

January 3, 2025

Re: AAE and OAE Opposition to Proposed Revisions to Specialty Advertising Laws

On behalf of the American Association of Endodontists (AAE) and the Ohio State Association of Endodontists (OAE), we write to express our strong opposition to the Ohio State Dental Board's (OSDB) proposed revisions to Ohio Administrative Code 4715-5-04. These changes pose an unprecedented threat to patient safety and the integrity of dental specialty practice in Ohio. We reject these proposed revisions and call for reinstating the 2018 proposed rules submitted to and approved by the Common Sense Initiative and the immediate lifting of the stay on enforcement of specialty advertising laws.

As the leading associations representing endodontists in Ohio, we collectively advocate for the interests of over 175 members statewide. Endodontists are dental specialists with distinctive expertise in diagnosing and managing dental pain. Our specialty extends to preserving patients' natural teeth through root canal therapy and related surgical procedures, thereby contributing to the overall well-being and oral health of individuals under our care. Our members have completed a rigorous, CODA-accredited postdoctoral specialty education program to ensure quality patient outcomes in treating complex endodontic procedures. The OSDB's current revisions to the specialty advertising laws directly impact our specialty and would undermine patient safety and the vitality of our dental practices.

AAE and OAE's Critical Concerns with OSDB Proposed Revisions

The OSDB's proposed revisions represent a dangerous departure from decades of strong specialty advertising laws upholding patient safety and professional integrity. Our December 2, 2024, joint organizational comments outlining our specific objections to the current proposed rule changes are enclosed.

Our primary concern is eliminating the requirement for dental specialists to complete a postdoctoral program accredited by the Commission on Dental Accreditation (CODA), recognized by the Department of Education. This change could enable dentists with limited training—such as those who have taken weekend or online courses—to market themselves as specialists, undermining the value of rigorous, accredited education necessary for specialty recognition. Such a shift jeopardizes patient safety and erodes the credibility of dental specialties in Ohio.

Ohioans already struggle with oral health literacy. A 2020 survey found that 73% of respondents assumed dentists advertising as specialists had completed an accredited residency program. Meanwhile, 70% said they would avoid specialty care if they knew the dentist lacked such training.¹ The proposed changes risk increasing this confusion, further damaging public trust, and endangering patient safety. We urge the OSDB to uphold strict standards for specialty recognition to protect the oral health of Ohio residents.

Support for Reinstating the 2018 Proposed Specialty Advertising Rules

We urge the OSDB to abandon its current proposed revisions and readopt the 2018 proposed rules that the Common Sense Initiative approved. We support this iteration of proposed rules because they continue to protect patients by ensuring that only dentists who have completed an accredited postdoctoral specialty education program accredited by an accrediting

1

1 Fields HW, Casamassimo P, Owsiany DJ, Saperstein M. The case for tying specialty status to completion of dental residency: Dental education's stake. *J Dent Educ.* 2020; 84:852–856. <https://doi.org/10.1002/jdd.12139>

body recognized by the U.S. Department of Education, such as the Commission on Dental Accreditation, can advertise as specialists within Ohio.

The AAE and OAE support the adoption of the 2018 OSDB proposed rules, with minor tracked edits outlined below to recognize new dental specialties adopted since 2018:

4715-5-04 Specialty advertising.

(A) A licensed dentist is recognized as a specialist in Ohio if the dentist meets the standards set forth in paragraph (B) of this rule. Any licensed dentist who does not meet the standards set forth in paragraph (B) of this rule is a general dentist. A general dentist is permitted to render specialty services in Ohio.

