

# COMPARISON OF ADVERTISING RULES FOR DENTISTS IN CANADA

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## Table of Contents

I.	OVERVIEW.....	3
A.	No False, misleading or deceptive advertising .....	3
B.	Advertising Should Not Create Unreasonable Expectations in the Reader.....	3
C.	Objectively Verifiable Statements .....	3
D.	Continuing Education .....	3
E.	Use of titles and Specialties, Fellowships, and Memberships.....	3
F.	Fees.....	3
G.	Testimonials .....	3
H.	Time limited offers and discounts .....	4
I.	Superiority of Equipment, Services, Treatment and Products .....	4
J.	Trade Names .....	4
II.	ADVERTISING REGULATIONS DATA TABLES .....	5
III.	ADVERTISING REGULATIONS BY PROVINCE.....	6
IV.	ADVERTISING REGULATIONS BY OTHER ALBERTA HEALTH CARE PROFESSIONS .....	6
V.	PROVINCIAL COMPARISONS.....	7
A.	British Columbia – College of Dental Surgeons of British Columbia.....	7
B.	Manitoba – Manitoba Dental Association.....	8
C.	New Brunswick – New Brunswick Dental Society .....	9
D.	Newfoundland and Labrador – Newfoundland and Labrador Dental Board .....	10
E.	Nova Scotia – Provincial Dental Board of Nova Scotia.....	10
F.	Nunavut (Nunavut Registrar’s Office), Northwest Territories (Government of the Northwest Territories), and Yukon (Registrar’s Office).....	11
G.	Ontario – Royal College of Dental Surgeons of Ontario.....	11
H.	Prince Edward Island – Dental Council of Prince Edward Island.....	14
I.	Quebec - Ordre des dentistes du Québec.....	17
J.	Saskatchewan – College of Dental Surgeons of Saskatchewan.....	19
VI.	OTHER ALBERTA HEALTH CARE PROFESSIONS .....	22
A.	Chiropractors – Alberta College and Association of Chiropractors.....	22
B.	Dental Hygienist – College of Registered Dental Hygienists of Alberta .....	24
C.	Denturists – College of Alberta Denturists .....	25
D.	Physicians – College of Physicians and Surgeons of Alberta.....	25
E.	Physiotherapists – Physiotherapy Alberta College and Association .....	26
VII.	BIBLIOGRAPHY .....	27

## I. OVERVIEW

Provincial dental regulatory authorities have advertising rules and regulations on what can and cannot be advertised. The Alberta Dental Association and College Code of Ethics, *Health Professions Act* and the Guide for Advertising and Promotional Activities for Alberta Dentists are solidly in line with the practices of all other dental regulatory bodies throughout Canada. The Alberta Dental Association and College is not an outlier and our rules are in line with the majority of the provinces. There are provinces that have more stringent restrictions on dental advertising than Alberta.

Several categories of topical advertising rules or restrictions are identified below. Following this, are the results of the review.

**A. No False, misleading or deceptive advertising**

All provinces have rules restricting advertising that is false, misleading or deceptive.

**B. Advertising Should Not Create Unreasonable Expectations in the Reader**

All provinces have rules restricting statements that may create unreasonable expectations about treatment and/or dental services.

**C. Objectively Verifiable Statements**

All provinces have rules restricting statements that are not objectively verifiable.

**D. Continuing Education**

One province permits the advertising of continuing education in a specific manner.<sup>1</sup> All remaining provinces have rules prohibiting advertising about continuing education.

**E. Use of titles and Specialties, Fellowships, and Memberships**

All provinces have rules restricting which dentists can use specific titles and identify themselves as specialists.

**F. Fees**

There are two provinces<sup>2</sup> that do not have specific, published rules about advertising fees. The remaining provinces all explicitly permit the advertising of fees.<sup>3</sup>

**G. Testimonials**

There are four provinces<sup>4</sup> that do not have specific, published rules about testimonials. The remaining provinces all prohibit the use of testimonials.

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<sup>1</sup> British Columbia

<sup>2</sup> New Brunswick and Nova Scotia.

<sup>3</sup> Manitoba has specific requirements for how fees are advertised within Article B5.

<sup>4</sup> PEI, Nova Scotia, Manitoba, and BC. Manitoba does not prohibit the use of testimonials but if called upon the dentist must prove that the testimonial has no bias.

#### **H. Time limited offers and discounts**

There are two provinces<sup>5</sup> that do not have specific, published rules about time limited offers and discounts. There are two provinces<sup>6</sup> that permit time limited offers. The remaining provinces all prohibit the use of time limited offers and discounts.

#### **I. Superiority of Equipment, Services, Treatment and Products**

All provinces have specific, published rules prohibiting statements of superiority.

#### **J. Trade Names**

Two provinces<sup>7</sup> have significant restrictions on Trade Names such that only a dentist's name or their partner's names can be used as a Trade Name. There are two provinces<sup>8</sup> that have no specific published rules about Trade Names. The remaining provinces have rules similar to Alberta.

Canadian dental regulatory authorities are required to implement rules and regulations on advertising on what can and cannot be advertised. The Alberta Dental Association and College Code of Ethics and The Guide for Advertising and Promotional Activities for Alberta Dentists is solidly in line with the practices of all other dental regulatory bodies throughout Canada. The Alberta Dental Association and College has maintained a balance between regulation and providing meaningful dental information to the general public. The interests of the public must be maintained, and it is clear that the Code of Ethics and The Guide for Advertising and Promotional Activities for Alberta Dentists were designed to ensure that the marketing practices of dentists do not mislead the general public.

Trade Names were reviewed as the Alberta Dental Association and College comes under significant scrutiny for requiring approval for Trade Names and then for rejecting Trade Names that otherwise are alleged to be reasonable. In Quebec and PEI there are significant restrictions on Trade Names such that a dentist is only permitted to use their name or their partners' names as a Trade Name<sup>9</sup>.

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<sup>5</sup> PEI and Nova Scotia.

<sup>6</sup> New Brunswick and Quebec

<sup>7</sup> Quebec and Prince Edward Island.

<sup>8</sup> New Brunswick and, Nova Scotia.

<sup>9</sup> By-Law 5(j)(3); Prince Edward Island. *Dental Act*, section 36: Quebec.

## II. ADVERTISING REGULATIONS DATA TABLES

The following two tables contain information pertaining to the advertising regulations that are currently in place within each of the provincial dental regulatory bodies across Canada. The following two tables provides a breakdown of the advertising regulations that are currently in place within each province in Canada. The tables merely reflect the issues that are covered within the governing documents of each dental regulatory body.

