

## **Agency Response to Economic Impact Analysis**

### **Board of Dentistry Regulations on Advertising**

The Board of Dentistry does not concur with the result of the analysis that “there is insufficient data to accurately compare the magnitude of the benefits versus the costs.” The agency does not agree that there are costs associated with this action; to the contrary, the elimination of the restriction on advertising one’s dental specialty may produce opportunity for dentists who are currently prohibited from such advertising. Accordingly, the agency believes the EIA is incorrect in noting an adverse impact notification to the Joint Commission on Administrative Rules.

The agency further disagrees with the analysis stating that the use of the term “unsubstantiated” claim of professional superiority is a more subjective standard than the current use of the word “false” claim. In either case, the dentist is responsible for demonstrating the truthfulness and providing supporting evidence for such a claim. In modifying the language, the Board relied on advice from its counsel from the Office of the Attorney General. The EIA has made a “legal” determination on a regulatory amendment that is contrary to advice of the Attorney General. Thus, the conclusion of the EIA is related to an opinion about a choice of words rather than to an economic impact on the regulated community or the public.