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American Dental Association Principles of Ethics

with official advisory opinions as revised

Council on Judicial Procedures, Constitution and Bylaws

The Association's *Principles of Ethics*, although presented in the form of general guides, clearly suggests the conduct which a dentist is expected to follow in carrying out his professional activities whether they be related to his patients or to fellow practitioners.

It should be kept in mind that the *Principles* are aimed primarily at upholding and strengthening dentistry as a full-fledged member of the learned professions.

The dentist constantly should remind himself that the ethics of dental practice, the basic system for self-regulation of the dental profession, grow out of the obligations inherent in the practice of a profession. The dentist should reflect constantly upon the professional characteristics of his occupation. They are:

1. The provision of a service (usually personal) which is essential to the health and well-being of society.
2. The necessity of intensive education and training to qualify as competent to provide the essential service.
3. The need for continuing education and training to maintain and improve professional knowledge and skills.
4. The need for joining with professional colleagues in organized efforts to share new knowledge and new developments of professional practice.
5. Dedication to service rather than to gain or profit from service.

Article VII of the *Constitution* of the American Dental Association provides "The *Principles of Ethics* of this Association and the codes of ethics of the constituent and component societies which are not in conflict with the *Principles of Ethics* of this Association, shall govern the professional conduct of all members."

Section 1—Education Beyond the Usual Level

■ The right of a dentist to professional status rests in the knowledge, skill, and experience with which he serves his patients and society. Every dentist has the obligation of keeping his knowledge and skill freshened by continuing education through all of his professional life.

ADVISORY OPINIONS

1. The awarding of certificates to dentists who complete postgraduate courses does not bring the component society or the recipient dentists in conflict with the *Principles of Ethics*. Dentists should be encouraged to continue their professional education.

2. It is unethical for a dentist to display certificates of membership and certificates of completion of short courses if the total display would tend to imply announcement of a specialty practice. The excessive dis-

play of such certificates should be discouraged.

3. It is unethical for a dentist to sponsor, conduct, or participate as a teacher in continuing education programs which do not comply with policy of the American Dental Association or standards of Councils of the Association.

Section 2—Service to the Public ■ The dentist's primary duty of serving the public is discharged by giving the highest type of service of which he is capable and by avoiding any conduct which leads to a lowering of esteem of the profession of which he is a member.

In serving the public, a dentist may exercise reasonable discretion in selecting patients for his practice. However, a dentist may not refuse to accept a patient into his practice or deny dental service to a patient solely because of the patient's race, creed, color, or national origin.

ADVISORY OPINIONS

1. The use of professional letterheads in connection with a dentist's efforts to promote a commercial endeavor is undignified and might tend to lower public esteem for the profession.

2. It is not unethical for a local society to announce or publish the availability of a budget payment dental care plan provided that the announcement is dignified and identifies only the society.

3. It is unethical for a dentist to inform the public that he will render certain services free of charge.

4. It is unethical for a dentist to sell to his patients, at a profit, articles such as toothbrushes.

5. The *Principles* do not prohibit a dentist from engaging in the normal business practice of instituting service charges for unpaid balances.

6. Dentists who use patients for teaching or research purposes without their fully informed consent are in violation of Section 2 of the *Principles of Ethics*.

Section 3—Government of a Profession

■ Every profession receives from society the right to regulate itself, to determine and judge its own members. Such regulation is achieved largely through the influence of the professional societies, and every dentist has the dual obligation of making himself a part of a professional society and of observing its rules of ethics.

ADVISORY OPINIONS

None.

Section 4—Leadership ■ The dentist has the obligation of providing freely of his skills, knowledge, and experience to society in those fields in which his qualifications entitle him to speak with professional competence. The dentist should be a leader in his community, including all efforts leading to the improvement of the dental health of the public.

ADVISORY OPINIONS

None.

Section 5—Emergency Service ■ The dentist has an obligation when con-

sulted in an emergency by the patient of another dentist to attend to the conditions leading to the emergency and to refer the patient to his regular dentist who should be informed of the conditions found and treated.

ADVISORY OPINIONS

None.

Section 6—Use of Auxiliary Personnel

■ The dentist has an obligation to protect the health of his patient by not delegating to a person less qualified any service or operation which requires the professional competence of a dentist. The dentist has a further obligation of prescribing and supervising the work of all auxiliary personnel in the interests of rendering the best service to the patient.

