**Section 1220.421 Advertising**

a) Persons licensed to practice dentistry in the State of Illinois may advertise in any medium or other form of public communication in a manner that is truthful, and that is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. The advertising shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive.

b) Information that may be contained in the advertising includes:

1) Dentist's name, address, office hours and telephone number;

2) Schools attended;

3) Announcement of the opening of, change of, or return to practice;

4) *Announcement of additions to or deletions from professional dental staff* (Section 45 of the Act);

5) Dentist's hospital affiliations;

6) Any specialty licenses held, Board certification, professional society memberships and any limitations or concentrations of practice;

7) Credit arrangements and/or acceptance of Medicare/Medicaid patients;

8) Foreign language ability;

9) Usual and customary fees for routine professional services that must include a statement that fees may be adjusted due to complications or unforeseen circumstances unless the fees do not vary under any circumstances;

10) Description of offices in which dentist practices, e.g., accessibility to the handicapped, laboratory facilities on the premises, convenience of parking; and

11) *Other information about the dentist, the dentist's practice, or the types of practice in which the dentist will accept employment, which a reasonable person might regard as relevant in determining whether to seek the dentist's services.* (Section 45 of the Act)

c) If an advertisement is communicated to the public over television, radio or the Internet, it shall be prerecorded and approved for broadcast by the dentist, and a recording of the actual transmission, including videotape, shall be retained by the dentist for a period of at least 3 years. Upon a written request from the Division, a dentist shall provide the Division with a copy of any such advertisement within 7 working days after receipt of the request (e.g., upon initiation of any investigation, receipt of a complaint, inquiry from the public, etc.).

d) Information that may be untruthful, fraudulent, deceptive, inherently misleading, or that has proven to be misleading in practice includes that which:

1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;

2) Guarantees favorable results or creates false or unjustified expectations of favorable results;

3) Takes advantage of the potential client's fears, anxieties, vanities, or other emotions;

4) Contains exaggerations pertaining to the quality of dental care;

5) Describes as available products or services that are not permitted by the laws of this State and/or applicable Federal laws; and

6) Advertises professional services that the dentist is not licensed to render.

e) A dentist may incorporate as a professional service corporation or other business entity permitted to provide dental services under a fictitious or an assumed name; however, all advertisements for dental services to be performed by members or employees of the corporation or other business entity must comply with the following conditions:

1) A dentist licensed and practicing in Illinois shall be designated at each practice location for the corporation or other business entity who shall assume responsibility for all advertising in Illinois.

2) The name, office address and office phone number of the designated dentists shall appear in all advertising for the corporation or other business entity.

3) The names of the owners of the corporation or other business entity, if other than the designated dentists, shall appear in all advertising for the corporation or other business entity.

4) A list of all dentists employed by the corporation or other business entity who perform dental services shall be prominently displayed at the location where they practice.

5) If the corporation or other business entity offers to practice both general dentistry and any licensed specialty, all advertising for the specialty shall include the name of the licensed dental specialists who performs the specialty services.

f) When words relating to specialty practice are used in an advertisement, the advertisement must not imply that the dentist offering those services is licensed as a specialist unless he holds a specialty license issued by the Division. Words that cannot be used by a dentist unless licensed in that specialty are Endodontist, Pedodontist, Pediatric Dentist, Periodontist, Prosthodontist, Orthodontist, Oral and Maxillofacial Radiologist, or Oral and Maxillofacial Surgeon. Terms such as "Specialist", "Practice Limited To" or "Limited To Specialty Of", with the name of the branch of dentistry practiced as a specialty, (endodontics, periodontics (pediatric dentistry), periodontics, prosthodontics, orthodontics, oral and maxillofacial radiology and oral and maxillofacial surgery) shall be prima facie evidence that such dentist is holding himself out to the public as a specialist. A general dentist who advertises, in any media, using words or phrases customarily used by a specialist, except those prohibited above, but who does not hold a specialty license, shall include in the advertisement a prominent disclaimer that he or she is licensed only as a general dentist.

g) Any advertisements offering the availability of those recognized dental specialties specified in Section 1220.310, or offering the availability of some other "specialty" practice not specifically recognized by the Division shall contain a prominent disclaimer in the form of a statement setting forth the specialties in which the dentist is licensed in Illinois and/or a statement that the dentist is licensed to practice as a general dentist in Illinois.

h) Advertising shall not use language suggesting a dental specialty that is not specified in Section 1220.310 unless it contains the disclaimer required in subsection (g). Examples of language requiring disclaimer: family dentistry, cosmetic dentistry, restorative dentistry, preventive dentistry, hospital dentistry, implant dentistry, TMJ, cranio mandibular dentistry.

(Source: Amended at 38 Ill. Reg. 15907, effective July 25, 2014)