The following is a guide to assist with the interpretation of the data tables:

- × - There is an identifiable passage within the province’s governing document that pertains to the issue category and it is not permitted.
- √ - There is an identifiable passage within the province’s governing document that pertains to the issue category and it is permitted.
- Blank - This means that no identifiable passage within the province’s governing document was found.
- N/A - Not applicable
- CofE - Code of Ethics
- Leg - Legislative Acts
- BL - By-Laws
- S - Standards

### III. ADVERTISING REGULATIONS BY PROVINCE

Province	False Misleading or Deceptive	Creating Unreasonable Expectations	Objectively Verifiable Statements	Citations for Articles Research and Data	Trade Name Process	Continuing Education	Use of Titles and Specialists	General Dentist Services	Fees	Guarantees	Testimonials	Discounts Time Limited Offers	Contradictory Disclaimers	Superiority of service, treatment, product	Manufacturer Slogans Logos Links	Referral Incentives	Retain Advertising	Source of Reference
Alberta	×	×	×	√	√	×	√	√	√	×	×	×	×	×	×	×		CofE, Leg, BL
B.C.	×	×	×	×	√	√	√	√	√	×	√	√	×	×		√		CofE, BL
Manitoba	×	×	×	√	√	×	√	√	√	√	√	×	×	×		×		CofE, Leg
New Brunswick	×	×	×	√	√	×	√	√	×	×	×	√	×	×	×	×		BL
Newfoundland	×	×	×	√	√	×	√	√	√	×	×	×	×	×	×	×		CofE, Leg, BL
Nova Scotia	×	×	×	N/A	√	×	√	√	√	×	×	×	√	×		×		Leg, CofE, S
Ontario	×	×	×	√	√	×	√	√	√	×	×	×	×	×		×		CofE, Leg
PEI	×	×	×	N/A	√	×	√	×	√	×	×	×	×	×	×	×		Leg, BL
Quebec	×	×	×	√	√	×	√	√	√	√	×	√	×	×		×	5 years	CofE, Leg
Saskatchewan	×	×	×	×	√	×	√	√	√	×	×	×	×	×	×	×		CofE, BL, S

### IV. ADVERTISING REGULATIONS BY OTHER ALBERTA HEALTH CARE PROFESSIONS

Other Medical Professions in Alberta	False Misleading or Deceptive	Creating Unreasonable Expectations	Objectively Verifiable Statements	Citations for Articles Research and Data	Trade Name Process	Continuing Education	Use of Titles and Specialists	General Dentist Services	Fees	Guarantees	Testimonials	Discounts Time Limited Offers	Contradictory Disclaimers	Superiority of service, treatment, product	Manufacturer Slogans Logos Links	Referral Incentives	Retain Advertising	Source of Reference
Chiropractor	×	×	×		√	×	√	N/A	√	×	√	×		×	×	√		Leg, CofE, S
Dental Hygienist	×	×	×	×	√	×	×	N/A	√			×		×		×	2 years	CofE
Denturist	×	×	×	√		×	×	N/A	√			×				×		Leg, CofE, BL, S
Physicians	×	×	×	√		×	√	N/A	√		×	×	√	×		×		Leg, CofE
Physiotherapist	×	×	×					N/A	√	×		×		×	×	×		CofE, Leg, S
Canadian Code of Advertising Standards	×	×	×	√				N/A		×	×	√	×	×	√			S

## V. PROVINCIAL COMPARISONS

The purpose of this report is to provide a comparison of the advertising rules and regulations that are currently in place across Canada by the Provincial Dental Regulatory Authorities. The three Territories were not included as they are not self-regulating and do not provide direction on advertising. These rules and regulations will also be evaluated in light of some other health care professionals who actively utilize advertising for the purpose of attracting patients.

The documents that have been taken into consideration for the purpose of this analysis and evaluation are Codes of Ethics<sup>10</sup>, By-Laws, Standards, and Legislative Acts.

### A. British Columbia – College of Dental Surgeons of British Columbia

The Code of Ethics and By-Law Part 12 were acquired and reviewed. Distinctions in their rules are as follows:

Principle 9 – “Never overstate or embellish abilities and qualifications, or engage in any activity, including advertising or speech that could mislead a reasonable person.”

Principle 11 – “Patients should be informed of their oral health status without disparaging remarks about prior services or circumstances.”

By-Law Part 12 – Section 12.7 – “Dentists must not engage in, authorize, or condone advertising and promotional activities that are: ...4) Likely to create unrealistic expectations about treatment or appeal to fears about dental treatment; 5) Contrary to the best interests of the public, including, but not limited to, activities which may 1) Induce patients to ask for or receive services not required or not in their best interest;”

By-Law Part 12 – Section 12.8 – “When a dentist is named or referenced in advertising and promotional materials that reference must include: 1) The name of the dentist, immediately followed by 1.1) Whether the dentist is a general dentist or a certified specialist, along with the name of the certified specialty; and 1.2) Nothing else.”

By-Law Part 12 – Section 12.10 – “A dentist is permitted to list information about continuing dental education courses or programs in which they have engaged either as an instructor or participant. When listing information about continuing education, the dentist must list the: 1) Name of the course or program; 2) Name of the provider; 3) Location(s) at which instruction was delivered; 4) Date course or program was completed; 5) Number of hours of instruction; and 6) Nothing else.”

By-Law Part 12 – Section 12.11 – “...a dentist must not use, list or refer to any dental or dental-related title, designation, certificate, certification, association, registration, honour, membership, diploma, or any other dental or dental-related reference whatsoever derived from or conferred through either their continuing education activities or granted, conferred or awarded through any other means.”

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<sup>10</sup> Article A8 and the B Articles of the Alberta Dental Association and College Code of Ethics.

By-Law Part 12 – Section 12.13 – “Dentists may not advertise free or discounted goods or services, or participate in rewards programs aimed at promoting a particular treatment. 1) This bylaw does not apply to pro bono services, or services provided to low income patients who would not otherwise have access to care.”

By-Law Part 12 – Section 12.15 – “A dentist must not, in connection with the practice of dentistry, use any trade name or designation or any distinguishing name for any premises in which the dentist carries on the practice of dentistry or in advertising and promotional materials, other than: 1) The names of the dentists practicing there; 2) The name of a dental corporation which has been approved under these bylaws; or 3) A trade name that does not otherwise contravene this bylaw.”

## B. Manitoba – Manitoba Dental Association

The Code of Ethics and the *Dental Association Act* were acquired and reviewed. Distinctions in their rules are as follows:

Article A1 – “Ethical obligations may and often do exceed legal duties.”

Article A8 – “Dentists must not, either by statement or implication, make unsupportable statements as to the success of operations, appliances or treatment.”

Article B1 – “Dentists shall not represent their education, qualifications or competence in any way that would be false or misleading.”

Article B4 – “False, Misleading or Deceptive – Dentists who advertise services or procedures, which are generally available from all dentists, must take great care to ensure that the advertising is not misleading. For example, suppose an advertisement states ‘We have sterilization procedures in place.’ This statement is misleading since it may cause patients to conclude that they should patronize the advertising dentist because other dentists would not have the same sterilization standards. Similarly, statements implying superior facilities using trade names of equipment and materials would also be considered misleading, for example Superior Dental Clinic, Best Dental Centre.”

Article B4 – “Health Status – An advertisement or other communication intended to solicit patients, which omits material facts necessary to put the information conveyed in the advertisement in a proper context, can be misleading. An advertisement to the public of HIV negative test results, without conveying additional information that will clarify the scientific significance of this fact, is an example of a misleading omission. A dental practice shall not seek to attract patients on the basis of partial truths which create false impressions. Reference to, or advertising of any dentist’s health status, whether its use is for internal or external office promotion, shall be considered unethical conduct. Should dentists wish to discuss this subject with their patients, it is appropriate to do so in person but not by advertising.”

Article B4 – “Name of Practice and Trade Names – For example, trade names such as the following may create unrealistic expectations in patients: Gentle, Caring Dentistry and Painless Dentistry. Other trade names may not be objectively verifiable, for example ‘Best Dentistry’.”

Article B4 – “Honorary Unearned Degrees or Membership in Professional Organization – An unearned academic degree is one which is awarded by an educational institution not accredited by a generally recognized accrediting body, is an honorary degree, or is a degree or fellowship not recognized by the MDA. Reference to unearned degrees in any general announcements to the public by dentists, or in promotional material or advertising, may be a representation to the public which is misleading. Dentists may refer to the degrees Doctor of Dental Surgery (‘DDS’), Doctor of Medicine in Dentistry (‘DMD’) and any earned academic degrees. The use of unearned degrees and unearned fellowships may be misleading because of the likelihood that it will indicate to the public the attainment of a specialty status. Honorary and unearned degrees shall not be used in any communication to the public or to patients.”

