American Academy of Implant Dentistry Sues Texas Dental Board

The Associated Press

The American Academy of Implant Dentistry (AAID) has filed a lawsuit in U.S. District Court in Austin seeking to invalidate a Texas regulation that severely restricts dentists from advertising their bona fide AAID credentials in implant dentistry. In 2009 and 2010, AAID won judicial verdicts overturning similar rules enforced by state dental boards in Florida and California.

AAID's chief legal counsel, Frank Recker, JD, DDS, informed the Texas Board of Dental Examiners in writing about the unequivocal judicial precedents and hoped to convince the Board to rescind its restrictions and avoid litigation. "The Board did not respond to our communications for two years. Since AAID's credentialed members continue to be in jeopardy if they advertise their credentials, the Academy decided to pursue legal action," said Recker. Two Texas dentists holding AAID's dental implant credentials, Dr. Jay Elliott of Houston and Dr. Monty Buck of Galveston joined the lawsuit as individual co-plaintiffs.

AAID is seeking a permanent injunction and declaratory judgment to strike down the Texas regulation, which allows unrestricted advertising only for dental credentials and accreditations issued by organizations recognized as dental specialties by the American Dental Association (ADA). Dentists with bona fide credentials not issued by ADA-recognized specialty organizations are required to include lengthy disclaimers in their advertising in Texas. This limitation, contends AAID, is burdensome and prohibits dentists from advertising true statements about credentials in implant dentistry earned from AAID and American Board of Oral Implantology (ABOI). In Florida and California, the presiding judges ruled that such advertising restrictions violate the First and Fourteenth Amendments to the U.S.

Constitution, which protect freedom speech and equal protection of the laws. Recker said the legal precedents solidly favor AAID and Drs.

Elliott and Buck.

"Consumers in Texas have no ready means of learning which dentists practicing in their state have significant substantive training in implant dentistry," said Recker. "Awareness of AAID's dental implant credential provides consumers with objectively verifiable information regarding a dentist's knowledge, proficiency and experience. The Texas advertising restriction prevents highly qualified implant dentists from differentiating their training and education." Recker added that in Texas dentists with no training in placing implants are permitted to engage in implant dentistry and advertise that they perform this service. This makes it almost impossible for consumers to objectively evaluate a dentist's qualifications to perform implant procedures.

In the 2009 Florida decision, Circuit Court Judge Frank E. Sheffield ruled that a state law restricting how dentists can advertise credentials issued by bona fide professional organizations is unconstitutional. The Florida statute prevented advertising of membership in or credentials earned from any dental organization not recognized by the Florida Board of Dentistry (FDB). Florida's dental board only recognized specialty credentials issued by the ADA.

Dentists who wanted to advertise their AAID credentials had to include an onerous disclaimer that implant dentistry is not a recognized specialty of ADA or the FDB and that AAID is not a recognized specialty accrediting organization.

The Court decided the advertising restrictions were unconstitutional on many grounds. They violated the Florida constitution's guarantee of the right to be rewarded for industry or professional achievement and First and Fourteenth Amendment rights of free speech and equal protection of the law.

In a clear and unequivocal verdict issued in 2010, Judge John Mendez, writing for the United States District Court for the Eastern District of California, ruled that credentials issued to dentists by AAID are bona fide and legitimate, and state laws that prohibit or restrict advertising them to the public are unconstitutional. He struck down a state law that effectively prevented dentists from advertising credentials issued by AAID and said that AAID and the American Board of Oral Implantology (ABOI) "are bona fide credentialing organizations whose standards are rigorous, objectively clear, and verifiable." The Texas Board for Dental Examiners has not responded publicly yet to the AAID's legal action.

About AAID AAID is the leading professional society dedicated to maintaining the highest standards of implant dentistry through research and education. The Academy's annual meeting is the field's leading venue for cutting-edge, evidence-based implant research presentations and demonstrations of state-of-the art implantation techniques. AAID is based in Chicago and has more than 4,500 members. It is the first organization dedicated to maintaining the highest standards of implant dentistry by supporting research and education to advance comprehensive implant knowledge. AAID can help consumers find a local credentialed implant dentist at www.aaid.com.

SOURCE American Academy of Implant Dentistry -0- 05/02/2012 /CONTACT: Chuck Weber, +1-847-705-1802, cpweber@weberpr.com /Web Site: http://www.aaid.com CO: American Academy of Implant Dentistry; AAID; Texas Board of Dental Examiners ST: Illinois Texas IN: DEN MTC SU: LAW PRN -- CG99289 -- 0000 05/02/2012 16:20:47 EDT http://www.prnewswire.c

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