



DENTAL COUNCIL OF TRINIDAD AND TOBAGO
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3 May 2019

Members of the Dental Board of Trinidad and Tobago

Dear Members,

Advisory on Advertising

As you are or should be aware, the functions of the Dental Council, set out at Section 12 of the Dental Profession Act, include: ensuring the maintenance of proper standards of professional conduct by dentists; holding inquiries into allegations of improper or unprofessional conduct by dentists; and disciplining those found guilty.

Regulation 33 of the Dental Regulations outlines specific examples of unprofessional conduct, but that does not define or limit the kind of conduct which may be regarded by the Dental Council as improper or unprofessional. There is not, and cannot be, an exhaustive list, and the kind of conduct which may be regarded as improper or unprofessional can vary with the circumstances of the time.

The purpose of this advisory is to alert members that the Dental Council has noted with increasing concern blatant infringements of the prohibition against advertising, in particular as set out in Regulations 28-31 and 33 of the Dental Regulations (copies attached for ease of reference). Additionally, the Dental Council is aware of a number of posts, publications and presences on the internet, in social media and at public events; in this regard we now enclose for your kind information and records our guidelines regarding Informational Advertising (the Guidelines may also be viewed on our Website).

First and foremost, it should be observed that there is nothing wrong *per se* in posting information on the internet or on social media. The issue really is the kind of information that is posted and its intended purpose. So, for example, factual reports of events; developments of public concern; writings on matters where the public may have a legitimate interest; correspondence in professional journals; and scientific or professional subjects and articles may all be permissible – provided that the article is free from any suggestion of personal advertising, puffery or flamboyancy. Usually, it is not the article which gives occasion for the offence but the personal paragraph or puff. Advertising one's own professional skill; communications, whether directly or indirectly, implying self-praise or self-commendation of a dentist; and information put out to attract trade - are impermissible.

Stated simply, members are reminded that as a general rule, you should not draw attention to yourselves in such a way that your colleagues might think that you were claiming special status. Remember, patients do not usually complain when dentists advertise, it is other dentists who do so.

Accordingly, please be advised that the Dental Council considers it contrary to the public interest and discreditable to the profession of dentistry for a dentist to advertise or canvass for the purpose of obtaining patients or promoting his own professional advantage. Doing so will bring you before the Disciplinary Committee.

In the event, members are respectfully urged: (1) to look at their signage and publications with a view to ensuring they do not infringe the applicable Regulations, in particular 28-31 and 33; (2) to temper their posts, publications and presence on the internet, in social media and at public events so as to stay within the Guidelines; and (3) to review any publications concerning their practices, qualifications, or matters in which they have been involved; and to promptly remove any material which offends the prohibition against non-informational advertising. Failure to do so will likely lead to the commencement of disciplinary proceedings.

Finally, please be advised that the Dental Council will allow a grace period until 31 August 2019 for members to regularise their positions. Commencing 1 September 2019 however, non-compliance will not be tolerated. The Dental Council will be issuing orders under Regulation 32 for the removal of signs which by their nature, position, size or wording exceeds what is reasonably necessary to locate the premises where the dentist is practicing. Members are put on notice that any one who remains in breach of the prohibition against non-informational advertising will be subject to disciplinary proceedings.

Please be guided accordingly.

Sincerely yours,



Dr. Ingrid Seeberan DDS (Hons)

Secretary

ADVISORY ON GUIDELINES FOR INFORMATIONAL ADVERTISING

We acknowledge the need for change in the Dental Professions Act as it pertains to its regulations concerning Advertising. In the interim as we work on this, we have produced some reasonable parameters that would allow marketing, but at the same time respect our colleagues.

The following constitutes our proposed guidelines that should support suggested revisions for the advertising portion of the Dental Regulations:

Principles behind guidelines:

Three types of advertising were identified from one source. These are Comparable, Competitive, and Informational Advertising. This committee has suggested that the guidelines proposed, should support informational advertising and advise against any other. In addition, “advertising that contains false and misleading information may compromise health care choices and is not in the public interest”. The unnecessary and indiscriminate use of dental services is not in the public interest and may lead to the purchasing of dental services that they do not need. (AHPRA, 2014)

The guidelines will encourage the use of factual information in advertisements but discourage the use of:

Misleading or deceptive information.