Article B5 – “Fees and Compensation for Service – Fee advertising by dentists shall be primarily to provide information to the public. Any reference to fees in an advertisement: a) shall not use the expressions ‘from minimum’ or ‘and up to’ or such similar expression; b) shall provide the maximum fees charged to anyone for services that are referred to any advertisement. No more than those advertised fees shall be charged whether or not an individual is aware of the existence of any advertisement; c) must disclose if any laboratory cost is included when the service would usually involve a commercial laboratory cost. Advertised fees shall remain as advertised for at least 30 days following the publication of advertisements.”

Article B5 – “Dental Benefits – Dentists shall not increase or decrease fees to patients whether or not the patients are covered by dental plans.”

Article B6 – “Disclaimer – Information appearing in the press and broadcast media, from individual members of the MDA must be accompanied by a disclaimer that indicates that it is the personal opinion of the author and is not the MDA’s official position.”

## C. New Brunswick – New Brunswick Dental Society

The New Brunswick Dental Society By-Law 21 was the only document that was acquired which contained regulations regarding promotional activities. Distinctions in their rules are as follows:

Prohibited Promotional Activity – “A member shall neither authorize nor engage in promotional activity that: b) contains material inaccuracies; c) omits relevant content; e) is reasonably capable of confusing a member of the public; f) exploits or takes advantage of i) the physical or emotional states, or ii) the lack of knowledge of dental subject matters of members of the public;”

Deemed Violations of this By-Law – “Without limitation to the above, the following practices shall be deemed to be prohibited promotional activities: a) the use of the

term 'dental surgeon'; e) the use of the term 'practice limited to' in any promotional activity by a general dentist without a clear indication that the practice is not a specialty; f) lending a member's name to a written testimonial or to any dental product or material offered to the public. Promotional activities which communicate information which cannot be verified, including a person's personal beliefs, Opinions, or interpretations (i.e. patient testimonials) violate this By-Law. For greater clarity, sharing comments of a member's patients (with consent), through any medium, is not prohibited; h) claims 'new', 'unique' or 'painless' methods of dental services or claims of uniqueness or superiority over another dental office; i) promotional activity reasonably considered by other members of the profession to be self-laudatory, flamboyant, grandiose or sensational; k) promotional activity which makes reference to discounts for dental services or products, without stating in an equally prominent manner, the regular price for the service and the materials that are used in rendering the service advertised, any laboratory or other services included in the service advertised and any additional services required by not included."

## D. Newfoundland and Labrador – Newfoundland and Labrador Dental Board

The Code of Ethics, Dental Act, and Association By-Laws were acquired and reviewed. The Code of Ethics contained the identical advertising restrictions as in Alberta. Distinctions in their rules are as follows:

Article B4 (f) – "No dentist shall engage or be included in advertising or any form of promotional activity including all electronic advertising, which publicizes one or more of his or her own services when making comment on an issue to any media."

Article B4 – "Dentists shall not use coupons or time limited discounts as promotional material. [the courts have found that coupons do not convey thoughts, beliefs, opinions or expressions of the heart or mind and are not protected by Charter 2(b).]"

The Newfoundland & Labrador Dental Board By-Law #8 sets out the specific rules for advertising for dentists. This document sets out what an ethical dentist must be in control of with regards to his/her advertising, what constitutes internal and external advertising along with specific references and requirements for all dentists.

## E. Nova Scotia – Provincial Dental Board of Nova Scotia

The Advertising Standards, Code of Ethics, and the *Dental Act* were acquired and reviewed. Distinctions in their rules are as follows:

Section 2(2) – "Members of the profession have the right to present relevant dental practice information to the public in order that the public is better able to make informed choices concerning dental care needs."

Section 4(e) – "not refer to the quality of service to be provided"

Section 5 – “Relevant public information includes a) a dentist’s proper name; b) a dentist’s professional description; c) any academic degrees gained by examination; d) a specialty recognized by The Board, if applicable; e) an office and e-mail address; f) an office telephone and fax number; g) the office hours and days open; h) the languages spoken; i) the universal symbols such as the symbols for wheel chair accessibility, ‘VISA’, and ‘Interac’; j) the services available.”

Section 6 – “No dentist shall publish, display, distribute, cause or permit directly or indirectly, the publication, display, distribution or use of any advertisement, announcement or information related to the dentist’s practice that a) contravenes Section 5”

The Code of Ethics Article 22 – “Never overstate or embellish qualifications or abilities nor provide misleading information.”

## F. Nunavut (Nunavut Registrar’s Office), Northwest Territories (Government of the Northwest Territories), and Yukon (Registrar’s Office)

These areas are governed by the *Dental Profession Act* of Yukon and Nunavut and Northwest Territories. No additional statements were noted in the Territory’s version of the *Dental Profession Act*.

## G. Ontario – Royal College of Dental Surgeons of Ontario

The Code of Ethics, the Practice Advisory for Advertising, the Practice Advisory for Practice Names, the Practice Advisory for Guidance on the Use of Social Media, Ontario Regulation 853/93, and the *Dentistry Act* were acquired and reviewed. Distinctions in their rules are as follows:

Practice Advisory for Advertising - “Do not include in your advertisement materials anything that would be considered by the College to be in violation of the advertising regulation. This includes using: statements which suggest or create an expectation of favourable results or appeal to the public’s fears; testimonials or any statement that can only be verified by a person’s personal feelings or views; incentive programs, including giveaways, contests, draws or free products or services;... superlative or comparative terms, such as ‘state of the art’, ‘cutting edge’ or any other words or phrases to suggest a higher quality in relation to services, equipment, technology used, or products or persons providing the services.”

Practice Advisory for Guidance on the Use of Social Media – “Posting comments under a username does not guarantee anonymity as any comments made online can often be traced back to the original author. Once posted it is impossible to retract.”

Practice Advisory for Guidance on the Use of Social Media – “Dentists need to exercise sound judgment when posting online and avoid making gratuitous, unsubstantiated or unsustainable negative comments about individuals, groups or organizations.”

Practice Advisory for Guidance on the Use of Social Media – “Although the way dentists use social media in their private lives is a matter for their own personal judgment, dentists should consider whether the content they upload onto the Internet could compromise public confidence in the dental profession and compromise their own professionalism. Poor judgment in such actions can put them at risk for behavior that may be viewed as unprofessional and/or dishonourable.”

Practice Advisory for Practice Names – “Practice names fall into two different categories: 1 names which are reasonably referable to the location of the practice. These do not need to be approved by the College’s Executive Committee, 2 all other types of practice names. These must be approved by the College’s Executive Committee. However, for both these categories, the member must complete and submit the *Application for Practice Names form*...”

Practice Advisory for Practice Names - “If a practice refers to a specialty, it must be one of the 11 specialty branches of dentistry recognized in Ontario AND all the dentists practicing in the office using that practice name must be registered with the College as specialists in that branch of dentistry.”

