



Use of Botox in Dentistry is a Fine Line

By TDIC Risk Management Staff

As questions increase about the use of Botox in dentistry, The Dentists Insurance Company advises policyholders that the use of preparations such as Botox and Dysport must be within the scope of their dental license as defined by the dental licensing authority in their state.

If doctors are practicing legally within the scope of their dental license, there is coverage under TDIC's professional liability policy," said TDIC Underwriting Director Dora Earls. However, Earls noted that if the state dental licensing authority determines that use of Botox or similar drugs is not within the scope of dental practice, there is no TDIC coverage.

For example, dentistry in California is defined by the California Business and Professions Code section 1625. The dental board lists the pertinent language of the code as, "diagnosis or treatment, by surgery or other method, of diseases and lesions and the correction of malpositions of the human teeth, alveolar process, gums, jaws or associated structures; and such diagnosis or treatment may include all necessary related procedures as well as the use of drugs, anesthetic agents and physical evaluation ...". The board states that a dentist may use any legally prescribed drugs to treat patients as long as the treatment is within this specified scope of practice.

Additionally, in California dentists may not use Botox cosmetically without an Elective Facial Cosmetic Surgery permit issued by the dental board. Licensed dentists who have completed residencies in oral and maxillofacial surgery and additional criteria outlined by the dental board can apply for an Elective Facial Cosmetic Surgery permit. There are two categories for these permits. Category I relates to cosmetic facial surgery, such as contouring of the osteocartilaginous facial structure, and Category II relates to cosmetic soft tissue contouring or rejuvenation. The details of this system can be found in the California Business and Professions Code section 1638.1.

The California Dental Board also states, "Some permit holders may not be authorized to perform all cosmetic surgery procedures within the scope of the Elective Facial Cosmetic Surgery permit." Additionally, the dental board notes that all procedures authorized under the Elective Facial Cosmetic Surgery permit must be performed in an acute care hospital or a certified surgical center as defined in California Business and Professions Code section 1638.1(f).

Botox and Dysport are commercial preparations of botulinum toxin derived from the bacterium *Clostridium botulinum*, a nerve "blocker" that binds to the nerves and prevents the release of acetylcholine, a neurotransmitter. The result is muscle paralysis, according to the National Center for Biotechnology Information. Botulinum toxin is approved by the FDA, and its most common use is in applications to minimize fine facial wrinkles.

Concerning professional liability coverage and training or certification for dentists to use Botox or similar drugs, TDIC's endorsement states, "Before performing the alleged injection(s), you must have obtained any license, permit, certification or training required by the state dental licensing authority where you practice."

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