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## DIGEST

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HB 346 Engrossed

2015 Regular Session

Hoffmann

**Abstract:** Authorizes the La. State Board of Dentistry to provide an advisory opinion regarding proposed advertising by dentists.

Present law authorizes the La. State Board of Dentistry (board) to regulate the advertisements of dentists.

Proposed law retains present law.

Proposed law authorizes any dentist who wishes to advertise to submit a copy of the proposed advertisement to the board for an advisory opinion on whether the advertisement complies with the requirements of the statutes and rules applicable to dental advertising in La.

Proposed law requires a dentist, when requesting an advisory opinion from the board, to submit the following to the board at least 30 days in advance of the desired opinion date:

- (1) A copy of the advertisement or communication in the form or forms in which it is to be disseminated.
- (2) A typewritten transcript of the advertisement or communication.
- (3) A printed copy of all text used in the advertisement.
- (4) An accurate English translation.
- (5) A sample envelope in which the written communication will be enclosed.
- (6) A statement listing all media in which the advertisement or communication will appear, the anticipated frequency of use of the advertisement or communication in each medium in which it will appear, and the anticipated time period during which the advertisement or communication will be used.
- (7) Any additional information requested by the board.
- (8) Fees paid to the board, in an amount set by the board.

Proposed law provides that the advisory opinion issued by the board, though not conclusive, may

be used as evidence in any disciplinary proceeding by the board in which an advertising violation is alleged.

Present law authorizes the board to collect certain fees.

Proposed law retains present law and adds a fee for review of proposed advertising with a minimum of \$150.00 and a maximum of \$300.00.

Proposed law relative to the board's review of proposed advertising is effective August 1, 2015.

Present law requires the board to notify the advertising dentist by mail if it determines that a portion of an advertisement constitutes unprofessional conduct. Present law further requires the board to provide the dentist with 30 days to correct the portions of the advertisement in violation and submit to the board proof of the correction prior to any disciplinary action being taken. The option to correct an advertisement under present law may be used by a dentist for the first two violations.

Proposed law repeals present law on August 1, 2016.

(Amends R.S. 37:775(B); Adds R.S. 37:775(C) and 795(B)(1)(n))