Ontario Regulation 853/93 Section 2 – The following are acts of professional misconduct for the purpose of clause 51(1)(c) of the *Health Professions Procedural Code*: ...13) Making a representation about a remedy, treatment, device or procedure for which there is no generally accepted scientific or empirical basis...40) Using a name other than the member’s name as set out in the register or the practice name, in the course of providing or offering to provide dental services, 41) Using a designation other than ‘dentist’, ‘dental surgeon’, a prescribed specialty designation, the member’s earned university degrees or earned equivalents for which the Council or the Executive Committee thereof has given its prior written approval, ‘dental centre’, ‘dental clinic’ or ‘and associates’ in the course of providing or offering to provide dental services, 42) Where a principal member uses the designation ‘dental centre’, ‘dental clinic’ or ‘and associates’, failing to notify the College in writing of the names and certificate numbers of all the members who practice at the location to which the designation applies and the names of all of such members who are principal members, or failing to notify the College in writing of any change in members or principal members within thirty days of the change, 44) Using in any way with respect to a member’s practice, the name of another member whose practice the member acquired, after a period of one year from the date of the acquisition of the practice, 46) Using or permitting the use of the designation ‘dental emergency service’ or any other designation indicative of the provision of emergency dental care except where, i) the service, A) is performed at a location where the member is present and available to render emergency care for not less than sixteen hours each and every day, and B) has a member available to render emergency dental service for the remaining eight hours in each and every day to attend immediately at the location to which the designation refers or at another location within eight kilometers, or ii) the service is operated under the sponsorship of a component

society of the Ontario Dental Association and is clearly portrayed as such to the public...”

Ontario Regulation 853/93 Section 7 – “If the member practices under a practice name, he or she shall, a) notify the College in writing of the name of every member who engages in practice under the practice name and whether as a principal member or an associated member; b) use a practice name that is reasonably referable to and describes the location of the practice or that has been approved by the Executive Committee; and c) notify the College in writing of any change in the members who practice under the practice name within thirty days of the change.”

Ontario Regulation 853/93 Section 8 – “1) A member shall not use a term, title or designation indicating specialization in dentistry or representing to the public that the member is a specialist or is specially qualified in a branch of dentistry or restricts his or her practice to a branch of dentistry, unless the members holds a specialty certificate authorizing practice in the appropriate specialty. 2) This does not prevent a member who does not hold a specialty certificate from representing that he or she limits his or her practice to a branch of dentistry if the member clearly indicates at the same time that the member is a general practitioner.”

Ontario Regulation 853/93 Section 9 – “1) A member shall not use a term, title or designation indicating specialization in any aspect or branch of dentistry other than those branches of dentistry set out in Column 2 of the Table, 2) A member who holds a specialty certificate authorizing practice in the branch of dentistry set out in Column 2 of the Table shall not use a title indicating specialization other than the corresponding title referred to in Column 1 of the Table.”

Ontario Regulation 853/93 Table –

Column 1	Column 2
Title	Branch of Dentistry
Dental anaesthesiologist	Dental anaesthesia
Endodontist	Endodontics
Oral and maxillofacial surgeon	Oral and maxillofacial surgery
Oral pathologist	Oral pathology
Oral radiologist	Oral radiology
Orthodontist	Orthodontics
Paediatric dentist	Paediatric dentistry
Periodontist	Periodontics
Prosthodontist	Prosthodontics
Public health dentist	Public health dentistry

## H. Prince Edward Island – Dental Council of Prince Edward Island

The *Dental Profession Act* and Association By-Laws were acquired and reviewed. Unprofessional conduct is defined as “infamous, disgraceful or improper conduct in a professional respect” in section 1 of the *Dental Profession Act*. Distinctions in their rules are as follows:

By-Law 5(c) – “It is unprofessional for any member of the Association to go from house to house soliciting or performing operations, to circulate or recommend nostrums or perform other similar acts.”

By-Law 5(g) – “It is to be regarded as unprofessional to warrant or guarantee operations or work as inducement to patronage. It is also unprofessional to violate or be a party to a violation in letter or spirit of the Prince Edward Island Dental Act”

By-Law 5(i) – “Privileges Permitted (1) Any member of the Association may, however, provided he/she observes the dignity and ethics of the profession and does not refer therein to qualifications, procedures or equipment: a) use private professional cards, b) issue accounts and receipts, c) issue appointment cards, d) mail to his/her patients recall notices, (2) The Association has a legitimate interest in controlling the conduct of its members relative to public information in order to ensure that the information provided would not, on the one hand predispose the public to vulnerability but, on the other, would be useful to the public in making an informed choice. The public information must not negatively impact the professionalism of dentistry.”

By-Law 5(j) – (3) “No member of the said Association shall practice his/her profession as a Dentist within the province of Prince Edward Island save only in his/her own name or under the name, or names of some other qualified and authorized member or members.”

Public Information Guidelines – Basic Principle – 2) “The only legitimate purpose of promotional information is the dissemination of relevant information to the public in order that the public is better able to make informed choices concerning dental care needs. This should not have as the purpose of solicitation of patients.”

Public Information Guidelines – Relevant Practice Information – “Professional Description: This may include the use of any of the words or phrases: ‘dentist’, ‘dentistry’, ‘general dentist’, ‘family dentist’ or ‘family dentistry’. General dentists should be cautioned on the use of the term ‘dental surgeon’ as not to cause confusion in the minds of the public with the term ‘oral surgeon’ or to suggest that the member has advanced training and skill over and above an ‘ordinary’ dentist.”

Public Information Guidelines – Relevant Practice Information – “Academic Degrees: References to qualifications and memberships in dental associations and organizations are limited to communicating with colleagues and other professions.”

Public Information Guidelines – Relevant Practice Information – “Practice Limitation: Promotional information of a general dentist shall not use the term ‘practice limited to’.

Use of this term by a general dentist might serve to lead the public to believe that this is a specialty practice. Licensed specialists may state that their practice is limited to their specialty.”

Public Information Guidelines – Relevant Practice Information – “Logos: These tend to suggest to the public a uniqueness of care or expertise, or an identity beyond that of relevance. They are not relevant to the public’s ability to make an informed choice, and are therefore not allowed.”

Public Information Guidelines – Relevant Practice Information – “Listing of Dental Services and Procedures: Dentists may not list services that they provide. It is assumed that general dentists will provide or will cause the provision (by appropriate referral) of all facets of general dentistry. The listing of services is not information that is easily verifiable by the public as the use of unrecognized dental terminology does not facilitate an informed decision by the public regarding dental treatment.”

Public Information Guidelines – Relevant Practice Information – “Dental Equipment: No reference is to be made to the equipment or materials used in the practice of dentistry. As dentists provide a service to the public, any reference to equipment or materials used in providing that service is irrelevant as the public cannot verify the facts. Members should not lend their names or written testimonials to any product or material offered to the public, whatever its merits. Public information with respect to the practice of dentistry shall not be combined with any other advertising for any other services, whether related to health care or not.”

Public Information Guidelines – Relevant Practice Information – “Dental Fees: Listing of dental fees is not encouraged. A comprehensive listing of fees is virtually impossible because of all the clinical eventualities that could occur. Fees listing tends to confound rather than facilitate informed consent. The use of a surcharge by individual dentists should not be used, such as an infection control surcharge. This would be considered inappropriate as it may prey on the fears of members of the public or give an expectation of a higher standard of care.”

Public Information Guidelines – Relevant Practice Information – “Discounts: Public information should not allude to discounts. The use of discounts should be limited to in-office and individual situations as the practitioner deems appropriate. Promotion of a discount of dental fees would be solicitation, contravening basic principle #2.”

Public Information Guidelines – Forms of Marketing – “Yellow Pages Alphabetic Listings: Members listing in the Yellow Pages must do so in the general alphabetic listing for dentists using regular non-bold listing and may list under their surname and practice name only. Additional information will include only the address, one telephone number and licensed specialty, if any. Under the practice name, dentists practicing at that address may be listed with phone numbers. Information should only be lower case letters, without highlighting, boxes, photographs or colors.”