(B) A licensed dentist must comply with one of the following requirements before being recognized as a specialist in Ohio:

(1) Successfully complete **at least a two-year** full-time post-doctoral education program accredited by an accrediting body approved by the United States Department of Education (“USDOE”) and provided by an accredited dental college (as defined in R. C. 4715.10), in one of the following specialty areas: **dental anesthesiology**, dental public health, endodontics, oral and maxillofacial pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, **oral medicine, orofacial pain**, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, or prosthodontics; or

(2) Successfully complete **at least a two-year** full-time post-doctoral education program accredited by an accrediting body approved by the USDOE and provided by an accredited dental college (as defined in R. C. 4715.10), in an area of general dentistry not listed in subdivision (B)(1) of this rule, **including but limited to dental anesthesiology, oral medicine, Implant dentistry, and orofacial pain**; or

(3) Successfully complete a full-time post-doctoral education or residency program requiring at least two years of training in an area of general dentistry not listed in subdivision (B)(1) of this rule, **including but limited to dental anesthesiology, oral medicine, Implant dentistry, and orofacial pain**, and which was completed through an accredited dental college (as defined in R. C. 4715.10), or in a hospital accredited by one of the following entities: The Accreditation Council for Graduate Medical Education (ACGME), The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), The Joint Commission on Accreditation of Hospitals (JCAH), or the Joint Commission; or

(4) The licensed dentist seeking specialty recognition announced their specialty or designation prior to August 1, 1974.

(C) All licensed dentists who advertise services must comport with rules 4715-13-01 to 4715-13-05 of the Administrative Code.

(D) Rules specifically related to the advertising of specialty services are set forth in rule 4715-13-05 of the Administrative Code.

(E) For purposes of this rule, the term “accredited” in relation to a post-doctoral education program means a post-doctoral educational program that is accredited or holds “preliminary provision approval” or “accreditation eligible status” from an accrediting body approved by the USDOE.

4715-13-04 Statements tending to deceive or mislead the public.

All dental advertising, or solicitation, or testimonial endorsement statements which tend to deceive or mislead the public are prohibited.

(A) The following advertising, or solicitation, or testimonial endorsement statements are prohibited:

- (1) Statements which falsely indicate the number of years in practice, or the number of years in practice in one location, of any licensee;
- (2) Statements which misname any anesthetic, drug formula, material, or medicine, by not accurately stating the generic or brand name of such substances;
- (3) Statements which misrepresent the anesthetic, drug formula, material, or medicine, actually administered by a dentist or other qualified licensee;
- (4) Statements which misname any dental method or system;
- (5) Statements which misrepresent any dental method or dental system actually employed by a dentist or other qualified licensee;
- (6) The retention in or about the office or building of a sign or signs of a former dentist, owner, or occupant, for a period longer than ninety days. The owner dentist has ninety days from the date of change in employment to make all necessary changes to signs as necessary and warranted.
- (7) Statements on letterhead, business cards, brochures, or other advertisements indicating that a retired, deceased, or other dentist formerly affiliated with the dental practice is still actively practicing dentistry with the dental practice.
- (8) Advertisements, announcements, and/or promotions in any form, for dental services, which do not meet the requirements of rule 4715-13-05 of the Ohio Administrative Code.

(B) The state dental board, based on its expertise in regulating the dental profession, has identified certain statements which are likely to mislead the layman who is the target of dental advertising, solicitation, or testimonial endorsements.

4715-13-05 Advertising services as a specialist.

With regard to the advertising of specialty dental services all of the following shall apply:

(A) A dentist who is recognized as a specialist in Ohio must avoid any implication that general dentists associated with him or her in practice are specialists.

(B) The terms specialist, specializes, orthodontist, "oral and maxillofacial surgeon", "oral and maxillofacial radiologist", periodontist, "pediatric dentist", prosthodontist, endodontist, "oral pathologist", "public health dentist", "dental anesthesiologist", "oral medicine specialist", "orofacial pain specialist", "dental implant specialist" or other terms that would cause a reasonable person to believe that a dentist is a recognized specialist, may only be used by a licensed dentist meeting the requirements of paragraph (B) of rule 4715-5-04 of the Administrative Code for the specialty advertised.

