



COLLEGE OF REGISTERED
DENTAL HYGIENISTS
OF ALBERTA



CRDHA
Rules
Respecting
Advertising

March 6, 2008

CRDHA Rules Respecting Advertising

Over the past year, the College of Registered Dental Hygienists of Alberta (CRDHA) has fielded numerous calls regarding advertising from members who have established or are in the process of establishing independent dental hygiene practices. We have also received a number of calls from members who are concerned about the advertisements of some dental hygienists and how those advertisements might mislead the public and reflect poorly on the dental hygiene profession.

Section 102 of the *Health Professions Act* states: "A regulated member shall not engage in advertising that is untruthful, inaccurate or otherwise capable of misleading or misinforming the public." In addition, section 2.6 of the *CRDHA Code of Ethics* states: "Dental hygienists shall not engage in any advertising or promotional activity that is false, misleading or deceptive."

In July 2007 we published a newsletter article setting out the general principles for professional advertising: clear, truthful, complete, in good taste. The article referred members to the Canadian Code of Advertising Standards. However, most members calling the CRDHA office were seeking guidance more specific to dental hygiene practice. In that light, on March 8, 2008 Council approved a set of CRDHA rules respecting advertising. Those rules are printed below.

INTRODUCTION

The Council of the College of Registered Dental Hygienists of Alberta believe that clear and accurate information about dental hygiene services protects the public. In developing these rules respecting advertising, Council considered their duty to protect the public, by regulating member advertising, in order to prevent advertising that is false, inaccurate, could mislead the public, harms the integrity of the profession or is contrary to the public interest.

At the same time, the Council of the CRDHA recognizes an individual's freedom of expression and believes that colleges should not restrict the access of consumers to information necessary or relevant to their choice of a professional. Accordingly, the CRDHA Council, in creating these rules, has balanced the freedom of expression of its members against the College's legal obligation to protect the public interest.

DEFINITION OF ADVERTISEMENT

In this document "advertisement", "advertising", "advertise" or "advertises" means any publication, or communication made orally, in print, or through electronic media by, about or on behalf of a dental hygienist, dental hygiene practice, clinic or group, to the public in general, or even to one or more individuals, that has as its purpose, or results in, the promotion of a dental hygienist or a dental hygiene practice, clinic or group.

Conventional advertising is not the only means by which advertising or representations are made to the public. For the purposes of these rules, advertising includes a listing in a directory, a public appearance, representations that may occur on websites, in presentations, promotional material, newspapers, publications, electronic media, seminars and educational pamphlets. Any statement by a dental hygienist made in the course of an interview with the media is deemed to be advertising. Advertising activities also include the use of dental hygiene practice names, trade names and letterhead.

Dental hygienists are accountable as individuals to consumer laws, as well as to client and colleague expectations for professional conduct. Advertising is just one of the professional activities subject to the *Health Professions Act* (the Act) and the College's standards of practice. Failure to follow these rules may constitute a breach of the Act or one or more standards of practice and therefore may be "unprofessional conduct".

RULE 1: No Misrepresentations

A dental hygienist shall not make a representation to the public, through advertisement or otherwise, which is, in any respect, false, inaccurate, misleading, not objectively verifiable, contrary to the public interest or harmful to the integrity of the profession of dental hygiene.

RULE 2: No Claims About Other Professionals

A dental hygienist shall not make a representation to the public, through advertisement or otherwise, directly, indirectly or by innuendo, which contains comments, comparisons, criticisms, misinformation or unverifiable information of or about other health professionals or professions.

RULE 3: Cannot Disclose Clients' Identity in Ads

An advertisement shall not disclose the name or identifying features of a client unless the client's prior consent has been obtained. Any inducement or benefit given to the client for consenting to the disclosure, shall be disclosed in the advertisement.

RULE 4: Accurate Fee Schedule

A dental hygienist shall ensure that any fees published or advertised are not, in any respect, false, inaccurate, misleading, unverifiable, contrary to the public interest or harmful to the integrity of the profession of dental hygiene.

Furthermore, a dental hygienist shall ensure that any fees published or advertised:

- are precise as to the services offered for each fee quoted;
- do not refer to minimum or sliding fees;
- state whether other amounts, such as disbursements and taxes, will be charged in addition to the fee; and
- are strictly adhered to in every applicable case.

RULE 5: Advertising Fees

A dental hygienist who advertises or publishes any fees for a specific service shall:

- ensure that the advertisement or publication sufficiently describes the fees and services so as to enable the client or prospective client to understand the nature and extent of the services to be provided and the cost to the client, and
- not compare the fees charged by the dental hygienist with those charged by another dental hygienist, dental hygiene practice or other health professional unless details of such comparison can be explicitly verified.

RULE 6: Cannot Accept Inducements For Referrals to Others

A dental hygienist shall not accept any inducement or benefit for referring another person to any other health professional for the provision of any service or product, whether or not it is medically or dentally necessary.

RULE 7: No Inducements to Clients

A dental hygienist shall not advertise or offer any benefit to a client to induce the client to utilize the services or products of the dental hygienist unless:

- the benefit is available universally to everyone during the stated period that the offer is valid for,
- all benefits claimed are accurate and objectively verifiable, and
- there are no hidden or misleading restrictions or qualifications required to take advantage of the offer.

RULE 8: Restrictions on Endorsements

A dental hygienist shall not endorse any product or service of another party that the dental hygienist uses or otherwise is familiar with, unless:

- the dental hygienist has sufficient knowledge or expertise to make an informed and considered assessment of the product or service;
- the dental hygienist discloses that they have received a benefit for such endorsement if they have received any such benefit.

Whenever endorsing any product or service:

- the dental hygienist shall act with integrity and due care;
- the dental hygienist shall be able to establish with objective, scientific evidence, grounds for the endorsement;
- the dental hygienist shall be satisfied that the endorsement:
 - is not false or misleading;
 - does not create an unreasonable expectation as to the results that will be achieved by using the product or service;
 - does not harm the integrity of the profession of dental hygiene;
 - does not make unfavourable reflections on the competence or integrity of any dental hygienists, any other health professional or the dental hygienists profession; and
 - does not include a statement, the contents of which the dental hygienist cannot objectively verify or substantiate.

RULE 9: Trade Names

Use of trade names is considered a form of advertising or promotional activity. Dental hygiene practices shall not use any name, whether a trade name or the name of individuals or other entities, unless the name:

- is not misleading;
- is not confusing;
- does not harm the integrity of the profession of dental hygiene;
- does not imply superiority over any other dental professional or profession, or
- does not state or imply that any dental hygienist is a specialist in providing any health service.

RULE 10: Expertise and Use of Titles

All Regulated Members may use the titles dental hygienist, registered dental hygienist, RDH, DH and may indicate that they hold other University or College degrees. No dental hygienist shall use the term "specialist" or hold himself or herself out to be a specialist in connection with providing any dental hygiene service.

RULE 11: All Representations Shall Be Objectively Verifiable

It is the duty of the dental hygienist to objectively verify all statements made in any advertisement promptly after a request for verification is made by CRDHA or any of its authorized representatives.

RULE 12: Retain Advertisement for Two Years

A dental hygienist shall retain a copy or recording of every advertisement or publication published or distributed on the dental hygienist's behalf for a minimum period of two years after the date of its last publication or distribution.