By definition, to mislead means “to cause someone to have the wrong idea or impression”. Any action that leads them into error including, lying or omission of important information or making false claims can be considered as misleading.

Examples:

- i. Partial Information;
- ii. Leading a patient to believe that one possesses a specialist qualification when it either doesn't exist or is not recognised by the Council;
- iii. Leading a patient to believe that the dentist is more qualified than another dentist who possesses the same level training/education;
- iv. Omits disclaimers attached to media content displaying dental work. Disclaimers must be made to demonstrate whether the work done is from the practicing dentist(s) or NOT.

Disclaimers must state that results vary between

Discounts, promotion or other attractions to the service without clearly explaining the terms and conditions of the offer.

Examples:

- i. Stating that a procedure/service is free but the cost to the dentist will be recovered in another procedure via a raise in original price;
- ii. Instalments are advertised without stating the total price;

Suggestions that treatment is needed when in actuality it is not, causing patient to use the service indiscriminately.

Examples:

- i. Enticing patients through the use of promotions, language, prizes, time limited offers and other attractions that encourage the use of a procedure based on any basis besides a health need.

Exaggerations to the benefits of treatment.

Indicates that a procedure is miraculous, omits health warnings about the procedure with incomplete or missing information on true potential for benefits and recovery time.

Using testimonials in advertisements either on a website or social media controlled by the dentist.

Patients may post comments on such sites but the dentist should not use these postings as part of an advertisement to promote a dentist or service and must remove comments that may stand to go against the regulations as though the dentist himself/herself posted the comment.

The Council wishes to remind you that Dental Regulations 33 states in part “A dentist is guilty of unprofessional conduct who- (g) advertises or canvasses, whether directly or indirectly, for the purpose of obtaining patients or promoting his own professional advantage...”

In the circumstances **you are directed to ensure that your future activities do not contravene the Dental Profession Regulations and those specifically mentioned above. Failing this, the Dental Council may have to convene an inquiry into this matter**, the possible outcome of which may result in sanctions for unprofessional conduct listed under section 29(1) and (2) of the Dental profession Act 1980. Please be guided accordingly.

Dental Council of Trinidad and Tobago

(3) Until a new Council is elected in accordance with section 10A(8) the functions of the Council to register dentists shall be performed by the Second Interim Council who shall have all the powers and duties vested in the Council for this purpose by the Act and the Regulations made thereunder.

(4) Where before the commencement of the Dental Profession (Amendment) Act, 1999 a dentist has paid the annual practice fee for the year 1999 in accordance with regulation 22(3) of the Dental Regulations such payment shall be deemed to have been made to the Council in accordance with regulation 22 and the Second Interim Council shall issue a practice certificate to the dentist and such certificate shall be valid as if issued by the Council.

11. Members of the Council shall hold office for a term of three years. Term of office of Council.

- 12.** The functions of the Council shall be— Functions of Council. [31 of 1998].
- (a) to determine and keep under review the professional qualifications and experience required of an applicant for registration or enrolment except applicants entitled to registration under section 5(1)(a);
 - (b) to register dentists and enrol dental auxiliaries;
 - (c) to regulate the training of persons enrolled as dental auxiliaries;
 - (d) to publish for general information a list of universities, colleges or other institutions the diplomas of which are recognised by the Council;
 - (e) to appoint a Board of Examiners for the purpose of conducting examinations required by this Act to be conducted;
 - (f) to define the dental work which any class of dental auxiliary may undertake and the conditions, if any, under which a dental auxiliary may undertake such work;

- (g) to ensure the maintenance of proper standards of professional conduct by dentists and dental auxiliaries;
- (h) to hold inquiries into allegations of improper or unprofessional conduct by dentists and dental auxiliaries and to discipline those found guilty.

Council may
appoint
committees.

13. (1) For the purpose of assisting it in the exercise of its functions the Council may appoint committees and in particular the Council shall appoint a Dental Enrolment Committee consisting of—

- (a) the Chairman of the Council who shall be the Chairman;
- (b) the Secretary of the Council who shall be the Secretary;
- (c) the dentist holding the most senior dental post in the Ministry of Health; and
- (d) two dental auxiliaries.

(2) A person shall not be enrolled as a dental auxiliary unless he has been recommended for enrolment by the Dental Enrolment Committee.

Register of
Dentists.

14. (1) The Council shall cause to be kept a Register of Dentists hereinafter referred to as “the Register”.