(C) A dentist who is not recognized as a specialist under paragraph (B) of rule 4715-5-04 of the Administrative Code may advertise truthful certification, diplomate status or other similar credentials from a bona fide national organization which grants credentials based upon the dentist's postgraduate education, training, and experience, and an examination based upon psychometric principles, if the following disclaimer appears in a reasonably clear and visible manner compared to the announcement of the credential: "[insert name of the organization] does not

meet the specialty recognition requirements of the Ohio State Dental Board". Upon request by the board or a member of the public, the licensed dentist must identify the specific training completed and the organization that granted the credential.

(D) A dentist who practices general dentistry and advertises performance of a specialty procedure but is not recognized as a specialist pursuant to Ohio Revised Code 4715-5-04(B) must clearly state in advertising, and/or public promotions, that he or she is a general dentist by stating "General Dentistry" or "General Dentist" in print larger and/or bolder and noticeably more prominent than any other area of practice or service advertised.

(E) Terms referring to areas of practice are permitted, so long as all other provisions of the rules regarding advertising and specialty designation are adhered to.

Call for Greater Transparency in the Rulemaking Process

The AAE and OAE are deeply concerned about the lack of transparency in the "interested parties" process for revising specialty advertising laws. It is particularly troubling that, despite "endodontists" being one of the nine specialty designations recognized under the current specialty advertising laws, our organizations were neither notified nor invited to participate in this process—despite our clear vested interest. Instead, we learned about it indirectly from another invited stakeholder and had to request to be included in the process.

Our organizations, along with others in the dental community, have repeatedly called for a more open and transparent process. However, details about the "interested parties" process remains only available to a select group of stakeholders. We urge the Board to immediately make all proposed revisions and rulemaking documents publicly accessible. Failing this, it is imperative that the Board actively notify dental organizations and patient advocacy groups impacted by the proposed rules in the state to ensure meaningful engagement.

Conclusion

The OSDB's proposed revisions to OAC 4715-5-04 represent an unconscionable retreat from the Board's fundamental duty to protect public safety. These changes would not only endanger patient welfare but would also irreparably damage the integrity of dental specialty practice in Ohio. **For these reasons, we strongly urge the Board to withdraw the proposed changes to OAC 4715-5-04 and to readopt the 2018 proposed rules.** For further information, please contact Darcy McLaughlin, AAE's Director for Advocacy and Professional Relations, at dmclaughlin@aae.org or (312) 872-0462.

Sincerely,

Natasha M. Flake, DDS, PhD, MSD
President, American Association of Endodontists
Seattle, Washington

Steven J. Katz, DDS, MS
President-Elect, American Association of Endodontists
Beachwood, Ohio

Adam Hadsell, DDS, MS
Mason, Ohio

Ben Kushnir, DDS, MS
President, Ohio Association of Endodontists
Columbus, Ohio

Nivine El-Refai, DDS, MSD
Vice President, Ohio Association of Endodontists
Medina, Ohio