ADVISORY OPINIONS

It is unethical for a dentist to refer a patient to a commercial dental laboratory.

Section 7—Consultation ■ The dentist has the obligation of seeking consultation whenever the welfare of the patient will be safeguarded or advanced by having recourse to those who have special skills, knowledge, and experience. A consultant will hold the details of a consultation in confidence and will not undertake treatment without the consent of the attending practitioner.

ADVISORY OPINIONS

None.

Section 8—Justifiable Criticism and Expert Testimony

■ The dentist has an obligation to report to the appropriate agency of his component or constituent dental society instances of gross and continual faulty treatment by another dentist. If there is evidence of faulty treatment, the welfare of the patient demands that corrective treatment be instituted. The dentist may provide expert testimony when that testimony is essential to a just and fair disposition of a judicial or administrative action. A dentist has the obligation to refrain from commenting dis-

paragingly, without justification, about the services of another dentist.

ADVISORY OPINIONS

1. In a malpractice suit both parties have a right to present expert testimony through witnesses. A dentist acting as a witness may not be disciplined merely for presenting his professional opinion.

2. Section 8 has no application to dental societies or committees thereof acting on grievances, review, or similar matters.

Section 9—Rebates and Split Fees

■ The dentist may not accept or tender "rebates" or "split fees."

ADVISORY OPINIONS

1. A fee arrangement between dentists and other practitioners of the healing arts which is not disclosed to the patient constitutes fee splitting and is unethical.

2. The failure to disclose to the patient an approved governmental or prepaid dental care plan fee arrangement between a general practitioner and a specialist does not constitute fee splitting.

3. A dentist who purchases a retiring or deceased dentist's practice may ethically agree to pay to the retiring dentist or to the estate a percentage of the fees collected from patients of record of the retired or deceased dentist for a limited period of time.*

4. A dentist may ethically agree to pay to another dentist a percentage of his fees as part of an agreement covering the sharing of office facilities.*

5. Dentists in partnership may use any reasonable formula for determining how partnership profits may be divided among partners.

6. The practice of dentists billing patients for services provided by pathologists does not constitute fee splitting.

7. Compensating dental hygienists on a percentage basis does not constitute fee splitting or a violation of the *Principles*.

8. Whether a dentist may properly enter into a lease agreement in which his office rental will be based on a percentage of the gross income derived from his practice is not governed by the *Principles of Ethics*.

*Note: This arrangement may violate some state dental practice acts.

Section 10—Secret Agents and Exclusive Methods

■ The dentist has an obligation not to prescribe, dispense, or promote the use of drugs or other

agents whose complete formulas are not available to the dental profession. He also has the obligation not to prescribe or dispense, except for limited investigative purposes, any therapeutic agent, the value of which is not supported by scientific evidence. The dentist has the further obligation of not holding out as exclusive, any agent, method, or technique.

ADVISORY OPINIONS

None.

Section 11—Patents and Copyrights

■ The dentist has the obligation of making the fruits of his discoveries and labors available to all when they are useful in safeguarding or promoting the health of the public. Patents and copyrights may be secured by a dentist provided that they and the remuneration derived from them are not used to restrict research, practice, or the benefits of the patented or copyrighted material.

ADVISORY OPINIONS

None.

Section 12—Advertising

■ Advertising reflects adversely on the dentist who employs it and lowers the public esteem of the dental profession. The dentist has the obligation of advancing his reputation for fidelity, judgment, and skill solely through his professional services to his patients and to society. The use of advertising in any form to solicit patients is inconsistent with this obligation.

ADVISORY OPINIONS

1. A dentist who arranges for an advertisement of his "Dental Clinic" is engaged in unethical conduct.

2. A dentist in a specialist practice who includes on his referral slips a map or diagram of his office location is merely providing helpful information to the patients of referring dentists and is not engaged in unethical conduct.

3. It is unethical for a dentist to induce any publication that tends to be professionally self-laudatory, or that tends to differentiate him professionally from other dentists.

Therefore, it is unethical for a dentist to

induce publication of articles in nonprofessional media that, for example, praise his research, connect him with technological advances in dentistry, or announce his participation in a postgraduate course. It is also unethical for a dentist to sell or distribute health education material containing his name and professional identification.