Public Information Guidelines – Forms of Marketing – “Practice Newsletters: Members may publish periodic newsletters which should be directed only to patients of record (patients who have been treated by the dentist during the immediate preceding 24 months)...The

newsletter must NOT include: 1) Any material or statements that could be considered as flamboyant, self-laudatory or self-aggrandizing; 2) Statements which imply more skill, knowledge, care or courtesy than offered in any other dental office; 3) Statements that a certain office enjoys superior facilities such as 'latest modern equipment', or 'modern methods', or 'quality dentistry'; 4) Claims of 'new', 'unique', or 'painless' methods of delivery. Members must not encourage their practice newsletters to be passed to other persons, or to agree to other distribution methods, such as out-of-office or door-to-door distribution techniques, to the public...Should the need arise for the use of a disclaimer, the following should be used: This brochure/newsletter is for the purpose of providing information to your patients of record. It is not intended to be a solicitation of new patients."

Public Information Guidelines – Forms of Marketing – "Media: A member should not use the media to promote an individual practice, should not aggrandize their professional reputation, should not present themselves as providing unique or exceptional services or facilities."

Public Information Guidelines – Forms of Marketing – "Print Advertising: Dentists may advertise relevant practice information by means of newspapers and/or publication such as magazines as follows; 1) Upon the commencement of practice; 2) Change of location; 3) Absence from or return to practice for a period exceeding 30 days; 4) Additions of a dentist to a practice; 5) Frequency is limited to 4 insertions over 30 days; 6) Size shall not exceed 2 columns wide x 2 inches long. Dentists may not use direct mailing and/or hand delivered door-to-door advertising (such as coupons, flyers, office brochures or business cards, or advertising services (such as Welcome Wagon)) as this would be considered solicitation and, therefore inappropriate. Business cards and office brochures/newsletters are appropriate for in-office distribution or mail out to patients of record only."

Public Information Guidelines – Forms of Marketing – "Signs: Practice signage should conform to immediately adjacent signage. The signs should be conservative, professional, in good taste and unobtrusive. In some locations such as shopping malls, department stores or other high profile locations, a certain form of signage may be necessary to conform with the immediate surroundings. Members should not use flashing or moving signs and must insure the accuracy of all information on the signs; up to three illuminated signs may be used."

Public Information Guidelines – Forms of Marketing – "Professionalism: Public information which is flamboyant, grandiose or sensational is not in the interest of the public or the profession. The use of inappropriately dramatic music, unseemly slogans, testimonials, premium offers, giveaways, coupons, slapstick routines or outlandish settings does not instill confidence in the dentist or the dental profession and undermines the serious purpose of dental services and the dental health care system. Flamboyant, grandiose or sensational advertising is not needed to disseminate the information contained therein. Advertisements which use colours, markings or any other means to distinguish the information from that of other members may be considered flamboyant and therefore unprofessional. Public information must not create false or unjustifiable expectations of favourable results. Any reference to guarantees relative to services or results must, therefore, be avoided. Public information must not appeal to a lay person's fears or expectations. Therefore, no reference should be made to symptoms or signs which patients may exhibit. Members must ensure that the public would not reasonably infer uniqueness or superiority within the

member's practice or of the member's services. Specific reference, therefore, to knowledge, skills or efficiency or comparisons with other members or dental practices must be avoided."

## I. Quebec - Ordre des dentistes du Québec

The Code of Ethics of Dentists, the *Dental Act*, and Professional Code were acquired and reviewed. Distinctions in their rules are as follows:

Article 1.03 – "The dentist must take reasonable measures to ensure that each person, employee, shareholder or partner involved with him in the practice of his profession complies with the *Dental Act* (chapter D-3), the *Professional Code* (Chapter 26) and the regulations thereunder. A dentist who practices his profession within a limited liability partnership or joint-stock company shall ensure the foregoing entity complies with the *Dental Act*, the *Professional Code* and the regulations thereunder.

Article 1.04 – "The dentist's duties and obligations under the *Dental Act* (chapter D-3), the *Professional Code* (chapter 26) and the regulations thereunder are in no way changed or reduced by the fact that he practices the profession within a limited liability partnership or joint-stock company."

Article 3.02.02 – "The dentist must avoid any misrepresentation as to his level of competence or the efficiency of its own services and those generally provided by members of his profession...Similarly, it must avoid any misrepresentation with respect to the competency or efficiency of services generally provided by persons exercising their professional activities within the same company as him."

Article 3.04.01 – "A dentist must, in the practice of his profession, fully commit his personal civil liability. He is thus prohibited from inserting in a contract for professional services a clause excluding such liability, directly or indirectly, in whole or in part.

Article 3.05.05 – "The dentist must refrain: 1) from seeking or obtaining undue profit from the prescription of apparatus, examinations, medications or treatments; 2) to grant, in the exercise of his profession, any benefit, commission or rebate to any person whatsoever; 3) to accept, as a dentist or by using his title of dentist, any commission, rebate or material benefit, with the exception of customary presents and gifts of small value."

Article 3.9.07 – "The dentist is advertising in respect of a price must stipulate those further business contact, only the following information: 1) the regular fixed price for that good or service being advertised and, where appropriate, an exceptional price he has set for such goods or services and whose expiry date is specified in this case; 2) the nature of the good or service covered by this price; 3) the nature of the materials used to make the service advertised; 4) if the laboratory or other services are included in the service advertised; 5) additional services may be required and not included. When a dentist agrees to an exceptional price, the information referred to in paragraph 1 of the first paragraph should contain only the words 'regular price', 'special price'

and 'expiry date'. In the case of a visual advertisement showing the regular price and a great price, presentation of characters these prices must be the same size."

Article 3.09.10 – "The dentist should not, in advertising or in any public intervention, use or permit the use of an endorsement or statement of gratitude concerning him."

Article 3.9.11 – "The dentist must keep a complete copy of every advertisement for a period of 5 years following the date of the last broadcast or publication. Upon request, the copy must be given to the trustee."

Article 3.10.04 – "If, on the occasion of advertising, the dentist uses the graphic symbol of the Order, he must ensure that this advertising is not understood as an advertisement of the Order or that no liability thereof."

Article 4.02.01 – "In addition to those mentioned in sections 57 and 58 of the Professional Code (Chapter C-26), are derogatory to the dignity of the profession, the following acts: a) inducing someone insistently or repeatedly to use his professional services;... i) or claiming to dispense secret remedies or treatments; j) directly or indirectly guaranteeing the effectiveness of a treatment; k) seek or obtain a commission or a direct or indirect rebate for prescription drugs, examinations, tests, treatments or workpieces;... r) make or allow us to do in his name, advertising for the promotion or sale of products or services by any audio-visual, written or verbal announcements;... v) change the fees generally charged by the dentist solely because the patient has an insurance contract;... x) carrying on professional activities within a company, or have interests in such a society, with a person who, to the knowledge of the dentist, takes actions that undermine the dignity of the dental profession;"

*Dental Act* section 36 – "No person may practice dentistry under a name other than his own. Nevertheless, dentists shall be allowed to practice their profession under the name of one or two or more of the partners. The name of any partner who has ceased to practice his profession may appear in the name for a period of not more than three years from the date he ceased to practice, provided his name appeared in the name at the time he ceased to practice."

