

## BOARD REGULATION NUMBER 55—TRADE NAMES AND CORPORATE PRACTICE

*Purpose: To establish a policy as to trade names and the corporate practice of dentistry in Mississippi.*

### Corporate or Trade Names

1. **Name of Dental Facility.** Since the name under which a dentist conducts his or her practice may be a factor in the selection process of the patient, and use of a trade name or an assumed name that is false or misleading in any material respect is unethical, a dentist may practice in a dental facility which uses any of the following names:
  - a. The name of the dentist as it appears on his or her license and renewal certificate; or
  - b. The name of a dentist who employs him or her and practices in the same facility; or
  - c. A partnership name composed of the name(s) of one or more dentists practicing in the same facility; or
  - d. A corporate name composed of the name(s) of one or more of the dentists practicing as employees of the corporation in the same facility; or
  - e. A corporate or trade name, if the conditions set forth in subsection 2 of this Regulation are fulfilled.
  
2. **Corporate or Trade Name.** Dentists licensed in the State of Mississippi who practice as individuals, partnerships, professional corporations, associations, or other group practices may use a corporate or trade name for the facility in which they conduct their practice if the following conditions are met:
  - a. Each corporate or trade name shall be registered with the Board by any licensed dentist(s), who must be associated with the dental facility and who shall assume responsibility for compliance with the section. Each corporate or trade name must be approved by the Board prior to the use of the name. Names which in the judgment of the Board are false, misleading, or deceptive will be prohibited.
  - b. Each corporate or trade name must list the family name(s) of the applying and responsible dentist(s).
  - c. It is the obligation of each licensed dentist who works in a facility that utilizes a corporate or trade name to notify the Board in writing of the same.
  - d. All advertisements including, but not limited to, signage, printed advertisements, and letterheads shall contain the name, as it appears on his or her

license and renewal certificate, degree (D.M.D. or D.D.S.), and, if qualified, a specialty recognized by the American Dental Association of at least one licensed dentist who is associated with the dental facility and who shall, in conjunction with the licensed dentist referred to in subsection a., assume responsibility for the advertisement.

- e. In the entrance or reception area of the dental office, a chart or directory listing the names of all dentists practicing at that particular location shall be kept at all times prominently and conspicuously displayed.
  - f. The names of all dentists who practice under the corporate or trade name shall be maintained in the records of the dental facility for five (5) years following the departure of any individual from the practice.
  - g. Corporate or trade names previously approved and registered with the Board will be considered as being in compliance with these Rules and Regulations.
  - h. A dentist may practice in a predominantly medical facility that uses a corporate or trade name.
3. **Name of Record.** Subsequent to the administration of dental service, the dentist of record shall place his or her name in the record of the patient following a description of the service rendered. If the treatment is rendered by a dentist other than the dentist of record or by a dental hygienist, the name of that person shall be placed in the record of the patient. For advertising purposes only, use of the name of a dentist no longer actively associated with the practice may be continued for a period not to exceed one (1) year. However, subsequent to the administration of dental service, it is not necessary for a dentist of record who is a sole practitioner to place his or her name in the record of the patient following a description of the service rendered.
4. **Approval or Rejection of a Corporate Name/Trade Name.**
- a. The Mississippi State Board of Dental Examiners shall notify the party submitting a proposed corporate name/trade name within sixty (60) days after submission as to the approval or rejection of the proposed name.
  - b. If the proposed name is rejected, the party submitting the name shall have fifteen (15) days from receipt of the notice of the rejection to request an appearance before the Board for reconsideration of the Board's rejection. The Board shall notify the party seeking reconsideration of a rejected corporate name/trade name of its decision within thirty (30) days after the party's appearance before the Board.

### **Corporate Practice**

Due to the increased interest in the area of managed care and integrated health care systems, the Mississippi State Board of Dental Examiners has considered its policy

as to the corporate practice of dentistry. After due consideration, it is the policy of this Board not to concern itself with the form or type of business arrangements entered into by a licensee, provided certain prerequisites are met, to-wit:

1. The dentist employed or associated with the entity is licensed by this Board.
2. The method and manner of patient treatment and the means by which patients are treated are left to the sole and absolute discretion of the licensed dentist. The provision of dental services and the exercise of sound dental judgment at all times shall be exercised solely at the discretion of the licensed dentist, and he/she shall not be subject to any influence, direct or indirect, to the contrary.
3. The manner of billing and the amount of fees and expenses charged a patient for dental services rendered shall be left solely to the discretion of the licensed dentist.
4. At no time shall a dentist enter into any agreement or arrangement whereby consideration or compensation is received as an inducement for the referral of patients or for the referral of dental services or supplies.
5. Licensed dentists shall have the sole responsibility for approval of any and all public communications or advertisements, and these communications and/or advertisements must be in full compliance at all times with the requirements set forth in Board Regulation 43.
6. Pursuant to Miss. Code Ann. §79-10-31, shareholders of a professional corporation which renders dental services shall only be licensed dentists.

*Regulation Fifty-Five adopted by the Mississippi State Board of Dental Examiners March 8, 1996; amended December 6, 2002.*