4. It is not unethical for a dentist to publish or to have published professional matters of general community interest, such as activities involving National Children's Dental Health Week, school dental programs, or advancements in dental technology, but they should be originated by or cleared in advance by the local society. It is unethical for a dentist to induce publication of professional matters of community interest on his own behalf.

5. It is not unethical for a local dental society to purchase institutional advertising to counteract the advertising of unethical dentists. Such a practice, however, may not be in good taste.

6. A dignified announcement or publication of the availability of a budget payment dental care plan is not unethical if the plan and the announcement are approved by the local dental society. It is unethical for the announcement to list the names of dentists participating in the plan.

7. A dentist who permits his name to be used in a dental health education pamphlet to be distributed to the public at large by a commercial firm is engaged in unethical conduct.

8. A dentist who indicates on a prominent sign outside an unfinished building that he intends to relocate his practice there is engaged in unethical conduct.

9. A dentist is not prohibited by ethics from engaging in an activity such as that of a radio "sports caster," but he should not give undue emphasis to his identity as a practicing dentist. It is advisable, also, for a dentist to consult with his local society before undertaking such an activity.

10. A dentist who distributes his professional cards to persons eligible for dental care under a group health care plan, including persons not his patients of record, is engaged in unethical conduct even though he is the only dentist who has agreed to render services to the group.

11. It is unethical for a specialist to distribute reprints of his published articles to a large segment of general practitioners. This practice appears to be an obvious effort to solicit referrals by indicating superiority in the special field.

12. It is unethical for specialists to furnish so-called patient education pamphlets to general practitioners for distribution to patients where pamphlets, in effect, stress unduly the superiority of the procedure used by specialists. Publication of

such so-called patient education material has the effect of soliciting patients.

13. It is unethical for a dentist to give lectures or demonstrations before lay groups on a particular technique (such as hypnosis) that he employs in his practice.

14. The publication of a list of dentists who have agreed to participate in a group dental care plan which is found to be in violation of the American Dental Association's policy on group dental care plans and not approved by the state dental society is unethical.

15. It is unethical for a dentist to include on his cards, letterheads, bills, signs, and so forth, that he uses anesthesia, X-rays, or does oral diagnosis.

16. It is unethical for a dentist to allow use of his office or his person as a part of a television advertisement.

Section 13—Cards, Letterheads, and Announcements

■ A dentist may properly utilize professional cards, announcement cards, recall notices to patients of record, and letterheads when the style and text are consistent with the dignity of the profession and with the custom of other dentists in the community.

Announcement cards may be sent when there is a change in location or an alteration in the character of practice, but only to other dentists, to members of other health professions, and to patients of record.

ADVISORY OPINIONS

1. A dentist who invites his patients of record, other dentists, and other practitioners of the healing arts to an "open house" in connection with the establishment of a new office is not engaged in unethical conduct.

2. It is not unethical for a dentist who has returned from military service to send announcements to his former patients.

3. A dentist who purchases or takes over the practice of another dentist who is retiring may send announcements or recall cards to the retiring dentist's patients of record. But it would be unethical for the new dentist to send recall cards at a later date to those who did not definitely indicate that they wished to be accepted into the new dentist's practice.

4. The use of pictures, symbols, and slogans on professional stationery should be discouraged.

5. A dentist may insert a paid announcement of his dental practice in a local newspaper on a restricted basis only where approved by the local dental society.

6. On establishing a dental practice a dentist may send announcements to other dentists, members of other health professions, and to relatives.

7. The *Principles* permit announcement, on a limited basis, if there is a change in the character of practice, such as from a general to a specialty practice. Sections 13 and 18, however, do not permit publication or announcement of matters not representing a change in the character of a practice such as use of new techniques, qualification to perform oral rehabilitation, or competency to use certain anesthetics.

8. A dentist who announces the employment of a dental hygienist to all dentists and physicians of the community is engaged in unethical conduct.

9. It is unethical for a dentist to include on his cards or letterheads the name of a dental hygienist or any other auxiliary personnel.

Section 14—Office Door Lettering and Signs

■ A dentist may properly utilize office door lettering and signs provided that their style and the text are consistent with the dignity of the profession and with the custom of other dentists in the community.

