

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:

Request for the Advisory Opinion by licensee S. David Moore, DDS and licensee Michael Moore, DDS regarding the use of Botox and Dermal Fillers by a General Dentist and whether it is permissible under NRS 631.215

AO-14-1212-A

On December 12, 2014, pursuant to agenda item 6(c) at a properly noticed meeting held at the Nevada State Board of Dental Examiners ("Board") office located at 6010 S Rainbow Boulevard, Suite A-1, Las Vegas, Nevada 89118 the "Board" issued the following advisory opinion.

Dr. Jade A Miller	Present
Dr. Gregory Pisani	Present
Dr. Jason Champagne	Present
Dr. Timothy Pinther	Present
Dr. James G Kinard	Present
Dr. J. Stephen Sill	Present
Dr. Byron Blasco	Present
Ms. Caryn Solie	Present
Mrs. Leslea Villigan	Present
Mrs. Theresa Guillen	Present
Mrs. Lisa Wark	Present

ADVISORY OPINION

I.  
BACKGROUND

1. As set forth in NAC 631.279 through authority of NRS 631.190 and NRS 233B.120 the Board is authorized to provide advisory opinions.

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**NAC 631.279 Proceedings to determine applicability and construction of statutes and regulations. (NRS 631.190)**

1. Any applicant or licensed dentist or dental hygienist may obtain a determination or advisory opinion from the Board as to the applicability of any provision of [chapter 631](#) of NRS or any regulation adopted pursuant thereto by bringing an action for a declaratory judgment before the Board.

2. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

- A. The Board has discretion whether or not to issue an advisory opinion pursuant to NAC 631.279.
- B. Licensee, S. David Moore, DDS and licensee Michael Moore, DDS, requested an advisory opinion regarding the use of Botox and dermal fillers by a general dentist and whether it is permissible under NRS 631.215.
- C. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

**II.  
DISCUSSION**

- D. Dr S David Moore and Dr Michael Moore were not present at the meeting however, they requested the advisory opinion regarding the use of Botox and dermal fillers by general dentist and whether it is permissible under NRS 631.215. Board Counsel advised the Board of the original advisory opinion issued on September 21, 2006. Board Counsel stated no changes have been made to NRS 631.215 regarding the use of Botox and dermal fillers.
- E. Board Counsel advised the Board to review the original advisory opinion issued on September 21, 2006.

Therefore, it is the legal opinion of Board Counsel that since the statute does not reference Botox and dermal fillers within the scope of persons deemed to be practicing dentistry. The Board should affirm the original advisory opinion dated September 21, 2006.

Board Counsel then advised the Board Members the proper language necessary to issue an advisory opinion.

**III.**  
**CONCLUSION**

After considering and discussing public comment pursuant to the authority set forth in NAC 631.279, NRS 631.190 and NRS 233B.120, a motion was made by Board Member Blasco that the Board issue an opinion affirming the original advisory opinion dated September 21, 2006. Further, to allow for the use of Botox and dermal fillers by a general dentist would require a statutory change through the legislative process.

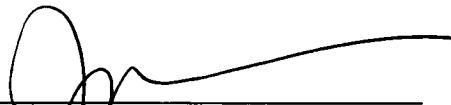
The motion was seconded by Board Member Sill. No discussion:

**III**

Dr. Kinard called for the motion:

Dr. Jade A Miller	yes
Dr. Gregory Pisani	yes
Dr. Jason Champagne	yes
Dr. Timothy Pinther	yes
Dr. James G Kinard	yes
Dr. J. Stephen Sill	yes
Dr. Byron Blasco	yes
Ms. Caryn Solie	yes
Mrs. Leslea Villigan	yes
Mrs. Theresa Guillen	yes
Mrs. Lisa Wark	yes

The motion was passed unanimously that the Board issue an opinion affirming the original advisory opinion dated September 21, 2006. Further, to allow for the use of Botox and dermal fillers by a general dentist would require a statutory change through the legislative process.

  
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JAMES G KINARD, DDS, PRESIDENT  
Nevada State Board of Dental Examiners