Ahmed Hashem Khalifa, BDS, MSC, PhD
Rocky River, Ohio

Al Reader, DDS
Thornville, Ohio

Amy Forloine , DDS
Worthington , Ohio

Benjamin Blumberg, DDS, MS
West Chester, Ohio

Caroline Ayoub, MSD
Rocky River, Ohio

David Claffey, IV, DDS, MS
Orient, Ohio

F. Charles Arens, DDS, MS
Powell, Ohio

Grace Evans, DMD, MS
Columbus, Ohio

Herbert Litton, DDS
Beachwood, Ohio

Jacob Judy, DDS, MS
Pickerington, Ohio

James Flynn, DDS
Lakewood, Ohio

James Poulos, DDS
Columbus, Ohio

Jeremy Wilde, DMD, MSD
Gates Mills, Ohio

John Nusstein, DDS
Dublin, Ohio

John. Michael Uhrich, DDS, MS
Kirtland Hills, Ohio

Judy Boutros, DDS
Sylvania, Ohio

Kayla Beever, DMD
Cleveland, Ohio

Kinnison Edmunds, DDS, MS
Worthington, Ohio

Alexander DiMassa, DDS
Westlake, Ohio

Anas Fatayer, DMD
Westlake, Ohio

Beth Sheridan , DDS, MS
Columbus, Ohio

Christopher Space, DDS
Westerville, Ohio

Dennis Starkey , DDS
Dayton, Ohio

Frederick Nuzum, DDS, MS
Wooster, Ohio

Heather T Morris, DMD
Cincinnati, Ohio

J. Jason Bigby, DDS
Dayton, Ohio

James DeVengencie, DDS
North Olmsted, Ohio

James Kotapish , Jr., DDS, MS
Akron, Ohio

Jenna Gaudio Edwards, DDS, MS
Columbus, Ohio

John Haidet, DDS, MS
Worthington, Ohio

John R Grady , DDS
Lewis Center, Ohio

Joseph Charnas, DDS, MS
Cleveland Heights, Ohio

Kasra Dabeshlim , DMD
Mason, Ohio

Kent W. Cunningham, DDS, MS
Cincinnati, Ohio

Kristine Byrum, DDS
Columbus, Ohio

Kristy Bultema, DDS, MS
Westerville, Ohio

Lisa Petrov, DDS
Richfield, Ohio

Louis Susi, DDS, MS
Columbus, Ohio

Maria Ciasca, DDS, MSD
Fairlawn, Ohio

Mark L. Grosko, DDS
Gahanna, Ohio

Mason Bahador, DDS
Columbus, Ohio

Matt Kotapish, DDS, MS
Akron, Ohio

Nathaniel Frye, DDS, MS
Brecksville, Ohio

Vi Dinh, DDS
Columbus, Ohio

Peyman Vaziri, DMD, MSD
Westlake, Ohio

Rachel James, DDS, MS
Solon, Ohio

Ryan Pasiewicz, DMD, MS
Dublin, Ohio

Sara Fowler, DMD, MS
Powell, Ohio

Steven Klayman, DDS, MS
Columbus, Ohio

Thomas Yonchak, DDS, MS
Liberty Township, Ohio

Toby Wilson, DDS
Dayton, Ohio

Leslie Scott, DDS
Columbus, Ohio

Lisa Poweski, DDS, MS
Westerville, Ohio

Magdy Beshay, BDS
Westlake, Ohio

Mark Dinkins, DDS
Dayton, Ohio

Mark Oleson, DDS MS
Dublin, Ohio

Matt Dietrich, DDS
Toledo, Ohio

Michael Fuller, DDS, MS
Madeira, Ohio

Nicholas Golubow, DMD, MS
None, Ohio

Patrick Mugabe, DDS
Columbus, Ohio

Philip Jensen, DDS
North Canton, Ohio

Robert Lawley, DMD
Milford, Ohio

Saeed Zarrabi, DDS
Columbus, Ohio

Spencer Holmes, DDS, MS
Dayton, Ohio

Tera Bonar, DMD, MS
Beachwood, Ohio

Tim Kreimer, DDS, MS
Cincinnati, Ohio

Vaishali Agarwala, DDS, MS
Cincinnati, Ohio

December 2, 2024

Ohio State Dental Board
77 High Street, 17th Floor
Columbus, OH 43215

Re: AAE and OAE Opposition to Proposed Revisions to Specialty Advertising Laws

Dear Members of the Ohio State Dental Board:

On behalf of the American Association of Endodontists (AAE) and the Ohio State Association of Endodontists (OAE), we are writing in **strong opposition** to the Ohio State Dental Board's proposed revisions to Ohio Administrative Code 4715-5-04. As the leading associations representing endodontists in Ohio, we collectively advocate for the interests of over 175 members statewide. Endodontists are dental specialists with distinctive expertise in diagnosing and managing dental pain. Our specialty extends to preserving patients' natural teeth through root canal therapy and related surgical procedures, thereby contributing to the overall well-being and oral health of individuals under our care.

