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GOVERNOR

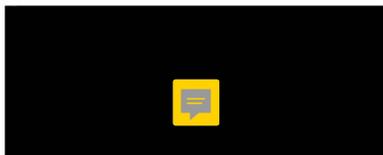
## BOARD OF DENTISTRY

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Jeff Allen  
EXECUTIVE DIRECTOR

### ADVISORY OPINION 23-01

September 9, 2023



#### Re: Opinion and Declaratory Ruling on Dental Hygienist Scope of Practice in Relation to Botox Injections

The Board of Dentistry (the “Board”) is in receipt of your formal request for an Advisory Opinion dated August 9, 2023. In accordance with KRS 313.021, the Board of Dentistry is authorized to issue advisory opinions that interpret KRS Chapter 313 (the “Dental Practice Act”) and its associated regulations. The Board has the additional 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 advisory opinion set forth herein designated as Advisory Opinion 23-01.

On September 9, 2023, the Board addressed your request for the Board’s Opinion regarding whether a dental hygienist may, according to a dental hygienist’s scope of practice, perform Botox injections under the supervision of a dentist. Your full request is included below:

As a dental hygienist graduating from the first class of hygienist to be able to administer local anesthetic. I am asking you to please consider extending our scope of practice to include Botox injections under the supervision of a dentist. I believe dental hygienist are trained to know facial anatomy as well as nurses or Physician Assistants. Expanding the scope of practice for dental hygienist to include Botox injections will contribute to improve patient care, convenience, and will bring more patients into our practice.

KRS 313.040 titled, “Administrative regulations governing dental hygienists” specifically addresses the Board’s authority to govern the practice of dental hygiene in Kentucky. KRS 313.040 specifically requires the Board to promulgate administrative regulations in accordance with KRS Chapter 13A relating to dental hygienists. The administrative regulations may include at a minimum the classification of and licensure of dental hygienists, by examination or credentials, general supervision privileges, anesthesia registration, retirement of a license, reinstatement of a license, and charity licenses. *See* KRS 313.040(1).

201 KAR 8:563 entitled, “Licensure of Dental Hygienists” contains the Board’s promulgated administrative regulations relating to requirements and procedures for the licensure of dental hygienists. *See* 201 KAR 8:563.

KRS 313.010 defines “Dental hygiene” as:

[T]he treatment of the oral cavity, including but not limited to dental hygiene assessment or screening, scaling and root planing, nonsurgical therapy, removing calcareous deposits, removing accumulated accretion from beneath the free gingival margin, cavity preventive procedures, periodontal procedures that require administering antimicrobial agents along with other general dentistry activities outlined in the treatment care plan and not prohibited by this chapter or by administrative regulation promulgated by the board[.]

Notably, “dental hygiene” as defined by KRS 313.010 does not include the provision of Botox injections to patients or any other similar procedures or actions. Under Kentucky law, a dentist may delegate certain procedures to “competent dental auxiliary personnel” such as a dental hygienists with the following pertinent condition:

(1) A licensed dentist may delegate to competent dental auxiliary personnel those procedures for which the dentist exercises direct supervision and full responsibility as long as the delegated powers do not include any of the following:...

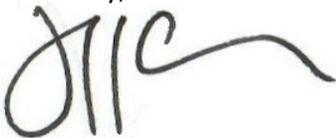
(c) No injectable medication or anesthesia shall be administered by auxiliary personnel unless otherwise authorized by law.

KRS 313.050(1)(c).

Thus, KRS 313.050(1)(c) specifically bars a dental hygienist from being delegated authority by a dentist to provide any injectable medication. No other source of Kentucky law permits a dental hygienist to provide an injectable medication, including Botox injections.

In conclusion, in response to your request for the Board’s Opinion regarding whether a dental hygienist may perform Botox injections under the supervision of a dentist, Kentucky law **does not** permit dental hygienists the ability to perform Botox injections under the supervision of a dentist. Nothing in this ruling shall be construed to exclude a dental hygienist from providing a professional standard of care and practicing within the scope of his or her license. Therefore, any dental hygienist who fails to provide a professional standard of care or practices beyond the scope of his or her license may be disciplined by the Board.

Sincerely,



Jeff Allen, Executive Director  
Kentucky Board of Dentistry

C: Members of the Kentucky Board of Dentistry  
Jonas S. Bastien, Board Counsel