



BOARD OF DENTISTRY

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Governor

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Eric T. Clark
Executive Director

August 8, 2007

David Cash, D.M.D.
3349 Tates Creek Road, Suite 212
Lexington, Kentucky 40502

Re: Opinion and Declaratory Ruling on the placement of dermal fillers as it applies to KRS 313.010(2), the definition of "practicing dentistry"

Dear Dr. Cash:

On July 21, 2007 the Kentucky Board of Dentistry addressed your request for the Board's interpretation of Kentucky law that "the placement of dermal fillers, i.e. Restylane®, not be limited to oral surgeons." Your inquiry was initially discussed at the March and May, 2007, meetings of the Board. At its July 21, 2007, meeting, the Board authorized this response.

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 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, leads to this conclusion to the request you have presented.

You request for "the placement of dermal fillers, i.e. Restylane®, not be limited to oral surgeons or lumped into the same category as botox." KRS 313.010(2) defines "practicing dentistry" as: "Any person shall be regarded as "practicing dentistry" who, for a fee, salary or other reward paid, or to be paid either to himself, or to another person, performs or advertises to perform, dental operations of any kind, or who diagnoses or treats diseases or lesions of human teeth or jaws, or attempts to correct malpositions thereof, or **who diagnoses or treats disorders, or deficiencies of the oral cavity and adjacent associated structures**, or who takes impressions of the human teeth or jaws to be used directly in the fabrication of any intraoral appliance, or shall construct, supply, reproduce or repair any prosthetic denture, bridge, artificial restoration, appliance or other structure to be used or worn as a substitute for natural teeth, except upon the written laboratory procedure work order of a licensed dentist and constructed upon or by use of casts or models made from an impression taken by a licensed dentist, or who shall advertise, offer, sell or deliver any such substitute or the services rendered in the construction, reproduction, supply or repair thereof to any person other than a licensed dentist, or who places

or adjusts such substitute in the oral cavity of another, or who uses the words "dentist," "dental surgeon," the letters "D.D.S.," "D.M.D.," or other letters or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry." (Emphasis added.)

As you can read from this statutory definition, the Kentucky General Assembly has defined "practicing dentistry" as inclusive of treating "deficiencies of the oral cavity and adjacent associated structures." According to this definition, procedures to the oral cavity and adjacent associated structures are within the scope of general dentistry. Therefore, the Board has concluded that a general dentist may place dermal fillers only if such procedure involves treating "deficiencies of the oral cavity and adjacent associated structure." The Board understands that a dentist's education, training, and experience may include the treatment of such deficiencies of the oral cavity and the adjacent associated structure in the dentist's primary dental education or continuing dental education approved by the Board pursuant to KRS 313.080.

However, be advised that any dentist practicing outside his or her scope of practice has committed "unprofessional conduct" as defined in 201 KAR 8:430 Section 2(10) for which disciplinary action may be taken by the Board. While the Board interprets its law to allow for the placement of dermal fillers by general dentists, dentists must actually be educated, trained, and experienced in performing such procedures. Furthermore, 201 KAR 8:430 Section 2(7) provides that a dentist may be guilty of "unprofessional conduct" for failing to maintain the appropriate standard of care in any procedure.

In conclusion, the definition of "practicing dentistry" as enacted by the General Assembly allows dentists to perform work on "deficiencies of the oral cavity and adjacent associated structures." The Board has determined that this provision within KRS 313.010(2) includes the placement of dermal fillers. However, nothing in this ruling shall be construed to exclude a dentist from providing a professional standard of care and practicing within the scope of their dental license. Any dentist who does not provide a professional standard of care in placing dermal fillers or practices beyond the scope of their dental license may be disciplined by the Board.

Sincerely,



David A. Narramore, D.M.D., President
Kentucky Board of Dentistry

C: Members of the Kentucky Board of Dentistry
Mark Brengelman, Assistant Attorney General, Board Counsel

David Cash, D.M.D.
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KBD

Kentucky Board of Dentistry
10101 Linn Station Road, Suite 540
Louisville, Ky. 40223

Dear Doctors,

I am writing to request that the placement of dermal fillers, i.e. Restylane, not be limited to oral surgeons or lumped into the same category as botox. The placement of Restylane is a minimally invasive procedure that can enhance cosmetic dental procedures. Injectable hyaluronic acid has been found to be safe with a global risk of sensitivity of 0.6%, much less than antibiotic or anesthetic complications. Certainly proper protocol and patient management are important just as with any other dental procedure. These are things that can be learned with proper continuing education. Continuing education is the key to properly care for patients with this treatment modality. The requirement of certification of training prior the injection of dermal fillers would insure that the treating doctors are qualified.

The general dentist who has a focus on cosmetics evaluates lip position and support on a daily basis and concentrates on enhancing the lip through restorative procedures. We look carefully at lips and how they affect the smile and are particularly well suited to perform this procedure. We carefully and gently handle tissue, are highly skilled in the giving of comfortable injections, in the use of small needle size, and spend the time with our patients to understand their desires of smile enhancement. The general practice setting is more conducive for this type of care. Oral surgeons may have more training in emergency procedures, but do not spend the time on the minutia of smile design that a cosmetically oriented general dentist does.

I urge allowing the injection of dermal fillers to be in the general dentist's hands as well oral surgeons. If it comes under the control of only oral surgeons in dentistry, then most likely no dentists will be doing these procedures as referrals will most likely go to dermatologists or plastic surgeons.

Sincerely yours,



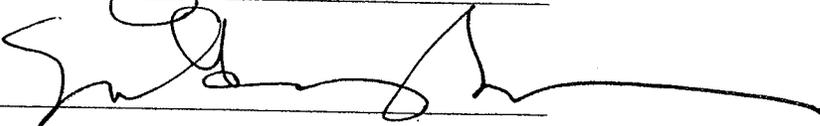
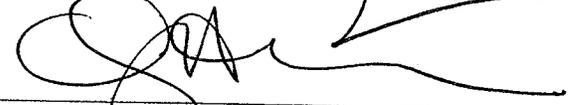
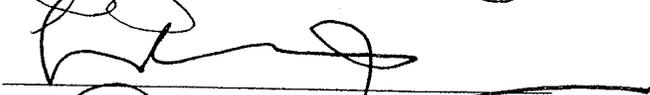
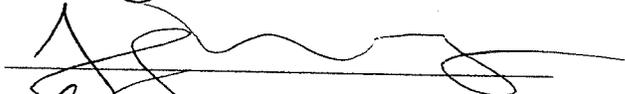
David Cash, DMD

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We the undersigned agree in principle with the attached letter and wish to add our voice to the request outlined to the Board.



Gina Johnson Higgins, DMD



Wesley B Offman

Michelle Es

Julianne August DMD