BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF: Request for the Advisory Opinion by licensee Nicole Mackie, DDS regarding whether NRS 631.215 and/or NRS 631.255 allows a person who has a valid specialty license in the area of Prosthodontics to administer Botox, dermal fillers or other injectables in clinical practice and request by Jonathan White, DDS for the NSBDE to review the two Advisory Opinions issued on May 18, 2006 and December 12, 2014 regarding the use of Botox, dermal fillers and/or other agents by general dentists	AO—15-1120

On November 20, 2015 pursuant to agenda item 3(a) 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.

BOARD MEMBER PARTICIPATION:

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

ADVISIORY 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.

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, Nicole Mackie, DDS, requested an advisory opinion whether NRS 631.215 and/or NRS 631.255 allows a person who has a valid specialty license in the area of Prosthodontics to administer Botox, dermal fillers or other injectables in clinical practice

C. Public notice of the above-referenced request for an advisory opinion was provided in accordance with state law.

D. A motion was made by Board Member Blasco to consider Agenda 3(a) the request by Nicole Mackie, DDS, for an advisory opinion whether NRS 631.215 and/or NRS 631.255 allows a person who has a valid specialty license in the area of Prosthodontics to administer Botox, dermal fillers or other injectables in clinical practice and Agenda 6(a) the request by Jonathan White, DDS for the Board to review the two Advisory Opinions issued on May 18, 2006 and December 12, 2014 regarding the use of Botox, dermal fillers and/or other agents by general dentists at the same time. Seconded by Board Member Guillen.

II.
DISCUSSION

Nicole Mackie, DDS was present at the meeting to discuss clarification of NRS 631.215 and/or NRS 631.255 allows for a person who has a valid specialty license in the area of Prosthodontics to administer Botox, dermal fillers or other injectables in clinical practice. Dr Mackie read her statement into the record and discussed the training a person receives through a prosthodontic residency program to administer botox, dermal fillers and other agents for clinical and cosmetic treatments. Dr. Brooksby suggested to the Board that if the original Advisory Opinion given by previous board members was given prior to changes made by CODA, that perhaps, they could state in their new opinion that prosthodontists would be limited to cheekbone area and below. Board Counsel noted that when oral and maxillofacial surgeons came before the board for clarification, the board at the time made it clear in their opinion that they were limited to administering within their scope. Thus, Dr. Miller commented that the advisory opinion would be solely related to the scope of prosthodontics. Dr. Mackie commented that the administration would be adjunct to all prosthodontic treatment.

J. Stephen Sill, DMD on behalf of Jonathan White, DDS read his statement into the record. The statement included that dentists can be trained to the same level as other providers and that general dentists should be able to administer injectables (botox, and dermal fillers) Dr Sill would like the Board to grant an advisory opinion where dentists who are adequately trained be allowed to administer botox and dermal fillers. Board Counsel clarified that the Board should be specific in declaring who may administer the injections, and perhaps should add that dentists will only be allowed to administer said injections only if the dentist possesses the adequate skills, training and can safely administer these agents to patients.

Board Member Blasco made a motion that any dentists who holds a valid license and possesses the proper training may be able to administer botox, dermal fillers and other injectables. Motion seconded by Board Member Guillen. Board Member Solie inquired whether a dental hygienist who receives adequate training and possesses the skills necessary to safely administer botox and dermal fillers be allowed under the supervision of a dentist. Board Member Blasco amended his motion to include dental hygienists. Motion to amend was seconded Board Member Guillen.

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 that a person who holds a valid

dental license and who possesses the necessary skills and training to safely administer injectables (botox and dermal fillers) be allowed and that a licensed dental hygienists who possesses the necessary and skills and adequate training to safely administer injectables, but a dental hygienist may only administer to a patient under the direct supervision of a Nevada licensed dentist who has the same adequate training and skills to safely administer the injectables (botox and dermal fillers).

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

III

Dr. Pinther called for the motion:

Dr. Jade A Miller	no
Dr. Gregory Pisani	excused
Dr. Jason Champagne	yes
Dr. Timothy Pinther	yes
Dr. James G Kinard	no
Dr. Ali Shahrestani	yes
Dr. Byron Blasco	yes
Ms. Caryn Solie	yes
Mrs. Leslea Villigan	yes
Mrs. Theresa Guillen	yes
Mrs. Lisa Wark	excused

The motion passed that the Board issue an opinion that a person who holds a valid dental license and who possesses the skills and training to safely administer injectables (botox and dermal fillers) be allowed and that a licensed dental hygienists who possesses adequate skills and training to safely administer injectables(botox and dermal fillers), but that a dental hygienist may only administer to a patient under the direct supervision of a Nevada licensed dentist who has the same adequate training and skills to safely administer the injectables (botox and dermal fillers).

TIMOTHY PINTHER, DDS, PRESIDENT
Nevada State Board of Dental Examiners