Professional Code Article 59.2 – "No professional may engage in an act derogatory to the honour or dignity of his profession or to the discipline of the members of the order, or practice a profession, carry on a trade, enterprise or business or hold an office or function that is inconsistent with the honour, dignity or practice of his profession."

Article 60.1 – "A service or product provided by a professional must conform with any statement he makes, or advertisement he places, concerning that service or product; the professional is bound by such statements or advertisements."

Article 60.3 – "No professional may, falsely, by whatever means, a) ascribe particular advantages to a service or product; b) claim that a pecuniary benefit will result from the use or acquisition of a service or product; c) claim that a service or product complies with determined standards; or d) ascribe certain performance characteristics to a service or product."

## J. Saskatchewan – College of Dental Surgeons of Saskatchewan

The CDSS Advertising Standard, *The Dental Disciplines Act By-Laws*, and the Code of Ethics were acquired and reviewed. Distinctions in their rules are as follows:

Article 10 – “The College of Dental Surgeons of SK standard for radio/television advertising content is the following: 3) ‘Ask the Expert’ radio and television programs or similar written articles are non-compliant. The ARC reserves the right to appoint a CDSS representative who could participate in such programs or collaborate in such articles to inform the public about oral health care services;”

Article 11 – “The College of Dental Surgeons of SK standard for online advertising content is the following: ...3) ...Therefore online search result listings will show only compliant content to the public.”

Article 13 – “The College of Dental Surgeons of SK standard for a trade show booth etc. is the following: 1) A booth at a tradeshow is external advertising so the CDSS Advertising Bylaws and CDSS Advertising Standard; 2) Signage, handouts etc. available at the booth must be compliant with external advertising CDSS Advertising Bylaws and CDSS Advertising Standard; 3) Large active projection screens and monitors are ‘billboards’ and must follow CDSS Advertising Bylaws and CDSS Advertising Standard; 4) Handouts of printed material should contain only generic dental information with no specific products or materials named; 5) Giveaways and retail products should be limited to preventive oral health, ‘over the counter’ products with no conditions attached; 6) CDSS considers it to be unprofessional and inappropriate to perform clinical procedures at a tradeshow booth or at a temporary kiosk.”

Article 14 – “The following statements and phrases are examples of ‘external’ advertising content that should not be used: Unjustified expectations/non-objective verifiable statements/comparison [Bylaw 10.2 (a), (b), (c), (d) & (i)] 1) Life-long solutions; 2) Latest Technology; 3) Spa, Parlor; 4) Excellence in Cosmetic Dentistry; 5) Patient comfort and convenience are our priorities, Highly-trained Professional Staff, Caring Dental Team, T.V. and Headphone Relaxation; 6) Gentle Dental Care; 7) Licensed staff, Therapists, Hygienists, Assistants, Highly-trained Professional Staff; Our Professional Team; 8) (Special) Training; 9) Advanced Dental Thinking; 10) Our (mission, goal vision) is to \_\_\_\_; 11) Your dental health and comfort are our primary concerns; 12) Three great locations to serve you best; 13) Latex Safe Environment; 14) Affordable Dental Care, Personalized Comprehensive Care; 15) Behind every great smile... Procedures/Products/Equipment [Bylaw 10.2(i)] 1) Preventive Dentistry emphasized; 2) Fixed Orthodontics, Functional Orthodontics; 3) Zoom Whitening, Whiter, Brighter Smile; 4) Wisdom Tooth Extraction; 5) Air Abrasion; 6) Mercury Metal-free Fillings; 7) Dental Implants – Regain the security, appearance, and strength of natural teeth; 8) Ultrasonic Cleanings; 9) Digital Radiography; 10) High quality restorations; 11) State of the Art Equipment, State of the Art Infection Control, Advanced Sterilization Procedures, Complete Waterline Disinfection and Instrument Sterilization. Facilities/Hours [Bylaw 10.2(b) & (e)] 1) All insurance accepted, Direct, or Electronic Billing; 2) Extended Hours,

Evenings, Weekends and similar general terms. (If specific days of the week are mentioned, all practice days should be mentioned and the usual hours of practice for each day should be mentioned)”

Article 15 – “Examples of phrases or words that have been deemed as noncompliant and will continue as such for consistency: 1) Client – use ‘patient’; Patient is the preferred terminology of the College and is the term used in the guideline; 2) Emergency in the clinic name; 3) Family Dentistry – use General Dentistry (continued use of Family will be permitted on clinic signage that was in place prior to the Advertising Bylaws that were approved by Government in May 2006); 4) Punctuation that plays on the patients emotions (!,?); 5) Call or Visit, Please call, Find us on, We accept.”

Article 16 – “The following are examples of advertising that express or imply a specialty which is not in accordance with recognized specialties named in Bylaw 10.6: 1) Las Vegas Institute of Cosmetic Dentistry Masters Graduate; 2) Pacific Aesthetic Continuum Live Cosmetic Advanced Program Graduate; 3) Pankey Institute Graduate; 4) Cosmetic Dentistry; 5) Implantology; 6) Sedation, Pain Anxiety Management; 7) TMJ Management; 8) Homeopathic, Holistic, Naturopathic Dentistry, Biological Dentist; 9) Laser Dentistry; 10) (Cerec) One Appointment Crowns”

*Dental Disciplines Act* By-Laws Section 10.2 – “Advertising, promotion and other marketing activities must be in good taste, accurate and not capable of misleading the public, and observe the dignity and ethics of the profession. Any conduct, either directly or indirectly, or through any medium or agent that: c) deprecates another member as to service, ability or fees;... e) is made under any false or misleading guise, or takes advantage either physical, emotional or financial of any patient or uses coercion, duress or harassment; ...g) discloses the names of clients or includes testimonials;... i) makes references in any advertising or promotional activity to equipment, products or materials used in the practice of dentistry; is to be strictly avoided as such conduct is contrary to the interests of the public and the profession.”

*Dental Disciplines Act* By-Laws Section 10.3 – “Subject to section 10.2, the following designations are permitted for use in general announcements to the public: a) the degrees D.D.S., D.M.D., and any earned academic degree, earned academic diploma or earned academic certificates, where: i) an earned academic degree, earned academic diploma or earned academic certificate, is one which is awarded by an accredited educational institution, and recognized by the College of Dental Surgeons of Saskatchewan; and ii) honorary degrees or fellowships shall be limited to scientific papers, curriculum vitae, and forms which are not used for the direct solicitation of patients (advertising).”

*Dental Disciplines Act* By-Laws Section 10.6 – “A certified specialist member or a conditional specialist member may describe his or her specialty as follows: a) a certified specialist and only a certified specialist in endodontics shall use the term ‘endodontist’; b) a certified specialist and only a certified specialist in oral and maxillofacial surgery shall use the term ‘oral maxillofacial surgeon’; c) a certified specialist and only a certified specialist in orthodontics and dentofacial orthopedics shall use the term ‘orthodontist’ or ‘ortho and dentofacial orthopedics specialist’; d) a certified specialist and only a certified specialist in pediatric dentistry shall use the term ‘pediatric dentist’; e) a certified specialist

and only a certified specialist in periodontics shall use the term 'periodontist'; f) a certified specialist and only a certified specialist in prosthodontics shall use the term 'prosthodontist'; g) a certified specialist and only a certified specialist in oral radiology shall use the term 'oral radiologist'; h) a certified specialist and only a certified specialist in public health shall use the term 'public dental health specialist'; and i) a certified specialist and only a certified specialist in oral medicine and pathology shall use the term 'oral medicine and pathology specialist'."

