

Appropriate use of the designation of ABO certification: A Statement by the American Board of Orthodontics

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With the recent changes in the process of board certification,¹ the American Board of Orthodontics (ABO) believes that it would be helpful for all orthodontists to become familiar with the appropriate use of the designation “board-certified.” Proper use of this designation involves clarification of both ethical considerations and legal requirements. In all instances, state law should be consulted.

GUIDELINES FOR PROFESSIONAL CONDUCT

Professional conduct for the ABO-certified orthodontist is defined by 3 separate sources:

1. Code of Professional Conduct and Ethics of the American Board of Orthodontics (ABO Code).²
2. Principles of Ethics and Code of Professional Conduct of the American Association of Orthodontists (AAO Code).³
3. Principles of Ethics and Code of Conduct of the American Dental Association (ADA Code).⁴

A brief review of pertinent sections of these documents and their implications for the orthodontist follows.

The AAO Code, Section IV, “Principles and Advisory Opinions,” states: “Members shall be honest with patients, colleagues and third parties.” Furthermore, “it shall be unethical to announce, advertise or represent credentials or certifications as similar or comparable to other dissimilar credentials or certifications. For example, it is unethical to directly or indirectly represent or imply Board certification by, or as comparable to, the American Board of Orthodontics, when the certifying

board is not the American Board of Orthodontics or recognized by the American Dental Association.”³

In addition, Item B, Section IV, states, “Members may not announce certification in orthodontics and dentofacial orthopedics from certifying boards not recognized by the American Dental Association unless such announcement (1) complies with all applicable laws, and (2) includes the following language: ‘[name of certifying board] is not recognized as a certifying board for orthodontics and dentofacial orthopedics by the American Dental Association.’”

The ADA Code also discusses advertising and professional announcements. Section 5, Principles: Veracity (truthfulness), states: “the dentist has a duty to communicate truthfully.” Two parts of Section 5 are germane to this discussion. Section 5.E. Professional Announcement declares: “Dentists should not misrepresent their training and competence in any way that would be false or misleading in any material respect.” Section 5.F. Advertising reads: “Although any dentist may advertise, no dentist should advertise or solicit patients in any form of communication in a manner that is false or misleading in any material respect.”⁴

An advisory opinion by the ADA Council on Ethics, Bylaws and Judicial Affairs, 5.F.2., gives examples that provide insight into the meaning of “false or misleading in a material respect.” In relevant part, Advisory Opinion 5.F.2. provides that “statements shall be avoided which would: a) contain a material misrepresentation of fact, b) omit a material fact necessary to make the statement as a whole truthful.”⁴

The AAO and ADA Codes are interpreted by the directors of the ABO to require the orthodontist to be truthful and forthright in any public representation. As a requirement of ABO certification, all board-certified orthodontists sign a pledge to remain truthful in professional activities.

The ABO is responsible for the board-certified orthodontist’s use of the designation “board-certified.” It also is concerned about, and will take appropriate

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action against, the noncertified orthodontist's misrepresentation of that designation.

MISREPRESENTATION OF ABO CERTIFICATION

The ABO considers misrepresentation of certification status to be a serious matter. Such actions are in direct violation of ABO, AAO, and ADA policies that prohibit false representations about certification status. ABO sanctions for such actions can include, but need not be limited to, temporary or permanent loss of eligibility for future examinations or certification. In addition, such actions can be reported to federal and state regulatory agencies.

Furthermore, the unauthorized use of an ABO-certification designation infringes on the ABO's rights in those designations. It also might implicate federal and state laws regarding licensure and misrepresentation, including Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), which prohibits false and misleading advertising and provides a cause of action for injunctive relief, damages, and attorney's fees for the unauthorized use of an organization's name to denote affiliation, sponsorship, or endorsement.

Moreover, such unauthorized use of the certification designation is false and misleading because patients and other interested persons might be misled into erroneously believing that an orthodontist has been certified by the ABO when, in fact, he or she is not or is no longer certified. For all of the above reasons, the ABO will spare no effort to enforce its rights and will take appropriate legal action against those who would seek to defraud the public and threaten the public health. Consequently, the board has delineated specific rules for appropriate use of "board-certified."

ABO-CERTIFIED ORTHODONTISTS

The certificate issued by the ABO is not a professional or academic degree. It is a certificate of attainment and does not confer any legal qualification, privilege, or license to practice orthodontics. Therefore, to eliminate misrepresentation and to avoid misleading the public by the use of the certification designation, board designation should not be used immediately after the orthodontist's name or academic degrees. Instead, the designation should appear immediately below the diplomate's name and academic degrees.

Acceptable examples

J. Q. Orthodontist, DDS
Certified by the American Board of Orthodontics

J. Q. Orthodontist, DDS, MS
Diplomate of the American Board of Orthodontics,
the only orthodontic specialty board recognized
by the American Dental Association and sponsored
by the American Association of Orthodontists.

J. Q. Orthodontist, DMD, MSD
ABO-Certified Orthodontist

Unacceptable examples

J. Q. Orthodontist, DDS, Diplomate
J. Q. Orthodontist, DMD, MSD, ABO
J. Q. Orthodontist, DDS, ABO-Certified

NON-ABO CERTIFIED ORTHODONTISTS

The noncertified orthodontist cannot ethically or legally use the designation "board certified" in any public notice. Unauthorized use of any of the designations—Certified, the American Board of Orthodontics Diplomate, or the American Board of Orthodontics—is dishonest, false, and misleading, and violates the AAO and the ADA Codes. In addition, it infringes the rights of the ABO.

Failure to recertify

With the advent of time-limited certification, board-certified orthodontists who do not recertify in a timely manner will lose the right to use the designation "board-certified." The ABO Code requires that board-certified orthodontists "agree to desist from [the] use of the diplomate and/or certified designation if [he or she does not] maintain certification by re-examination."² Nevertheless, the ABO expects an increased frequency of misrepresentation of board-certified status. The ABO recognizes its obligation to protect the public from fraudulent certification claims and will take all necessary and appropriate actions to meet that obligation.

CONCLUSIONS

The objective of this article is to clarify the appropriate use of the designation "board-certified" and the basis for the ABO's policies concerning misrepresentation of that designation. It is the ABO's intention to identify and take action against orthodontists who misrepresent their certification status. Please contact the ABO central office if further elaboration or clarification is necessary.

The ABO thanks Peter M. Sfikas, Esq, ADA Chief Counsel and Associate Director of the Division of Legal Affairs, for information pertaining to the ADA Principles of Ethics and Code of Professional Conduct.

The views expressed about the ADA Code are those of the authors and do not necessarily reflect the opinions of the ADA Council on Ethics, Bylaws and Judicial Affairs or the ADA's official policy.

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