

GREEN SHEET REDIGEST

HB 346

2015 Regular Session

Hoffmann

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

DENTISTRY/DENTISTS: Provides relative to advertising by dentists

DIGEST

Abstract: Authorizes the La. State Board of Dentistry to provide an advisory opinion regarding proposed advertising by dentists.

Present law authorizes the La. State Board of Dentistry (board) to regulate the advertisements of dentists.

Proposed law retains present law.

Proposed law authorizes any dentist who wishes to advertise to submit a copy of the proposed advertisement to the board for an advisory opinion on whether the advertisement complies with the requirements of the statutes and rules applicable to dental advertising in La.

Proposed law requires a dentist, when requesting an advisory opinion from the board, to submit the following to the board at least 30 days in advance of the desired opinion date:

- (1) A copy of the advertisement or communication in the form or forms in which it is to be disseminated.
- (2) A typewritten transcript of the advertisement or communication.
- (3) A printed copy of all text used in the advertisement.
- (4) An accurate English translation.
- (5) A sample envelope in which the written communication will be enclosed.
- (6) A statement listing all media in which the advertisement or communication will appear, the anticipated frequency of use of the advertisement or communication in each medium in which it will appear, and the anticipated time period during which the advertisement or communication will be used.
- (7) Any additional information requested by the board.
- (8) Fee for review of proposed advertising as provided by law.

Proposed law provides that the advisory opinion issued by the board, though not conclusive, may be used as evidence in any disciplinary proceeding by the board in which an advertising violation is alleged.

Proposed law authorizes the board, if an advertisement previously approved in an advisory opinion is later found to be out of compliance, to require the dentist to amend or remove the nonconforming advertisement in lieu of imposing penalties. The board is prohibited from imposing a penalty unless the dentist fails to take steps to either amend or remove the advertisement within 30 days after receiving notice from the board.

Present law authorizes the board to collect certain fees.

Proposed law retains present law and adds a fee for review of proposed advertising with a minimum of \$150.00 and a maximum of \$300.00.

Present law requires the board to notify the advertising dentist by mail if it determines that a portion of an advertisement constitutes unprofessional conduct. Present law further requires the board to provide the dentist with 30 days to correct the portions of the advertisement in violation and submit to the board proof of the correction prior to any disciplinary action being taken. The option to correct an advertisement under present law may be used by a dentist for the first two violations.

Proposed law limits present law to instances where there is no clear violation or no false claims regarding specialization.

(Amends R.S. 37:775(B); Adds R.S. 37:775(C) and 795(B)(1)(n))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Add a provision authorizing the board to require the amendment or removal of a previously approved advertisement in lieu of imposing penalties.
3. Limit present law provisions granting a dentist the opportunity to avoid penalties by amending or removing an advertisement deemed to be unprofessional conduct to instances where there is no clear violation or no false claims regarding specialization.
4. Make proposed law effective August 1, 2015.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the reengrossed bill

1. Makes technical change.