

# Talking Ethics



## Ethical Advertising and Fee Discounts

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As the number of dental hygienists practising independently grows across Canada, dental hygienists may believe that they must offer “something special” to attract clients. Unfortunately, some dental hygienists inadvertently undertake inappropriate advertising activities, which are in conflict with the principles outlined in the [Dental Hygienists’ Code of Ethics](http://www.cdha.ca/codeofethics) (<http://www.cdha.ca/codeofethics>) and may result in an investigation from dental hygiene regulatory bodies.

The College of Dental Hygienists of Ontario (CDHO) is very clear about advertising activity. Its *Guideline on Advertising* states the following:

Advertising is defined as any form of communication to current or potential clients in which a registrant is promoting her/his dental hygiene practice/business. This includes, but is not limited to, information posted on websites, pamphlets, promotional signs, flyers, newspaper articles or advertisements and the use of social media sites such as Facebook and Twitter.<sup>1</sup>

The College of Dental Hygienists of British Columbia (CDHBC) declares the following regarding advertising:

Any marketing undertaken or authorized by a registrant to promote professional services for dental hygiene care must not be false, inaccurate, misleading, unverifiable, or contrary to the public interest. A registrant must avoid claims that establish unreasonable expectations for results of treatment or that imply a level of care not achievable by other registrants or another health profession.<sup>2</sup>

In relation to fees charged, the College of Registered Dental Hygienists of Alberta (CRDHA) *Rules Respecting Advertising* state:

A dental hygienist shall ensure that any fees published or advertised are not, in any respect, false, inaccurate, misleading, unverifiable, contrary to the public interest or harmful to the integrity of the profession of dental hygiene.

Furthermore, a dental hygienist shall ensure that any fees published or advertised:

- ▶ are precise as to the services offered for each fee quoted;
- ▶ do not refer to minimum or sliding fees;
- ▶ state whether other amounts, such as disbursements and taxes, will be charged in addition to the fee; and
- ▶ are strictly adhered to in every applicable case.<sup>3</sup>

The CDHO is also very specific on the protocol for charging fees and applying discounts:

For clients whose treatment is paid for in whole or in part by a third party, do not charge them a different fee than clients who pay for the treatment themselves. Offering a discount may be acceptable if the discount is applied to all qualifying clients (not just those who do not have insurance) and the required co-payment is not compromised. Individual reductions for persons in need are permitted as long as one is not systematically charging insured clients more.<sup>1</sup>

### DESCRIBE THE ISSUE

A dental hygienist sees that many of his clients are in desperate need of oral care. They do not qualify for social assistance programs, nor do they have private dental insurance benefits. There is certainly no extra money at the end of the month to pay for dental care. Therefore, the dental hygienist would like to offer this group discounted dental hygiene services at 50% of his regular fees. He is even considering offering free treatment for their children.

### GATHER INFORMATION

The dental hygienist estimates that this group of clients, who need dental hygiene services but cannot afford to pay his usual fees, represents approximately 10% of his client base.

He believes that he could offer this group oral care services at 50% of his regular fees and still earn enough through his other clients to meet his monthly expenses.

He wants to keep the details of this discount as confidential as possible.

### CLARIFY THE CHALLENGE

The dental hygienist knows that, ethically, he should not charge different fees for the same population in his practice.

He understands that if he decides to provide dental hygiene care at a 50% discount, he must provide this for all clients.

He knows that he can't earn a living by charging 50% of his fees for all clients, but he wants to provide oral health care for his low-income clients and he is conflicted because he is aware that they just cannot afford his fees.

### WHAT ARE THE ETHICAL IMPLICATIONS?

- ▶ Responsibilities for Beneficence: The dental hygienist should always place the needs of his clients first.
- ▶ Responsibilities for Integrity: The dental hygienist must be consistent in his actions, while considering the needs of those who are more vulnerable. This responsibility also states that dental hygienists must communicate the nature and costs of professional services fairly and accurately, adhering to guidelines and/or regulations.
- ▶ Responsibilities for Confidentiality: The dental hygienist has a duty to protect the confidentiality of his clients, including identifying groups with different abilities to pay for services.

The options facing this dental hygienist are somewhat complicated. He believes that, in order to practice beneficence, he should put the needs of his clients first. However, he may not be acting with integrity by segregating his practice into those who can afford to pay his customary fees and those who cannot. He also has a duty to communicate the costs of the services he provides truthfully. Finally, while he believes that he can identify this specific client base, he is not in a position to know if his assumptions are correct.

### OPTIONS FOR ACTIONS

1. Charge the disadvantaged client group 50% less than the others and hope his other patients don't find out.
2. Charge all clients the same rate.
3. Set aside one day/month for community service. Advertise discounted fees for that day only for all kids under 12.
4. Select a few clients per month for pro bono work.

In general, discounts are allowed by the colleges and, if applied properly, are not contrary to the ethical practice of dental hygiene. Discounts cannot discriminate, however, between insured and non-insured clients. This means that dental hygienists cannot charge a client with dental insurance benefits more than a client without benefits. Dental hygienists must also collect the co-payment. The co-payment is the difference between the dental hygiene fee and the amount the insurance company will pay. It is unethical to waive this amount. Finally, discounts must be applied equally to all client groups. It is perfectly ethical to provide a discount for seniors, as long as all seniors receive the discount.

In our case study, the dental hygienist could choose options 3 or 4, in order to ensure that his disadvantaged clients receive the oral health care that they need. Alternatively, he could continue to charge all of his clients the same rate for services provided. Offering the disadvantaged clients a discount would be fraudulent, however, because it would discriminate between insured and non-insured clients.

### References

1. College of Dental Hygienists of Ontario. *Guideline on advertising*. Toronto: CDHO; 2013. Available from [http://www.cdho.org/reference/english/GUI\\_Advertising.pdf#zoom=75](http://www.cdho.org/reference/english/GUI_Advertising.pdf#zoom=75).
2. College of Dental Hygienists of British Columbia. *Forms & resources: Advertising/Promotional Activities [website]*. Victoria: CDHBC; 2014. Available from <http://www.cdhbc.com/Forms---Resources.aspx#A>
3. College of Registered Dental Hygienists of Alberta. *CRDHA Rules respecting advertising*. Edmonton: CRDHA; 2008. Available from [http://www.crdha.ca/media/1488/crdha\\_rulesadvertising.pdf](http://www.crdha.ca/media/1488/crdha_rulesadvertising.pdf), Rule 4

### NEXT ISSUE'S ETHICAL CHALLENGE!

A member called and asked about discounts and freebies. The office she works in routinely offers free whitening treatments, draws for gift baskets, and discount movie passes for referrals. She is wondering what she should do? She understands that this practice is unethical, but since she is not an owner, she worries about keeping her job if she speaks up. She asks whether she should report her concerns and/or if she could face a college reprimand? What are your thoughts?

Replies to "ask the ethicist" directed to [marketing@cdha.ca](mailto:marketing@cdha.ca) will be published in the next issue of *OH Canada!*