*Dental Disciplines Act By-Laws Section 10.7* – "It is permissible for dentists to display, in connection with their profession, a sign at the entrance to the premises in which the practice is located and one or two signs in addition thereto, on or immediately adjacent to the premises. The signs should be in keeping with the dignity of the profession and the Advertising Bylaws."

Code of Ethics – Principles – "This Code is the national guideline of, and expresses the values shared by, the dental profession across Canada. In each province, the licensing bodies have adopted comparable or similar Codes of Ethics to guide and set standards for their jurisdictions."

Code of Ethics Article A10 – "A dentist must, neither by statement nor implication, warrant nor guarantee the success of operations, appliances or treatment. A dentist has the responsibility to provide a high standard of care and accept responsibility for treatment rendering."

Code of Ethics Article B7 – "Dentists must not lend their name or provide written testimonial for reward or not, to any product or material offered to the public."

Code of Ethics Article C3 – "Dentists should build their reputation on their professional ability and integrity. Dentists should participate in health promotion programs that are in the best interest of the public and supported by the profession. Dentists shall conduct any promotional activity in accordance with acceptable professional standards and within applicable legislation."

## VI. OTHER ALBERTA HEALTH CARE PROFESSIONS

### A. Chiropractors – Alberta College and Association of Chiropractors

Chiropractors are governed by the Health Professions Act, The Code of Ethics and the Standards of Practice of the Alberta College and Association of Chiropractors. The Code of Ethics addresses advertising as follows:

Article A8 – “A chiropractor must not, either by statement or implication, make unsupportable statements as to the likely success of treatments, supports or professional products. Chiropractors must discuss with patients what appropriate expectations might be, regarding treatment they provide, fees, or products and supports used in their services.”

Article A12 – “A chiropractor who sells or markets professional products to their patients must: ensure that they do not exploit the trust inherent in the doctor-patient relationship; not misrepresent or exaggerate the value of the products; prior to the sale of the product, have thoroughly evaluated the information related to the product and be satisfied that the therapeutic value is represented; make available to patients all information necessary for the patients to make an informed choice about purchasing the product.”

Article B1 – “A chiropractor must not represent their education, qualifications or competence in any way that would be false or misleading.”

Article B5 – “A chiropractor must conduct any advertising and promotional activity in accordance with applicable Standards of Practice, legislation and Code of Ethics. Chiropractors must not engage in advertising or any sort of promotional activities that harm the dignity and honour of the profession. A chiropractor may not make statements that are subjective and not objectively verifiable. Subjective statements about the quality of chiropractic services, professional products and/or patient care may raise ethical concerns. Objectively verifiable statements are capable of being proven by facts; independent of personal feelings, beliefs, opinions or interpretations.”

Standards of Practice SP 1.1 – “Materials, information and presentations designed to reflect or promote a chiropractor’s practice to both current and potential patients must be: a) truthful and factual in all respects; b) professional in description, content and presentation; c) respectful in every manner of other health professions and chiropractic colleagues; d) clearly identifiable as being provided by a Doctor of Chiropractic; e) inclusive of only matters within the training and scope of practice of chiropractic; f) of a nature that does not inappropriately evoke concern or fear; g) exclusive of any claims of guaranteed results, or clinically predictive or specific outcomes; h) compliant with patient confidentiality requirements; i) compliant with all ACAC Standards, policies and position statements; j) reflective of broadly accepted evidence based research and information; k) respectful of widely accepted public health doctrine; l) exclusive of any claims or allusion to professional superiority.”

Standards of Practice SP 1.1 – “Examples of Advertising, Promotions and Presentations – Example 1) business cards, exterior office signs, letterhead may include: practitioner and clinic name; address, including directional wording; phone and fax numbers; website and email addresses, hours of operation, professional corporation information, photos/images, methods of payment accepted, languages spoken, services/techniques available; CCA, ACAC member and clinic logos; ACAC recognized chiropractic specialties as specified in SP 1.3; WCB authorization; handicapped (facility) access availability; other current province/state licenses; academic credentials from post-secondary degree granting institutions and/or accredited chiropractic colleges. Example 2) flyers, handbills, advertisements, billboards, bus benches, postcards, Yellow Pages, and directory listings may include: all of the above and general chiropractic health information; testimonials (with written patient permission); practitioner or clinic photographs/graphics. Example 3) chiropractor’s personal or clinic website may include: all of the above and a link to the ACAC website; link to other chiropractic information sites that do not provide information that is contradictory to ACAC standards or policies; clinic fees and current promotions with eligibility clearly defined.”

Standards of Practice SP 1.3 – “The term specialist shall only be used when the chiropractor holds an ACAC recognized Canadian chiropractic specialty designation. A chiropractor on the General or Courtesy Register may use the title of specialists as well as the appropriate abbreviations and initials, providing he or she has successfully completed and is certified by one or more of the following specialty programs approved by the Council: a) Chiropractic College of Radiologists (CCR); b) College of Chiropractic Sciences (CCS); c) College of Chiropractic Orthopaedic Specialists (Canada) (CCOS(C)); d) Canadian Chiropractic Specialty College of Physical and Occupational Rehabilitation (CCPOR(C)); e) Royal College of Chiropractic Sports Sciences (RCCSS(C)). A chiropractor on the General or Courtesy Register may continue to use the title of specialist as well as the appropriate abbreviations and initials, providing he or she continues to meet the requirements for maintenance of the specialty certification.”

Standards of Practice SP 1.3 – “Example 4) internal practice promotion materials may include: all information in examples 1 and 2; patient photos (with written permission) photos and information about activities; specific fee and promotional information with eligibility clearly specified; personal patient acknowledgement (with written permission). Example 5) internal materials related to promotional fees may include: promotional discounts with specific fees and eligibility clearly specified. Example 6) external materials related to promotional fees may include: reference to promotional activities with specific fees and eligibility clearly specified. Example 7) television and radio may include: all information permitted in categories listed above.”

Standards of Practice SP 1.3 – “Penalties for findings of guilt related to advertising promotions and presentations will be determined on a case by case basis but may include fines from \$1,000 for first offences and may increase with repeat offences. Additional sanctions may include referral to a hearing with the potential for substantial fines as well as other additional sanctions as determined by the Hearing Tribunal.”

## B. Dental Hygienist – College of Registered Dental Hygienists of Alberta

The College of Registered Dental Hygienists of Alberta have the Code of Ethics and Rules Respecting Advertising as their governing documents for advertising. These documents have been acquired and reviewed. The Code of Ethics is a document which contains “mandatory requirements for dental hygienists” to abide by in their practice. The areas within the Code of Ethics that pertain specifically to advertising are as follows:

Principle 2: Veracity – “2.4 – who sell or market oral health products to their clients will not misrepresent or exaggerate the value of the products; 2.5 – will conduct any advertising and promotional activity in accordance with applicable legislation, this Code of Ethics, the bylaws, and acceptable professional standards; 2.6 – shall not engage in any advertising or promotional activity that is false, misleading or deceptive; 2.7 – accurately represent their earned academic credentials, qualifications and competence.”

The specific Rules Respecting Advertising as published by the College of Registered Dental Hygienists of Alberta are as follows:

Rule 1 – No Misrepresentations

Rule 2 – No Claims About Other Professionals

Rule 3 – Cannot Disclose Clients’ Identity in Ads

Rule 4 – Accurate Fee Schedule

Rule 5 – Advertising Fees

Rule 6 – Cannot Accept Inducements For Referrals to Others

Rule 7 – No Inducements to Clients

Rule 8 – Restrictions on Endorsements

Rule 9 – Trade Names

Rule 10 – Expertise and Use of Titles

Rule 11 – All Representations Shall Be Objectively Verifiable

Rule 12 – Retain Advertisement for Two Years

## C. Denturists – College of Alberta Denturists

The College of Alberta Denturists utilize the Health Professions Act, the Denturists Professional Regulation, the College of Alberta Denturists By-Laws, the Code of Ethics, and the Standards of Practice as their governing documents. The Code of Ethics is the document that deals with advertising as follows:

Article 17 – “Not accept any unethical or inappropriate financial or other benefit, either directly or indirectly, from any person or entity for the referral of a patient.”