We are deeply troubled by the Ohio State Dental Board's lack of transparency with key stakeholders, including our organizations and patients, during the drafting process of these proposed revisions. These changes jeopardize patient safety, erode public trust in dental professionals, and contradict the Board's mission to "protect the oral health of Ohioans and promote access to care." Patients deserve clear and accurate information about their providers' qualifications to make informed healthcare decisions. Weakening these protections risks both their safety and the credibility of quality dental care in Ohio.

Our primary concern lies in the removal of existing safeguards that ensure transparency and accuracy in dental specialty advertising. A 2020 survey revealed that 73% of Ohio residents surveyed assume a dentist advertising as a specialist has completed an accredited residency program. Furthermore, 70% of respondents indicated they would be less likely to seek specialty care if they learned the dentist had not completed such training.¹ These findings highlight the importance of preserving clear and truthful advertising standards to maintain public confidence and improve oral health literacy—a significant challenge in Ohio. Unfortunately, the proposed revisions would exacerbate confusion about providers' training and qualifications, worsening the state's oral health literacy crisis.

The AAE and OAE oppose the elimination of the existing requirement for dentists to complete a Commission on Dental Accreditation (CODA) postdoctoral program before advertising as specialists and we reject the removal of restrictions that limit specialty advertising to only those designations recognized by the ADA's National Commission on Recognition of Dental Specialties and Certifying Boards. Additionally, the new provision that allows dentists to advertise as a specialist—based solely on affiliation

¹ Fields HW, Casamassimo P, Owsiany DJ, Saperstein M. The case for tying specialty status to completion of dental residency: Dental education's stake. *J Dent Educ.* 2020; 84:852–856. <https://doi.org/10.1002/jdd.12139>

with a self-designated certifying board or organization—opens the door to unregulated, inadequately trained practitioners. The ADA's National Commission on Recognition of Dental Specialties and Certifying Boards has established rigorous and objective standards for specialty designations, which are crucial for safeguarding both patients and the integrity of our profession. Allowing unregulated organizations or boards to grant “specialist” status risks the emergence of superficial credentials derived from weekend or virtual courses, which do not meet the necessary standards for safe and effective specialty care. Ohioans deserve better.

The Board must fulfill its responsibility to protect the public by preserving Ohio's current specialty advertising requirements. Deregulating these standards jeopardizes patient safety, invites malpractice, and diminishes the quality of care provided by Ohio dental professionals. For these reasons, we strongly urge the Board to withdraw the proposed revisions to OAC 4715-5-04. For more information, please contact Darcy McLaughlin, AAE's Director for Advocacy and Professional Relations, at dmclaughlin@aae.org or (312) 872-0462.

Sincerely,

Natasha M. Flake, DDS, PhD, MSD
President, American Association of Endodontists

Ben Kushnir, DDS, MS
President, Ohio Association of Endodontists
Columbus, Ohio

Steven J. Katz, DDS, MS
President-Elect, American Association of Endodontists
Beachwood, Ohio

Nivine El-Refai, BDS, DDS, MSD
Vice President, Ohio Association of Endodontists
Medina, Ohio

Kumar Subramanian, DDS
Secretary/Treasurer, Ohio Association of Endodontists
Columbus, Ohio

Kerry Stein, DDS, MS
Arrangements Chair, Ohio Association of Endodontists
Marion, Ohio

