

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 270
Department or Agency: Board of Dental Examiners of Alabama
Rule No.: 270-X-2-.25
Rule Title: Administration of Botulinum Toxin and Similar Treatments by Dentists
Intended Action: New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

W. Blake Strickland
W. Blake Strickland

Date

Monday, May 13, 2024

REC'D & FILED
MAY 14, 2024
LEGISLATIVE SVC AGENCY

BOARD OF DENTAL EXAMINERS OF ALABAMA

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Dental Examiners of Alabama

RULE NO. & TITLE: 270-X-2-.25 Administration of Botulinum Toxin and Similar Treatments by Dentists

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Board proposes a new rule to allow for the safe use of Botulinum Toxin and similar treatments by dentists for treatment of the general public as provided in state law.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

All interested persons may submit data, views, or arguments concerning the proposed rule in writing to : W. Blake Strickland, Executive Director, Board of Dental Examiners of Alabama, 2229 Rocky Ridge Road, Birmingham, AL 35216, by mail or in person between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, until and including July 05, 2024. Persons wishing to submit data, views, or comments should contact W. Blake Strickland by email (blake@dentalboard.org) during the comment period. Interested persons may also present comments as a public meeting/hearing to be held on July 12, 2024. Copies of proposed rules can be located on the Board's website at www.dentalboard.org.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, July 5, 2024

CONTACT PERSON AT AGENCY:

W. Blake Strickland, Executive Director
Board of Dental Examiners of Alabama
2229 Rocky Ridge Road
Birmingham, AL 35216

W. Blake Strickland

W. Blake Strickland

(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

Administration of Botulinum Toxin and Similar Treatments by Dentists.

(1) General. This Rule defines the scope of dentistry as applied to the administration of botulinum toxin, dermal fillers, and similar agents by dentists in Alabama, and the requirements that dentists must fulfill in order to administer these agents. This Rule displaces and supersedes all previous formal or informal guidance, or opinions expressed by the Board on the subject matter covered by this Rule, including but not limited to informal opinions issued by the Board in the absence of public notice and comment procedures on February 10, 2023, January 13, 2023, January 13, 2022, December 2, 2021, February 13-14, 2020, and July 2010.

(2) Definitions. As used in this Rule:

(a) "Human mouth, teeth, gums, jaws, and adjacent structures" means the oral cavity, teeth, gingiva, cheeks, jaws, temporomandibular joint, and lips, and includes the soft tissues bounded by the following: inside the right ala-tragus line extending to the nasolabial line extending along the left ala-tragus line descending along the left border of the ramus continuing to the inferior border of the body of the mandible and ending on the right border of the ascending body of the mandible.

(b) "Covered aesthetic procedure" means the administration of botulinum toxins, any neuromodulator derived from *Clostridium botulinum*, dermal fillers (including but not limited to collagen and any resorbable substance injected subcutaneously or intracutaneously), hyaluronic acid, platelet-rich plasma, platelet-rich fibrin, PDO thread lifts, micro-needling, calcium hydroxylapatite (CaHA), poly-L-lactic acid, polymethylmethacrylate (PMMA) fillers, and similar medicaments, agents, and/or procedures, the principal purpose of which is to reduce the appearance of lines, wrinkles, or grooves in the skin.

(3) Requirements for Administration of Covered Aesthetic Procedures by Dentists. Within a dental clinic, excluding the use of mobile dental or portable dental units, a dentist may administer covered aesthetic procedures in the human mouth, teeth, gums, jaws, and adjacent structures to treat disease, pain, deformity, deficiency, injury, or physical condition in the area of treatment, subject to the following requirements:

(a) Before administration of any covered aesthetic procedure, the dentist shall obtain a full medical and dental history, perform a clinical dental examination, and document, as required, in a patient's chart.

(b) The administration of a covered aesthetic procedure shall be performed only in the course and as part of the delivery of the patient's comprehensive dental treatment plan.

(c) The dentist shall comply with all laws and professional standards governing the dentist-patient relationship, including but not limited to rules governing patient records, standards for infection control (e.g., universal precautions), and rules governing continuity of care and patient abandonment.

(d) The dentist shall have successfully completed, within the immediately preceding 24 months, a Board-approved training course meeting the requirements of subsection (4).

(e) The dentist shall personally perform the covered aesthetic procedure.

(4) Required Training. In order to obtain Board approval for the training requirement set forth in subsection (3)(d) of this Rule, a course provider shall submit a course outline, course syllabus, and curriculum vitae of the instructor(s), demonstrating that the course is not affiliated with any manufacturer or seller of any agent used in covered aesthetic procedures, and that the course provides at least twelve (12) hours of instruction covering the following topics, in detail:

(a) The anatomy of the head and neck;

(b) Neurophysiology of the head and neck, including facial tissues, parasympathetic, sympathetic and peripheral nervous systems, and facial architecture;

(c) Patient selection, including indications and contraindications;

(d) Pharmacological effects and contraindications, including potential drug interactions;

(e) Safety and risk issues particular to agents used in covered aesthetic procedures, including management of adverse reactions and complications;

(f) Preparation and delivery techniques;

(g) Patient assessment, consultation, and informed consent; and

(h) Live, hands-on training on the administration of covered aesthetic procedures and agents.

(5) Prohibitions.

(a) Dentists shall not administer any covered aesthetic procedure to any portion of a patient's body except for the human mouth, teeth, gums, jaws, and adjacent structures as defined by this Rule.

(b) A dentist shall administer a covered aesthetic procedure only "within a dental clinic." Therefore, the administration of a covered aesthetic procedure in any place outside of a dentist's office (e.g., in the patient's home or in a private residence) is prohibited.

(6) Exceptions. Nothing in this Rule applies to:

(a) The scope of practice of a dentist who has graduated from a residency program in Oral and Maxillofacial Surgery

(OMFS) accredited by the American Dental Association Commission on Dental Accreditation;

(b) The scope of practice of a dentist who also holds an active license to practice medicine issued by the Medical Licensure Commission of Alabama;

(c) The intramuscular injection of botulinum toxin by a dentist to treat temporomandibular joint pain.

Author: Board of Dental Examiners of Alabama

Statutory Authority: Ala. Code 1975, §34-9-43(10)

History: New Rule: Published _____; effective _____.