(2) There shall be shown in the Register in respect of every person registered therein—

- (a) his name and address;
- (b) the description and dates of the diplomas of which he is the holder; and
- (c) the date of his registration.

(3) Subject to subsection (4), a person shall not practise as a dentist unless registered in accordance with this Act.

(4) A Duplicate Certificate shall be clearly marked “Duplicate”.

(5) A dentist who practises at more than one location is entitled to be issued with a Duplicate Certificate for each location but a fee of fifteen dollars is payable for each Duplicate.

25. (1) The Certificate of Registration or Duplicate and the Practice Certificate or Duplicate shall be prominently displayed at all times in the reception area of the dentist’s office. Display of Certificate.

(2) A dentist employed in the Public Service need not display his Certificate of Registration or his Practice Certificate when practising in a public office, clinic or other premises in the performance of his duties as a public officer.

26. Higher or additional qualifications may be entered in the Register on payment of a fee of twenty-five dollars. Additional or higher qualification.

27. The Register may be inspected at the registered office of the Board from 9.00 a.m. to 12.00 noon Mondays to Saturdays on payment of a fee of five dollars. Inspection of register.

28. (1) Subject to this regulation and regulation 29 a dentist may not advertise. Prohibition against advertising.

(2) A dentist may upon starting a practice for the first time in Trinidad and Tobago publish that fact in the press.

(3) The publication may not exceed one standard newspaper column in width and 2.5 cm in height, may not contain references to qualifications, procedures or equipment and may not appear for more than three days.

29. (1) Any publication by a dentist in a newspaper, broadcast or notice which includes— What constitutes advertising.

- (a) the name or professional address of the dentist; or
- (b) an indication of his profession; or
- (c) an indication that he is in practice,

may be regarded as advertising.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

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Chap. 29:54

Dental Profession

[Subsidiary]

Dental Regulations

(2) Subregulation (1) does not apply to entries in normal type in a telephone directory or books on scientific or professional subjects or articles or correspondence in professional journals.

Signs.

30. (1) No dentist may erect on the premises where he practises more than two external signs indicating his vocational designation; one of which may be a suspended sign and one of which may be illuminated but not with an intermittent or neon type of illumination.

(2) The letters used on a sign may not exceed 10 cm in height.

Size of letters.

31. (1) Where an entrance sign is used words not exceeding 5 cm in height specifying office hours may be added to that sign.

(2) Where it is difficult to locate the dentist's office the words "Entrance On" may be added to the entrance sign.

Removal of signs.

32. The Council may in connection with a dental practice order the removal of any sign which by its nature, position, size or wording exceeds what is reasonably necessary to locate the premises where the dentist is practising.

Unprofessional conduct.

33. A dentist is guilty of unprofessional conduct who—

- (a) employs the services of any person to engage in the practice of dentistry without the dentist satisfying himself that the person employed is authorised by law to engage in such practice;
- (b) commits an offence under the Narcotic Control Ordinance involving the abuse of privileges conferred on dentists under that Ordinance;
- (c) commits an act of immorality, indecency or dishonesty or any other abuse of the professional relationship in which he stands to a patient;
- (d) makes any statement or signs any certificate or other document in his capacity as a dentist which he knows or has reasonable cause to believe is misleading or otherwise improper;

27 of 1961.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

- (e) uses any title or description reasonably calculated to suggest that he possesses any professional status or qualifications other than one which he in fact possesses and which appears against his name in the Register;
- (f) engages in practice in a name other than that under which he appears in the Register; or
- (g) advertises or canvasses, whether directly or indirectly, for the purpose of obtaining patients or promoting his own professional advantage and this includes having any indication of his profession on the outside of any envelope being sent through the post.

SCHEDULE

Regulation 16.

FORM D.R. 1

DENTAL COUNCIL OF TRINIDAD
AND TOBAGO

115, ABERCROMBY STREET,
PORT-OF-SPAIN, TRINIDAD, W.I.

For Office Use Only

Fee

Application form for Registration as a
dentist under the Dental Profession Act,
Ch. 29:54.

Certificate No.

*(To be completed by the applicant in his
handwriting)*

Registration Date

I hereby apply to be registered as a Dentist
by virtue of the following qualifications:

Diploma(s)

Granting Authority

*Granted on
(day, month, year)*