ADVISORY OPINIONS

1. A building may be identified as the "... Dental Building," except that the full name of the building cannot include the name of a participating dentist. The name selected should not imply the practice of superior or more artful dentistry, imply any connection with any institutional or governmental unit or organization, or imply or specify the practice of any special area of dentistry. The full name selected shall be limited to the function of helping the patient locate the building.

2. A component society may determine community custom to prohibit dentists from using floodlights to draw attention to their nameplates on the outside of their private practice facilities. Component societies should be aware, furthermore, that the state dental practice acts ordinarily establish regulations on the use of office door lettering and signs.

3. It is unethical for a dentist to include on his door the name of a dental hygienist or any other auxiliary personnel.

Section 15—Use of Professional Titles and Degrees

■ A dentist may use the titles or degrees Doctor, Dentist, DDS, or DMD in connection with his name on cards, letterheads, office door signs, and announcements. A

dentist who also possesses a medical degree may use this degree in addition to his dental degree in connection with his name on cards, letterheads, office door signs, and announcements. A dentist who has been certified by a national certifying board for one of the specialties approved by the American Dental Association may use the title "Diplomate" in connection with his specialty on his cards, letterheads, and announcements if such usage is consistent with the custom of dentists of the community. A dentist may not use his title or degree in connection with the promotion of any commercial endeavor.

The use of eponyms in connection with drugs, agents, instruments, or appliances is generally to be discouraged.

ADVISORY OPINIONS

1. *The Principles of Ethics* permit dentists to use the titles "Doctor" or "Dentist" or the degrees "DDS" or "DMD" in connection with their names on cards, letterheads, office door lettering, or signs. The use of other titles, such as "Dental Surgeon" or "Surgeon Dentist," is unethical.

2. A dentist may permit his name to be used to identify a dental instrument so long as his degree or title is not added to that identification.

3. It is unethical for a dentist to permit his name with title or degree to be used in advertising circulars, letterheads, and other material promoting a product or service to either the public or profession at large.

4. A practicing dentist who identifies himself by title or degree in material promoting the products of a dental supply house is engaged in unethical conduct.

5. A dentist who merely demonstrates a new piece of dental equipment within a commercial exhibit at a professional meeting is not engaged in unethical conduct.

6. Section 15 is interpreted to mean that the title "Diplomate" on office door lettering or signs is not permitted. The use of the term "Diplomate of . . ." on cards, letterheads, and announcements is permitted.

7. The limitations on the use of titles and degrees in connection with a dentist's name on cards, letterheads, announcements, and signs should be strictly observed.

8. A dentist who participates in a dental motion picture film sponsored by a commercial film company in which he has a financial interest is engaged in unethical

conduct if he is identified by name and title or degree.

9. Although the House of Delegates has recommended that postgraduate courses for dentists should be conducted under the auspices of recognized educational institutions, hospitals, and dental societies (*Trans*, 1951:190), that policy has not been incorporated in the *Principles of Ethics*. It is not unethical for a dentist to participate in a scientific or professional presentation under the sponsorship of a commercial concern, unless that dentist's participation does, in effect, promote the product or products of the sponsoring commercial concern.

10. It is unethical for a dentist employed by a dental supply or other commercial firm to sign his name with title or degree to letters or circulars promoting the products of his employer.

11. A dentist may ethically combine the practice of dentistry with the practice of other branches of the healing arts.

12. A dentist may not use degrees other than DDS, DMD, or MD, if earned, in connection with his name on cards, letterheads, and announcements.

13. The mere identification of a dentist as an officer or member of the board of directors of a corporation is not unethical.

14. Use of fellowship degrees, honorary degrees, academic degrees, other than DDS, DMD, and MD, with a dentist's name in directory listings and on cards, letterheads, office door signs, and announcements is unethical.

15. It is unethical to use a dentist's name, with title or degree, as part of promotional efforts for educational or travel programs.

The Association approves of and encourages advanced educational programs. The promotion of these programs is recognized as essential to their success. For this reason, it is ethical for promotional brochures to contain curriculum vitae of clinicians.

Section 16—Health Education of the Public ■ A dentist may properly participate in a program of health education of the public involving such media as the press, radio, television, and lecture, provided that such programs are in keeping with the dignity of the profession and the custom of the dental profession of the community.

