

1980 WL 121014 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 31, 1980

***1 Re: Cranio-facial Pain Center**

Dr. Wilber Callihan
President
South Carolina State Board of Dentistry
1315 Blanding Street
Columbia, South Carolina 29201

Dear Dr. Callihan:

You have asked the opinion of this office whether a dentist licensed to practice in South Carolina, and licensed as a specialist in orthodontics may hold himself out as operating a 'cranio-facial pain center'. It is the opinion of this office that he may not. [Section 40-15-220, Code of Laws of South Carolina](#) states, among other things, that:

[n]o dentist shall announce or hold himself out to the public as limiting his practice to, or as being a specialist in or giving special attention to, any special area of dentistry without first having obtained a special license therefor from the Board as herein provided.

I am informed by the State Board of Dentistry that the individual in question is not licensed or any way certified by the State of South Carolina as a cranio-facial pain specialist. It further appears that that indicated area of dentistry [cranio-facial pain] is not one in which there exists a certifying board approved by the American Dental Association. *See*, Rule 5-C, American Dental Association Principles of Ethics and Code of Professional Conduct. Thus, this type of practice title would be prohibited.

In addition, R39-9D, Rules and Regulations of the South Carolina State Board of Dentistry proscribes, among other things, misleading, deceptive or unfair communications by a dentist. The holding of oneself out as operating a cranio-facial pain center without being recognized as particularly qualified in the area, has the potential to mislead or deceive the public. The use of this trade name implies unique or superior skill, training and licensure and clearly possesses the potential to mislead the unknowing public. *See, Friedman v. Rogers*, 411 U.S. 917 (1979).¹

Thus, a dentist may not hold himself out as operating a craniofacial pain center or use that phrase as part of a trade name in connection with the practice of dentistry in South Carolina.

Very truly yours,

Edwin E. Evans
Assistant Attorney General

Footnotes

- ¹ [Section 40-15-30, Code of Laws of South Carolina](#), 1976, apparently prohibits the use of trade names by practicing dentists in South Carolina.

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