

TITLE 172
NEBRASKA DEPARTMENT OF HEALTH /PROFESSIONAL AND OCCUPATIONAL
LICENSES /REGULATIONS

Chapter 54
REGULATIONS GOVERNING PROFESSIONAL ADVERTISING BY DENTISTS

001 MODE OF ADVERTISING. In the interest of protecting the public health and safety, a dentist shall not use or participate in the use of any form of public communication or advertising containing a false, fraudulent, misleading, or deceptive statement or claim. Advertising about unlawful activities or advertising testimonials is prohibited. No dentist shall hold himself, his staff, his service, or method of delivery of dental services as being superior to that of other dental practitioners. Any statement used in an advertisement must be subject to measurement or verification.

002 SCOPE OF ADVERTISING.

002.01 Name. All advertising used in connection with a place in which dentistry is practiced must contain the name or names of all persons who operate the place of practice. Person can be an individual, partnership or corporation. The names of all dentists practicing in a dental office must be posted prominently at the entrance to the dental office. In the case of a professional corporation, all advertising about the dental office must contain the name of the professional corporation and the names of all dentists who are share holders in the corporation who practice dentistry in the dental office. In all cases the use of a dentist's name shall mean the use of the full name of the dentist as it appears on his or her license and on his or her license renewal certificate.

002.02 Fee Information. Any offer in an advertisement by a dentist containing reference to a specific fee or price or a specific schedule of fees or prices must state the period of time during which the offer at such specified fee or price remains open for acceptance.

If the Advertisement does not state the period of time during which the offer at such specified fee or price remains open for acceptance, then the offer shall be open for acceptance for a reasonable period of time which shall not be less than twenty (20) calendar days.

002.03 Referral of Patient. Directly or indirectly offering, giving, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient in connection with the performance of professional services is prohibited.

002.04 Media. A dentist shall not compensate or give any thing of value to representatives of the press, radio, television, or other communication media in anticipation of or in return for professional publicity unless the fact of compensation is made known in such publicity; this provision does not apply to professional advertising on those media paid for by the dentist.

003 ROUTINE DENTAL SERVICES. A "routine dental service" is a dental service which can be performed at a set price or which can be performed within a stated period of time. A dentist who advertises a routine dental service at a set price must perform such service at the stated set price. A dentist who advertises a routine dental service to be performed within a stated period of time must perform such service within that period of time. A set price for routine dental services is a fixed amount (the price advertised), for which the dentist providing the advertising will perform all necessary component services in order to complete the routine dental service with competence and within the standard of expertise pertaining in the dental profession.

004 SPECIALITY DENTAL PRACTICES. A dentist cannot advertise a specialty he or she does not have competence. Whenever a dentist advertises a speciality for which he or she does not have current certification from, or eligibility for

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current certification from, a specialty board, recognized by "the American Dental Association appropriate to that area of dental practice, the dentist must disclose that fact in the advertisement.

005 NONCOMPLIANCE. Noncompliance by a licensed dentist with these Regulations Governing Professional Advertising by Dentists or the use of a false, fraudulent, misleading, or deceptive statement or claim in an advertisement by a licensed dentist shall be considered unprofessional conduct and shall subject the licensee to suspension or revocation of his or her license to practice dentistry, or to other disciplinary action against the license of the dentist.

SOURCE: Nebraska Revised Statutes Sections 71-147, 71-147(10), 71-148, and 71-169