ADVISORY OPINIONS

1. It is not unethical for a dentist to mail health education pamphlets to his patients of record.

2. Before a dentist initiates the publica-

tion of a dental health column in a newspaper, he should seek the approval of his local and state dental societies.

3. A dentist has the right to speak out against the policies espoused by organized dentistry, including the right to make public pronouncement against fluoridation. It is unethical, however, for a dentist to represent his views as those of the dental society or as those of the majority of dentists of the community where in fact his views are opposed to the society's or to the majority of dentists in the community.

4. A dentist who prepares a health education column for a newspaper syndicate is not required to obtain the approval of every component society in whose jurisdiction the column is published.

5. A school dental health education program is a recognized and valued adjunct to a complete program of dental health education. Dental societies are encouraged to select representatives to participate in properly conducted school dental health education programs.

In conformance with sound educational principles recognized by the Association's Bureau of Dental Health Education, a properly conducted school dental health education program should utilize only acceptable and accurate dental health education materials, whether sponsored by commercial or other agencies, and further, should contain safeguards to insure that the dentist will not be placed in the position of promoting a commercial product in violation of the *Principles of Ethics*.

Section 17—Contract Practice ■ A dentist may enter into an agreement with individuals and organizations to provide dental health care provided that the agreement does not permit or compel practices which are in violation of these *Principles of Ethics*.

ADVISORY OPINIONS

1. The practice of dentistry under contract with, or as an employee of, a health plan is not of itself unethical. The health plan's efforts to promote its dental benefits to the public, however, may involve participating dentists in unethical conduct.

2. The inclusion of a clause in a contract between partners in a dental practice that forbids any partner who withdraws from the dental partnership from locating a new practice near the partnership's location is not of itself unethical.

3. Unless the practices and procedures of a dental care plan require a dentist participating in that plan to violate the *Principles of Ethics*, participation in such a plan should not be prohibited by a component society as a violation of professional ethics.

4. A dentist is not in violation of the *Principles* when he participates in a bona fide prepaid dental care plan that solicits patronage from the public as long as the plan is open to participation by all ethical dentists in the community.

5. The requirement imposed by component or constituent societies to file a contract between any members and a corporation is not a matter of ethics and is unenforceable as being outside the purview of the *Principles of Ethics* of a professional association.

6. It is not unethical for a dentist to charge a reasonable fee for completing a third party reimbursement form.

7. The practice of increasing fees when it becomes known that there is a third party reimbursing agent is unethical.

8. A dentist who commits a deliberate "irregularity" in billing in a third party reimbursement plan is engaged in unethical conduct.

9. Any dentist participating in a dental practice arrangement which permits a non-dentist, whether an individual or a corporation, to operate or manage a dental practice, to hold himself out as furnishing dental services or dentists, to advertise that he has or owns a dental office or that he can furnish dental services, or to solicit dental patronage on his own behalf is acting inconsistently with Section 17 and is unethical.

Section 18—Announcement of Limitation of Practice ■ Only a dentist who limits his practice exclusively to the special areas approved by the American Dental Association for limited practice may include a statement of his limitation in announcements, cards, letterheads, and directory listings (consistent with the customs of dentists of the community), provided at the time of the announcement, he has met in each specialty for which he announces the existing educational requirements and standards* set by the American Dental Association for members wishing to announce limitation of practice.**

In accord with established ethical ruling that dentists should not claim or imply superiority, use of the phrases "Specialist in . . ." or "Specialist on . . ." in announcements, cards, letterheads, or directory listings should be discouraged. The use of the phrase "Practice limited to . . ." is preferable.

A dentist who uses his eligibility to announce himself as a specialist to make the public believe that specialty

services rendered in his dental office are being rendered by ethically qualified specialists when such is not the case is engaged in unethical conduct. The burden is on the specialist to avoid any inference that general practitioners who are associated with him are ethically qualified to announce themselves as specialists.

*The following are included within the standards of the American Dental Association for determining the educational experience and other appropriate requirements for announcing a limited practice:

1. The indicated area of dentistry must be one for which there is a certifying board approved by the American Dental Association.

2. The dentist's practice must be limited exclusively to the indicated area of dentistry.

3. The dentist must have completed successfully an educational program accredited by the Council on Dental Education, two or more years in length, as specified by the Council or be a diplomate of a national certifying board.

