

SENATE BILL 886

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11r2926

By: **Senator Gladden**

Introduced and read first time: February 21, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners – Dentists – Advertisements – Materials**
3 **Containing Mercury**

4 FOR the purpose of authorizing licensed dentists to advertise certain information
5 relating to their dental practices and materials containing mercury; prohibiting
6 the State Board of Dental Examiners from requiring a certain advertisement to
7 contain a disclaimer; and generally relating to the State Board of Dental
8 Examiners and advertisements by dentists.

9 BY repealing and reenacting, with amendments,
10 Article – Health Occupations
11 Section 4–503
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Health Occupations**

17 4–503.

18 (a) A licensed dentist may not advertise:

19 (1) To guarantee any dental work;

20 (2) Making an undifferentiated claim to do dental work painlessly;

21 (3) To do dental work in a superior manner; or

22 (4) Falsely or in a manner that tends to deceive or mislead the public.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) A licensed dentist may not:

2 (i) Use the designation “Dental Surgeon” on a sign that bears
3 the name of the licensee; or

4 (ii) Include a specialty designation in a card, letterhead, sign,
5 telephone directory listing, or other printed matter that bears the name of the
6 licensee, unless:

7 1. The licensee is identified by the Board as a specialist
8 in the designated field under § 4–504 of this subtitle; and

9 2. The language used to refer to the specialty is
10 approved by the Board.

11 (2) A licensed dentist may use the designations “Dr.,” “dentist”,
12 “D.D.S.,” or “D.M.D.” on a sign that bears the licensee’s name.

13 (c) A person who is not a licensed dentist may not solicit or advertise to the
14 general public in any manner that the person alters, constructs, duplicates, repairs, or
15 supplies a dental appliance.

16 (d) A licensed dentist may use a trade name in connection with the practice
17 of dentistry provided that:

18 (1) The use of the trade name is not deceptive or misleading;

19 (2) The advertisement in which the trade name appears includes the
20 name of the licensed dentist or the name of the business entity providing the dental
21 services being advertised as long as the advertisement includes the name of a licensed
22 dentist;

23 (3) The name of the licensed dentist providing dental services shall
24 appear on the billing invoices, and on the receipts if any are given to patients; and

25 (4) Treatment records are maintained that clearly identify the
26 licensed dentist who has performed the dental service for any patient.

27 **(E) (1) A LICENSED DENTIST MAY ADVERTISE TO THE PUBLIC THAT**
28 **THE LICENSED DENTIST:**

29 **(I) PRACTICES OR ADVOCATES “MERCURY-FREE”**
30 **DENTISTRY; OR**

31 **(II) REMOVES MERCURY AMALGAMS FOR REPLACEMENT**
32 **WITH NONMERCURY-CONTAINING MATERIALS.**

1 **(2) THE BOARD MAY NOT REQUIRE AN ADVERTISEMENT UNDER**
2 **PARAGRAPH (1) OF THIS SUBSECTION TO INCLUDE ANY DISCLAIMER.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.