

(f) This section shall not prohibit any licensed dentist from engaging in any aspect of the practice of dentistry in accordance with N.J.S.A. 45:6-1 et seq., and the rules in this chapter.

(g) Applications for a specialty permit may be obtained by writing to the Office of the Board of Dentistry, 124 Halsey Street, PO Box 45005, Newark, New Jersey 07101.

Petition for Rulemaking.
See: 42 N.J.R. 2332(c).

13:30-6.2 Professional advertising

(a) The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Advertisement” means any attempt directly or indirectly by publication, dissemination, solicitation, endorsement or circulation or in any other way to attract directly or indirectly any person to enter into an express or implied agreement to accept dental services or treatment related thereto.

“Electronic media” means radio, television and the Internet.

“Print media” means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers and other similar documents or comparable publications, the content of which is disseminated by means of the printed word. “Printed media” shall also include stationery and business cards.

“Range of fees” means an expressly stated upper and lower limit on the fee charged for a professional service.

“Routine professional service” means a service which the advertising licensee, professional association or institution providing dental care routinely performs.

(b) A licensed dentist who is actively engaged in the practice of dentistry in the State of New Jersey may advertise in print or electronic media in a dignified manner. For purposes of this section, “dignified manner” means that an advertisement does not rely in any way on techniques to obtain attention that depend upon absurdity or that demonstrate a clear and intentional lack of relevance to the selection of a dentist; included in this category are all advertisements that contain any extreme portrayal of dentists exhibiting characteristics clearly unrelated to the competence of the dentist.

(c) No advertisement shall contain:

1. Any statement or claim which is false, fraudulent, misleading or deceptive;
2. Claims that the service performed or the materials used are professionally superior to that which is ordinarily performed or used;

3. Promotion of a professional service which the licensee knows or should know is beyond the licensee’s ability to perform;

4. Techniques of communication which appear to intimidate, exert undue pressure or undue influence over a prospective patient;

5. The use of any personal testimonial attesting to the technical quality or technical competence of a service or treatment offered by a licensee. Other testimonials shall be permitted provided the testimonials do not violate any other section of this chapter;

6. The communication of personally identifiable facts, data, or information about a patient without first obtaining the written consent of the patient;

7. The use of any misrepresentation;

8. The suppression, omission or concealment of any material fact under circumstances which a licensee knows or should know that the omission is improper or prohibits a prospective patient from making a full and informed judgment, on the basis of the information set forth in the advertisement; and

9. Any print, language or format which directly or indirectly obscures a material fact.

(d) The Board may require a licensee to substantiate the truthfulness of any objective assertion or representation set forth in an advertisement.

(e) All advertisements shall contain the licensee’s name and the phrase “General Dentist,” or, if the licensee holds a specialty permit pursuant to N.J.A.C. 13:30-6.1, the specialty for which the licensee has been granted a permit by the Board.

(f) If a dentist, other than a specialist granted a specialty permit by the Board, wishes to advertise services in one or more of the special areas of dentistry in N.J.A.C. 13:30-6.1(c), such advertisement shall contain the licensee’s name and the phrase “General Dentist” immediately preceding or following each specialty area claim in a type size and style at least as prominent as any service described as being offered in the practice. The advertisement shall not use the terms “specialist,” “specialty,” “specializing,” “practice limited to,” or any other word or phrase connoting that the licensee is a specialist. The advertisement of services exclusively in one specialty area shall be limited to those licensees who practice that specialty at all times and in all locations.

(g) If a dentist advertises under a banner heading for any of the special areas of dentistry in N.J.A.C. 13:30-6.1(c) in any directory (for example, telephone book yellow pages), such advertisement shall contain the licensee’s name, and either the phrase “General Dentist” or the specialty for which the licensee has been granted a permit by the Board.

(h) If a dentist wishes to advertise services in an area of dentistry other than the recognized special areas of dentistry in N.J.A.C. 13:30-6.1(c), such advertisement shall not use the term "specialist," "specialty," "specializing," "practice limited to," or any other word or phrase connoting that the licensee is a specialist or that the area of dentistry is a recognized specialty.

(i) If a licensee advertises that he or she has obtained master, member, fellow or diplomate status in any dental organization, the advertisement shall disclose the licensee's status as either a general dentist or as the holder of a specialty permit pursuant to N.J.A.C. 13:30-6.1, the name of the dental organization, and if the advertisement concerns an area of practice not recognized as a specialty pursuant to N.J.A.C. 13:30-6.1(c), that the services provided are not a recognized dental specialty.

(j) A licensee may use a patient's photograph as part of an advertisement provided the licensee obtains the patient's written permission to do so. A licensee may use a photograph of a model as part of an advertisement to represent services that may be performed by the licensee provided the licensee discloses in the advertisement that the photograph does not represent services actually performed by the licensee.

(k) A licensee shall not engage in uninvited, in-person solicitation of actual or potential patients who, because of their particular circumstances, are vulnerable to undue influence. This subsection shall not prohibit the offering of services by a licensee to any bona fide representative of prospective patients including employers, labor union representatives, or insurance carriers.

(l) Advertising making reference to setting forth a fee or the provision of a free service shall contain a fixed or a stated range of fees for a specifically described professional service.

1. Such advertisements shall disclose all the relevant variables and considerations which are ordinarily included in such a service so that the fees will not be misunderstood, including the actual components of the specific professional service described, and any other services that are recommended as part of advertised professional service for which a fee may be charged. In the absence of such a disclosure, the stated fees shall be presumed to include everything ordinarily required for such a service.

