

ASSEMBLY BILL

No. 1026

**Introduced by Assembly Member Oropeza
(Coauthor: Assembly Member Aanestad)**

February 23, 2001

An act to add Sections 650.5, 650.6, 650.7, and 650.8 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1026, as introduced, Oropeza. Healing arts: dentists.

Existing law provides that a dentist may not engage in false advertising. A dentist may not state that his or her practice is limited to a specific field unless he or she is certified or eligible for certification in that field by a private or public board or parent association recognized by the American Dental Association. A dentist may not advertise professional superiority.

This bill would authorize a dentist to advertise that his or her practice is limited to a specific field if the dentist is certified or meets certification requirements or the advertisement discloses that he or she is a general dentist. The bill would authorize a dentist who has credentials from a dental specialty board recognized by the American Dental Association to advertise as a specialist. Pursuant to the bill, a dentist would be permitted to advertise credentials granted by a private or public board or parent association not recognized by the American Dental Association only under specified circumstances.

This bill would also define for the purposes of the bill the terms “advertising” and “advertisement.”

Because the bill’s prohibitions on advertising would create new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 650.5 is added to the Business and
2 Professions Code, to read:

3 650.5. A dentist may advertise that his or her practice is
4 limited to a specific field of dentistry if that dentist is certified or
5 eligible for certification by a dental specialty board recognized by
6 the American Dental Association. A dentist who is not certified or
7 eligible for certification by a dental specialty board recognized by
8 the American Dental Association may only advertise that his or her
9 practice is limited to a specific field of dentistry if the dentist
10 discloses that he or she is a general dentist.

11 SEC. 2. Section 650.6 is added to the Business and
12 Professions Code, to read:

13 650.6. (a) A dentist may advertise credentials that he or she
14 has been granted by a dental specialty board recognized by the
15 American Dental Association.

16 (b) A dentist may not advertise credentials that he or she has
17 been granted by a private or public board or parent association not
18 recognized by the American Dental Association, unless all of the
19 following apply:

20 (1) The organization granting the credential grants certification
21 or diplomate status based on the following:

22 (A) The dentist’s successful completion of a formal, full-time
23 advanced education program (graduate or postgraduate level) of
24 at least 12 months’ duration.

25 (B) Successful completion of an oral and written examination
26 based on psychometric principles.

27 (C) Training and experience subsequent to successful
28 completion of subparagraphs (A) and (B) to assure competent



1 practice in the dental discipline, as determined by the private or
2 public board or parent association that grants the credentials.

3 (2) Any advertisement that references the dentist’s credentials
4 shall include the following statement: “(Name of announced area
5 of dental practice) is not recognized as a specialty of the
6 practitioner by the American Dental Association.”

7 (3) The dentist discloses that he or she is a general dentist in any
8 advertising that references the dentist’s credential.

9 (c) A dentist is not prohibited from advertising credentials on
10 the basis that the credentials were granted without examination if
11 the credentials were granted prior to 1985.

12 SEC. 3. Section 650.7 is added to the Business and
13 Professions Code, to read:

14 650.7. A dentist may not advertise that he or she is a specialist
15 unless he or she is certified or eligible for certification by a dental
16 specialty board recognized by the American Dental Association.

17 SEC. 4. Section 650.8 is added to the Business and
18 Professions Code, to read:

19 650.8. (a) For purposes of Sections 650.5, 650.6, 650.7, and
20 this section, “advertising” or “advertisement” means the
21 following:

22 (1) Any written or printed communication for the purpose of
23 soliciting, describing, or promoting a dentist’s licensed activities,
24 including a brochure, letter, pamphlet, newspaper, telephone
25 listing, periodical, business card, or other writing.

26 (2) Any directory listing caused or permitted by a dentist that
27 indicates his or her licensed activity.

28 (3) Any radio, television, computer network or similar airwave
29 or electronic transmission that solicits or promotes the dentist’s
30 practice.

31 (4) Any printing or writing on novelty objects or dental care
32 products.

33 (b) For purposes of Sections 650.5, 650.6, 650.7, and this
34 section, “advertising” or “advertisement” does not include any
35 of the following:

36 (1) Any printing or writing used on buildings, uniforms or
37 badges, where the purpose of the writing is for identification.

38 (2) Any printing or writing on memoranda or other
39 communications used in the ordinary course of business where the



1 sole purpose of the writing is other than the solicitation or
2 promotion of the dentist's practice.

3 SEC. 5. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