**For purposes of Section 18, those dentists who ethically limit their practices to the special area of dentistry previously identified as oral surgery may announce themselves as oral and maxillofacial surgeons and may designate their practices as oral and maxillofacial surgery.

ADVISORY OPINIONS

1. A dentist who indicates on his cards, stationery, or in his directory listings, that he specializes in any field not recognized as a specialty by the American Dental Association is engaged in unethical conduct.

2. A dentist may not properly announce that he limits his practice to two special fields of dentistry. Only one special field may be announced.

3. The use of the term "Diplomate" on cards, letterheads, and announcements implies an announcement of a limited practice.

Section 19—Directories ■ A dentist may permit the listing of his name in a directory provided that all dentists in similar circumstances have access to a

similar listing and provided that such listing is consistent in style and text with the custom of the dentists in the community.

ADVISORY OPINIONS

1. Listings in telephone directories should be in good taste and conform to community custom; directory listings must also conform to those sections of the *Principles of Ethics* concerned with announcements and prohibitions against advertising.

2. An unusual method of listing a dental practice in a telephone directory is not permitted by the *Principles of Ethics*.

3. Community custom will determine whether dentists may be listed in directories published by fraternal organizations or similar groups.

4. If community custom permits, practitioners ethically qualified to announce limitations of their practice in one of the approved areas may be listed under separate headings in the classified section of telephone directories as long as they are not also listed under the "general dentistry" heading.

5. Unless community custom permits, dentists should not list their names in the classified telephone directories for localities outside their residence or practice locations.

6. If community custom permits, a dentist may indicate in his telephone directory listing that he is a member of the American Dental Association.

7. It is not unethical for a dentist to use the description "children's dentistry" rather than "pedodontia" in a telephone directory listing as long as community custom permits that usage.

8. In a group practice names of the individual dentists may be listed alphabetically, and there may also be one listing for the group name.

9. Group practices may be identified by the name of one or more dentists practicing within the group. The use of "Dr. Smith and Associates" is consistent with this opinion.

10. Use of the heading "general dentistry" in directory listings is not in conflict with Section 18 of the *Principles of Ethics*.

Section 20—Name of Practice ■ The name under which a dentist conducts his practice may be a factor in the selection process of the patient. The use of a trade name or an assumed name could mislead laymen concerning the identity, responsibility, and status of those practicing thereunder. Accord-

ingly, a dentist shall practice only under his own name, the name of a dentist employing him who practices in the same office, a partnership name composed only of the name of one or more of the dentists practicing in a partnership in the same office, or a corporate name composed only of the name of one or more of the dentists practicing as employees of the corporation in the same office.

Use of the name of a dentist no longer actively associated with the practice may be continued for a period not to exceed one year.

The use of dentists' names in directories is covered entirely by Section 19.

ADVISORY OPINIONS

1. The use of assumed names in answering the telephone in a dental office is unethical. It is permissible to answer "dental office."

2. The use of the term "clinic" should

be limited to designate public or quasi-public institutions.

3. It is not unethical for a dentist to practice in a predominantly medical facility that uses an assumed name.

4. Group practices may be identified by the name of one or more dentists practicing within the group. The use of "Dr. Smith and Associates" is consistent with this opinion.

Section 21—Corporate Designations ■

Corporate designations may be used.

ADVISORY OPINIONS

1. Corporate designations permitted by the appropriate state law may be used.

Section 22—Judicial Procedure ■
Problems involving questions of ethics should be solved at the local level within the broad boundaries established in these *Principles of Ethics* and within the interpretation of the code of ethics of the component so-

ciety. If a satisfactory decision cannot be reached, the question should be referred, on appeal, to the constituent society and the Council on Judicial Procedures, Constitution and Bylaws of the American Dental Association, as provided in Chapter XI of the *Bylaws* of the American Dental Association.

ADVISORY OPINIONS

1. Grievance procedures are not within the jurisdiction of the Council on Judicial Procedures, Constitution and Bylaws.

2. The establishment of a system for collecting overdue accounts by a local dental society is not within the concern of the Council on Judicial Procedures, Constitution and Bylaws.

3. When a Council on Judicial Procedures, Constitution and Bylaws opinion on a question raised by an individual dentist will affect the whole dental community, a copy of that opinion will be sent to the secretary of the constituent or component society.

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