there shall be no right to correct a third or any subsequent violation,
36 whether for the same advertisement or for subsequent advertisements. If an
37 advertisement is run by or on behalf of a corporation, company, association,
38 limited liability company, or trade name, the aforementioned right to correct
39 shall be limited to two times, regardless of the number of dentists in or
40 associated with the corporation, association, limited liability company, or trade
41 name.

42 §776. Causes for nonissuance, suspension, revocation, or imposition of restrictions
43 of dental hygienist license

44 A. The board may refuse to issue or may suspend or revoke any license or permit or
45 impose probationary or other limits or restrictions on any dental license or permit
46 issued under this Chapter for any of the following reasons:

47 * * *

48 (14) Practicing under any name other than that which appears on the license or
49 renewal certificate, the dentist's commonly used name, or the name which is
50 authorized under Chapter 11 of Title 12 of the Louisiana Revised Statutes of 1950,
51 relating to professional dental corporations.

52 * * *

53 §780. Hearing; notice; penalty; interest

54 * * *

55 B. * * *

1
2
3
4
5
6
7
8
9
10

(3) Regardless of medium, each advertisement found by the committee to be in violation of the provisions of this Chapter shall be considered a single violation, regardless of the actual number of violations occurring in the advertisement or the number of dentists included in the advertisement. Notwithstanding any other provision of this Section, any fine imposed pursuant to this Section for an advertising violation shall be not less than five hundred dollars nor more than five thousand dollars for the first offense, and the maximum allowable amount of such fine shall increase incrementally by five thousand dollars for each subsequent offense.

* * *