(m) Offers of discounts or fee reductions or free services shall indicate the advertiser's fixed or stated range of fees against which the discount is to be made and/or the value of the free service.

1. The fixed or stated range of fees or value of free service shall mean and be established on the basis of the advertiser's most commonly charged fee for the stated service within the most recent 60 days prior to, or to be charged in the first 60 days following, the effective date of the advertisement.

2. Offers of across-the-board discounts shall include a representative list of services and the fixed or stated range of fees against which discounts are to be made for these services. The list for general dentistry shall include a sampling of the advertiser's most frequently performed services from the areas of preventive, diagnostic, restorative, endodontic, periodontic, prosthodontic (fixed and removable) dentistry, and oral surgery.

i. "Across-the-board discounts" shall mean the offer of a specified discount on an undefined class of services or the offer of a specified discount to a defined class of patients (for example, "15 percent discount during April on all dental services" or "15 percent discount to senior citizens on all dental services").

ii. Example of Representative List of Services:

	<u>Regular Fee</u>	<u>Discount Fee</u>
Prophylaxis.....	\$	\$
Examination.....		
Complete X-Rays.....		
One Surface Filling.....		
Root Canal.....		
Crown.....		
Periodontal services.....		
Complete Denture.....		
Simple Extraction.....		

3. The effective period during which a fee or discount shall remain in effect shall be set forth on the face of the advertisement. In the absence of such disclosure and solely for the purposes of enforcement, the effective period shall be deemed to be 30 days from the date of the advertisement's initial publication.

4. A licensee who holds a specialty permit, as permitted by N.J.A.C. 13:30-6.1, shall in a manner similar to that in (m)2 above, include a representative list of the most frequently performed services in the advertiser's office.

(n) All licensee advertisements shall contain the name, address and telephone number of the licensee, professional service corporation or trade name under which the practice is conducted and shall also set forth the names of all licensees who are principals, partners, or officers in the professional service facility identified in the advertisement.

(o) A licensee shall be presumed to have approved and shall be personally responsible for the form and contents of an advertisement which contains the licensee's name, office address, or telephone number or which is published or caused to be published by an entity to which the licensee has paid a fee or when the licensee has agreed to have his or her name listed as a participant pursuant to (p) below. A licensee who employs or allows another to employ for his benefit an intermediary source or other agent in the course of advertising shall be personally responsible for the form and contents of said advertisement.

(p) Two or more licensees who are not associates, as defined in N.J.A.C. 13:30-8.13, may collectively advertise dental services. If the design of the collective advertisement could reasonably have the appearance to the public of being a dental referral service, the advertisement shall be accompanied by the phrase, prominently displayed in capital letters, in type no smaller than the smallest type in the advertisement, and in no event less than 10 point type: "THIS IS AN ADVERTISEMENT PAID FOR BY THE PARTICIPATING DENTISTS—IT IS NOT A DENTIST REFERRAL SERVICE." Whenever such advertisement has an audio component, the phrase shall be recited by the narrator at least once prior to the conclusion of the advertisement at decibel level equal to the highest decibel level used in the advertisement and at a speed equal to or slower than any other statement contained in the advertisement.

1. An advertisement shall contain the name, address, telephone number and license number of at least one licensee who is a participant in the collective advertising program. A licensee whose name, address, telephone number and license number appears in a collective advertisement shall provide a list of all other program participants to the Board or a member of the public upon oral or written request. If more than 50 percent of the patients who respond to a collective advertisement are directed to one licensee or one dental practice, disclosure of that fact shall be made clearly and unambiguously in all advertisements.

(q) A licensee shall be required to keep copies of all advertisements for a period of three years and such copies shall be made available to the Board upon request. A video or audio tape of every advertisement communicated by electronic media, or a printed copy of an advertisement communicated on the Internet, shall also be retained by the licensee. All copies of advertisements in the licensee's possession shall indicate the date and place of publication.

Amended by R.2008 d.76, effective April 7, 2008.
See: 39 N.J.R. 1991(a), 40 N.J.R. 1889(a).

In (e), deleted "phrase 'N.J. Specialty Permit No ____' and the" preceding the second occurrence of "specialty", and substituted "licensee has been granted a permit by the Board" for "permit is granted"; and in (g), substituted "the specialty for" for " 'N.J. Specialty Permit No ____' "

and the specialty in", inserted "licensee has been granted a", and substituted "by the Board" for "is granted".
Petition for Rulemaking.
See: 42 N.J.R. 2332(c).

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 8. GENERAL PROVISIONS

13:30-8.1 Fee schedules

(a) The application fees charged by the New Jersey State Board of Dentistry shall be the following:

- 1. Dentists \$125.00
- 2. Dentists Hygienists \$ 75.00
- 3. Registered Dental Assistants and Limited Registered Dental Assistants..... \$ 35.00
- 4. Supervisor of three-month internship program for training of registered dental assistants \$ 35.00

(b) The biennial license and registration fees charged by the New Jersey State Board of Dentistry shall be the following:

- 1. Dentists:
 - i. Initial license fee:
 - (1) If paid during the first year of a biennial renewal period..... \$390.00
 - (2) If paid during the second year of a biennial renewal period..... \$195.00
 - ii. Active license renewal..... \$390.00
 - iii. Inactive license renewal \$140.00
 - iv. Initial branch office registration, dentist:
 - (1) If paid during the first year of a biennial renewal period..... \$90.00
 - (2) If paid during the second year of a biennial renewal period..... \$45.00
 - v. Branch office renewal registration renewal, dentist..... \$90.00