

May 18, 2019  
Dr. Michael Sherman

We can be the leaders by protecting the public from DTC and HPV.

### **Direct to Consumer (DTC)**

As reported, on May 8, 2019, the Georgia Federal Court entered an Order dismissing a majority of SmileDirectClub's claims in the lawsuit (SmileDirectClub, LLC v. Georgia Board of Dentistry et al., Case No. 1:18-cv-02328). The Court rejected SmileDirectClub's claim seeking a ruling that its digital scanning of patients' teeth does not constitute the "practice of dentistry or dental hygiene." The Court called this argument "incorrect".

With the support of the AAO Component Legal Support Fund, on February 21, 2019, the American Association of Orthodontists (AAO) filed court papers supporting the position of the Board and its individual members and in opposition to the claims and arguments made by SmileDirectClub.

In their decision, the court said "Here, SmileDirectClub's acts of taking digital scans of a patient's mouth for the purpose of having a dentist or orthodontist approve of a treatment plan for correcting a malposition of the patient's teeth falls squarely within the definition of the practice of dentistry as set forth in O.C.G.A.

### **AAO Position on Human Papilloma Virus (HPV)**

The AAO recently adopted the following policy regarding the vaccination for HPV:

The AAO supports educating and counselling patients and parents concerning vaccination for Human Papilloma Virus (HPV) in accordance with the latest CDC recommendation. It also supports routine examination of patients for oral and oropharyngeal cancers and collaboration with the ADA on HPV vaccination education and awareness.