Nevada State Board of Dental Examiners

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THIS ADVISORY OPINION IS NO LONGER IN EFFECT.
SENATE BILL 101 ENACTED IN THE 2017 LEGISLATIVE SESSION
AMENDED CHAPTER 454 PERTAINING TO THE ADMINISTRATION OF
BOTULINIUM TOXINS AND DERMAL FILLERS BY DENTISTS

BEFORE THE NEVADA STATE BOARD OF DENTAL EXAMINERS

IN REGARDS TO THE MATTER OF:	AO-09-0416
Request for Advisory Opinion regarding clarification concerning the use of Botox® by Oral Maxillofacial surgeons	

On April 16, 2009, pursuant to agenda item 4a at a properly noticed public meeting held at the Board's offices in Las Vegas the Nevada State Board of Dental Examiners (the "Board") issued the following advisory opinion.

Dr. Tony Guillen	Present
Dr. M. Masih Soltani	Present
Dr. Donna Hellwinkel	Present
Dr. Michael Lloyd	Present
Dr. Willaim Pappas	Present
Dr. Jade Miller	Present
Dr. J. Stephen Sill	Present
Mrs. Rosanne "Missy" Matthews	Present
Mrs. Leslea Villigan	Present
Mrs. Bonnie Bryan	Present
Mr. James "Tuko" McKernan	Present

ADVISORY OPINION

I.
BACKGROUND

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

[1] NAC 631.279 Proceedings to determine applicability and construction of statutes and regulations.

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.

2. Nevada licensee, Daniel L. Orr II, requested, pursuant to NAC 631.279, the Board issue an advisory opinion regarding clarification concerning the use of Botox® by oral maxillofacial surgeons.

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

II.
DISCUSSION

Dr. Orr asked the Board to consider clarifying the use of Botox as it may pertain to scope of practice for Oral & Maxillofacial Surgeons ("OMS") for procedures other than dental treatment. He commented that because OMS are and have to be trained in use of Botox and are credentialed in hospitals to administer Botox that they not be prohibited from use of Botox in practice.

Dr. Jade Miller stated to Dr. Orr his concerns for the abuse of this modality. Dr. Miller inquired of Dr. Orr what may be done to prevent such abuse and how it can be minimized. Dr. Orr asked that "abuse" be defined, and asked if they would consider abuse to be if one were not trained to use Botox and administered or other. He indicated that if an OMS was trained to use Botox then they should be allowed to use it.

Mr. Hunt reminded Dr. Miller about what the opinion should be based on, and that if someone was to "abuse" the use of Botox, just because, then they could be disciplined appropriately. Mr. Hunt indicated that perhaps consideration for OMS to use Botox within the scope of practice for an OMS specialty; however, with allowing OMS to use Botox it would not change the Boards opinion that general dentists cannot use Botox.

Dr. Lloyd indicated that he did not see reason to prohibit OMS from administering Botox so long as within scope of training and education. Dr. Guillen inquired about the method the Board would be implementing to identify those not trained to use Botox versus those who are. Dr. Orr indicated that OMS are trained to use Botox and therefore use it routinely. Someone not trained properly would evidently not know how to properly use Botox and therefore would be looked into when a complaint is submitted. Dr. Orr indicated that OMS could be required to

submit proof that they are trained to use Botox to try and help avoid for OMS not trained from using Botox. Dr. Miller indicated that seeking certification of the OMS training, education, and case success could be required by the board.

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 Dr. Guillen to allow OMS who are properly educated, trained and licensed to use Botox. The motion was seconded by Dr. Hellwinkel.

Discussion was had wherein Dr. Soltani inquired of Dr. Orr on the training OMS go through. Dr. Orr indicated that they must present cases to the hospital and that the hospitals must certify that the Oral Surgeons ("OS") are trained. Dr. Miller suggested having OS provide certificates or a letter from the hospitals or residency program to show proof that OS have proper training. Dr. Guillen amended his motion to require proof of education, training, and case success for an OMS to administer Botox:

Dr. Tony Guillen----------yes
Dr. Jade Miller----------yes
Dr. Donna Hellwinkel----------yes
Dr. Michael Lloyd----------yes
Dr. William Pappas----------yes
Dr. M Masih Soltani----------yes
Dr. J. Stephen Sill----------yes
Mrs. Rosanne "Missy" Matthews----------yes
Mrs. Leslea Villigan----------yes
Mr. James "Tuko" McKernan----------yes
Mrs. Bonnie Bryan----------yes

The motion was passed unanimously that licensed OMS are to provide proof to the board of appropriate education, training, and cases to be able to use/administer Botox.

Kathleen Kelly
Executive Director