



BOARD OF DENTISTRY

Andy Beshear
Governor

312 Whittington Parkway, Suite 101
Louisville, Kentucky 40222
Phone: (502) 429-7280
Fax: (502) 429-7282
<http://dentistry.ky.gov>

Jeffrey Allen
Executive Director

Sept. 21, 2022
AO 22-01



Re: Opinion and Declaratory Ruling on the Provision of Licensure Requirements and Exceptions

Dear [REDACTED]

On September 10, 2022, the Board of Dentistry addressed your request for the Board's interpretation of whether "the continuing education courses through the Midwest Implant Institute should be considered a 'dental society,' a 'convention,' an 'association of dentists,' and/or a 'dental school.'" The Board has the authority to issue Opinions and Declaratory Rulings pursuant to KRS 13A.130(3) and 13A.010(2)(b) as the agency with jurisdiction to interpret the statutes and administrative regulations governing the practice of dentistry in the Commonwealth of Kentucky. A review of KRS Chapter 313 and the administrative regulations promulgated thereunder, in accordance with KRS Chapter 13A, has resulted in the ruling established herein, designated as Advisory Opinion 22-01.

The ADA Continuing Education Recognition Program (ADA CERP) accredits State dental boards, dental societies, allied dental organizations and other dental professional organizations who voluntarily apply and meet the ADA CERP standards. Upon Accreditation, ADA CERP provides ADA members and the dental community a mechanism to select quality continuing dental education (CE) with confidence and promotes the continuous improvement of continuing dental education both nationally and globally. Providers approved through the program are designated as ADA CERP Recognized Providers. Once approved, providers are held accountable for maintaining those same high standards through periodic reevaluation.

Pursuant to KAR 201 KAR 8:532(9), practitioners with active dental licenses must complete 30 hours of continued education courses and the Midwest Implant Institute provides courses geared at developing and raising the standards for implant dentistry. Midwest Implant Institute courses include continued education on implant dentistry, surgical externships, fellowships, and symposiums for the purpose of strengthening practitioners implant dentistry skills and promoting the health and safety of dental patients.

KRS § 313.035(9) provides that licensure requirements "shall not apply to a practitioner of dentistry duly licensed by another state or the District of Columbia while making a clinical demonstration before a



An Equal Opportunity Employer M/F/D

dental society, convention, association of dentists, or a dental school.” While “dental society, convention, association of dentists, or a dental school” are not specifically defined in the statute, the plain meaning of the terms are sufficient. The Board has concluded that by virtue of the Midwest Implant Institute’s accreditation by the ADA CERP, Midwest Implant Institute and its continued education courses operate in accordance with and meet the requirements of KRS § 313.035(9). Midwest Implant Institute hosts conventions for the purpose of advancing the practice of implant dentistry and provides fellowships and externships so that practitioners may become proficient in implant dentistry. Allowing dentists who are licensed in a state other than Kentucky to participate in clinical demonstrations on patients during a continued education course is exactly the type of scenario KRS § 313.035(9) seeks to exempt from Kentucky’s standard dental licensure requirements.

In conclusion, the continuing education courses offered through the Midwest Implant Institute shall be considered a “dental society,” a “convention,” an “association of dentists,” and/or a “dental school” and duly out-of-state licensed dentists who participate in continued education courses offered in Kentucky may engage in clinical demonstrations on patients as part of the coursework under direct supervision. However, in the interest of patient safety and in accord with KRS § 313.035(9), such demonstrations should not be performed on a patient before determining that the patient has access to follow up care with a qualified dentist licensed in Kentucky. Moreover, this application of KRS § 313.035(9) shall only apply to live (in-person) patients. Nothing in this ruling shall be construed to exclude a dentist from providing a professional standard of care and practicing within the scope of his or her practice; therefore, any dentist who fails to provide a professional standard of care or practices beyond the scope of his or her license in participating in clinical demonstrations on patients during a continued education course may be disciplined by the Board, which has the right to evaluate any such demonstration on a case by case basis.

Sincerely,

A handwritten signature in black ink, appearing to read 'JA', with a long, sweeping horizontal stroke extending to the right.

Jeffrey Allen
Executive Director
Kentucky Board of Dentistry