Article 20 – “Not hold out to the public as exclusive any agent, method or technique employed by them.”

Article 21 – “Maintain the honor and dignity of the profession when promoting themselves in the public media.”

## D. Physicians – College of Physicians and Surgeons of Alberta

General physicians are governed by the Health Professions Act, the Canadian Medical Association Code of Ethics, and the College of Physicians and Surgeons of Alberta Standard of Practice. The Standard of Practice is the document that deals with advertising as follows:

Article 1 – “A regulated member who is responsible for an advertisement must ensure the information provided: a) conforms to the Code of Ethics; h) does not include claims, representations, endorsements or testimonials regarding the service or business; j) does not encourage the indiscriminate or unnecessary use of health services.”

Article 2 – “A regulated member must promptly comply with direction from the Registrar to: a) substantiate any advertising claim or representation; b) confirm whether a specific advertisement is made by or on behalf of the regulated member; or c) change or stop using any advertising message(s) that the Registrar deems in violation of any part of this standard or the Code of Ethics.”

Article 3 – “A regulated member must not directly or indirectly participate in advertising that: c) offers any inducement to provide a medical service to a patient including but not limited to: d) time-limited prices for a service; e) discount coupons, gift certificates, or prizes for a service; g) a service in conjunction with ‘makeovers’ created for entertainment or promotional purposes; or h) events including ‘education sessions’ where registration fees are donated.”

Article 4 – “A regulated member must not: a) disclose the name or identifying features of a patient unless the regulated member has obtained the patient’s prior written consent to use the information for advertising purposes...”

## E. Physiotherapists – Physiotherapy Alberta College and Association

Physiotherapists are governed by the Health Professions Act, the Standards of Practice for Alberta Physiotherapists, and the Code of Ethics of the Physiotherapy Alberta College and Association. The Standard of Practice contains the following statements regarding advertising:

Page 19 – Advertising and Promotional Activities – “Physiotherapists must not provide clients, directly or indirectly, with incentives or other inducements to obtain or continue with physiotherapy services.”

Page 19 - #2 – “Ensuring that the advertisement does not contain information that: offers to the general public free or discounted services that vary from the clinic’s fee schedule...may be interpreted as an endorsement or recommendation about any product, brand or piece of equipment available for sale by a physiotherapist or within their practice.”

Page 19 - #3 – “Refraining from using client incentives or other inducements including but not limited to: discount coupons or gift certificates for a service or product; time-limited pricing for fees for a service or product; prizes or gifts of a service or product.”

## VII. BIBLIOGRAPHY

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    - i. Referenced:
      - a. Principle 9
      - b. Principle 10
  - B. College of Dental Surgeons of British Columbia By-Law Part 12
    - i. Referenced:
      - a. Article 12.7
      - b. Article 12.7.4
      - c. Article 12.7.5
      - d. Article 12.8
      - e. Article 12.8.1
      - f. Article 12.10
      - g. Article 12.11
      - h. Article 12.13
      - i. Article 12.15
2. Manitoba:
  - A. Manitoba Dental Association Code of Ethics
    - i. Referenced:
      - a. Article A1
      - b. Article B1
      - c. Article B4
  - B. *The Dental Association Act*
3. New Brunswick:
  - A. New Brunswick Dental Society By-Law No. 21
4. Newfoundland and Labrador:
  - A. Newfoundland and Labrador Dental Board Code of Ethics
    - i. Referenced:
      - a. Article A8
      - b. Article A15
      - c. Article B1
      - d. Article B4
      - e. Article B4.1
      - f. Article B4.2
      - g. Article B4.3
      - h. Article B4.4
      - i. Article B4.5
      - j. Article B4.6
      - k. Article B4.7
      - l. Article B4.8

- m. Article B5
  - B. Newfoundland and Labrador Dental Board By-Law No. 5
  - C. Newfoundland and Labrador Dental Board By-Law No. 8
- 5. Nova Scotia:
  - A. Provincial Dental Board of Nova Scotia Dental Act Regulation No. 4
    - i. Referenced:
      - a. Section 2(2)
      - b. Section 4
      - c. Section 5
      - d. Section 6(a)
  - B. Provincial Dental Board of Nova Scotia Code of Ethics
    - i. Referenced:
      - a. Article 22
  - C. The *Dental Act*
    - i. Referenced:
      - a. Section 5
      - b. Section 49
  - D. The *Amended Dental Act*
- 6. Nunavut, Northwest Territories, and Yukon:
  - A. *Dental Profession Act* (Nunavut)
    - i. Referenced:
      - a. Section 89(2)
      - b. Section 95(z)
  - B. *Dental Profession Act* (NWT)
    - i. Referenced:
      - a. Section 89(2)
  - C. *Dental Profession Act* (Yukon)
- 7. Ontario:
  - A. Royal College of Dental Surgeons of Ontario Code of Ethics
  - B. Royal College of Dental Surgeons of Ontario Practice Advisory November 2012
  - C. *Dentistry Act, 1991*
- 8. Prince Edward Island:
  - A. *Dental Profession Act*
    - i. Referenced:
      - a. Section 1(d)(ii)
      - b. Section 1(e)
  - B. By-Laws of the Dental Association and Dental Council of Prince Edward Island
    - i. Referenced:
      - a. By-Law 1 Article 5(c)
      - b. By-Law 1 Article 5(e-i)
      - c. By-Law 1 Article 5(j)(3)

- d. By-Law 1 Article 5(k-m)
- C. Public Information Guide

9. Quebec:

A. Code of Ethics of Dentists

i. Referenced:

- a. Article 1.03
- b. Article 1.04
- c. Article 2.04
- d. Article 3.02.02
- e. Article 3.04.01
- f. Article 3.05.05
- g. Article 3.08.02
- h. Article 3.09.02
- i. Article 3.09.03
- j. Article 3.09.04
- k. Article 3.09.05
- l. Article 3.09.06
- m. Article 3.09.07
- n. Article 3.09.08
- o. Article 3.09.09
- p. Article 3.09.10
- q. Article 3.09.11
- r. Article 3.10.04
- s. Article 4.02.01(j-k)
- t. Article 4.02.01(r)
- u. Article 4.02.01(v)
- v. Article 4.02.01(x)

B. *Dental Act*

i. Referenced:

- a. Section 36

C. Professional Code

i. Referenced:

- a. Section 58
- b. Section 59.2
- c. Section 60.1
- d. Section 60.2
- e. Section 60.3
- f. Section 87

10. Saskatchewan:

A. College of Dental Surgeons of Saskatchewan Advertising Standard

i. Referenced:

- a. Article 9
- a) Article 10

- b) Article 11
- c) Article 13
- d) Article 14
- e) Article 15
- f) Article 16

B. *Dental Disciplines Act*

i. Referenced:

- a. Part 10 Section 10.2
- b. Part 10 Section 10.3
- c. Part 10 Section 10.6
- d. Part 10 Section 10.7
- e. Appendix 1 Article A10
- f. Appendix 1 Article B7
- g. Appendix 1 Article C3