Ryan Pasiewicz, DMD, MS
Dublin, Ohio

F. Charles Arens, DDS, MS
Columbus, Ohio

Matthew S. Niemiec, DDS, MS
Worthington, Ohio

Steven M. Klayman, DDS, MS
Columbus, Ohio

Lisa Poweski, DDS, MS
Westerville, Ohio

Dr. Thomas G. Burke Jr., DDS, MS
Avon Lake, Ohio

Spencer Holmes, DDS, MD
Dayton, Ohio

Michael Fuller, DDS, MS
West Chester, Ohio

Matthew Dietrich, DDS
Toledo, Ohio

Grace Evans , DMD, MS
Dublin , Ohio

Kayla Beever, DDS
Cleveland, Ohio

Matthew Nakfoor, DDS
Toledo, Ohio

Amy Forloine, DDS
Worthington, Ohio

David Oser, DDS
Columbus, Ohio

James Poulos, DDS
Columbus, Ohio

Benjamin Blumberg, DDS, MS
Cincinnati, Ohio

Najia Usman, DDS
Richfield, Ohio

Vaishali Agarwala, DDS, MS
Cincinnati, Ohio

Daniel Magness, DDS
Galena, Ohio

Judy Boutros, DDS
Sylvania, Ohio

Ellen Nist, DDS, MS
Zanesville, Ohio

Kristy Bultema, DDS, MS
Westerville, Ohio

Elizabeth Claffey, DDS
Orient, Ohio

David Claffey, IV, DDS, MS
Orient, Ohio

Peyman Vaziri , MSD
Westlake, Ohio

John Haidet, DDS, MS
Worthington, Ohio

Eric Menke, DDS
Columbus, Ohio

James G Kotapish, Jr., DDS
Akron, Ohio

Kasra Dabeshlim, DDS
Mason, Ohio

Lauren Zollett, DDS
Cincinnati, Ohio

Tera Bonar, DMD, MS
Beachwood, Ohio

Joseph C. Charnas, DDS, MS
Cleveland, Ohio

Frederick Nuzum, DDS, MS
Wooster, Ohio

Louis W. Susi, DDS
Columbus, Ohio

Kinnison Edmunds, DDS, MS
Worthington, Ohio

Al Reader, DDS,MS
Thornville, Ohio

Matthew Kotapish, DDS, MS
Akron, Ohio

Randolph Degerness DDS, MS, DDS, MS
Littleton , Ohio

George Lawley, DDS
Milford, Ohio

Dennis Starkey , DDS
Dayton, Ohio

Jeremy Capetillo, DDS, MS
Aurora, Ohio

Jonathan Blacher, DDS
Dallas, Ohio

Thomas Montagnese, DDS, MS
Amherst , Ohio

Ryan Romero, DDS, MS
Hinckley, Ohio

Jacob Judy, DDS, MS
Pickerington, Ohio

Philip Jensen, DDS
Canton, Ohio

Gerhard Berberich, BS Pharmacy, DDS, MS
Hubbard, Ohio

Philip Michaelson, MS, DMD
Chagrin Falls, Ohio

Gregory Gudziak, DDS
Columbus, Ohio

Steve Smith, DDS,MS
Dublin, Ohio

Alexander DiMassa, DDS
Westlake, Ohio

Daniel Stentz, DDS, MS
Columbus, Ohio

John Michael Uhrich, DDS
Euclid, Ohio

John Grady, DDS
Lewis Center, Ohio

Toby Wilson, DDS
Dayton, Ohio

Mason Bahador, DDS
New Albany , Ohio

Dawn Ondrik, DDS, MD
Medina, Ohio

Shelley M Ridenour, DDS, MD
Worthington, Ohio

Nathaniel Frye, DDS, MS
Brecksville, Ohio

Mark Oleson, DDS, MS
Dublin, Ohio

Rachel James, DDS
Solon, Ohio

Hounein Arbaji, DDS
Solon, Ohio

Kent W. Cunningham, DDS, MS
Cincinnati, Ohio

Vinson Vig, DDS, MSD, Diplomate ABE
Westlake, Ohio

Stephen Balzer, DDS, MS
Wooster, Ohio

John Nusstein, DDS
Dublin, Ohio

Melissa Drum, DDS, MS
Columbus, Ohio

CC: The Honorable Mike DeWine
Governor of Ohio