



# E-Forum

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## Cosmetic Use of Botulinum Toxin (Botox®) and dermal fillers

In 2012, in response to numerous inquiries from dentists, the Board developed a policy on the use of botulinum toxin and dermal fillers for *elective cosmetic* facial procedures. Many practitioners considered the policy too vague and urged the Board to further refine the opinion. In response, the Board sought guidance from the Office of the North Carolina Attorney General.

In its advisory letter, the Attorney General’s Office opined that the use of Botulinum Toxin for elective cosmetic facial procedures constitutes the practice of medicine and that **“dentists should not be performing such procedures absent a medical license separate and apart from their dental license.”** (emphasis added). Based on this opinion, a dentist using Botulinum Toxin, dermal fillers or similar products solely for cosmetic purposes could be subject to the Medical Board’s procedures regarding the unauthorized practice of medicine.

Here is a link to the AG’s letter in its entirety:

[http://ncdentalboard.org/PDF/AG Opinion Letter Botox.pdf](http://ncdentalboard.org/PDF/AG%20Opinion%20Letter%20Botox.pdf)

In reading this letter it is important to note that the opinion only applies to the use of these products for purely cosmetic purposes. A dentist who does not also hold an MD degree may properly use Botulinum Toxin to treat dental problems, such as Temporomandibular Joint Disorder, where there is widespread scientific evidence supporting the use of the product for that purpose.

Keep in mind that the letter is an advisory letter that is intended to provide guidance as to how the AG, the courts, and other Boards would likely view this issue should an actual case develop based on a complaint. The letter does not have the force of law and a court or other tribunal might rule differently depending on the evidence presented to it.

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### Upcoming Board Meetings

Meetings begin at 8:30 am unless otherwise noted.

November 20-21	Morrisville, NC Board Office
December 11-12	Morrisville, NC Board Office
January 22-23	Morrisville, NC Board Office
February 12-13	Morrisville, NC Board Office
March 18-19	Morrisville, NC Board Office
April 15-16	Morrisville, NC Board Office
May 18-19	Sunset Beach, NC
June 17-18	Morrisville, NC Board Office
July 15-16	Morrisville, NC Board Office

## Proposed Sedation Rules

A public hearing on the proposed sedation rules was held on August 6, 2015 and additional written comments were received through the end of the month. Currently, the Board is revising the proposed rules based on the comments received and will then submit a final version to the Legislative Rules

Review Commission for final action. To read the original rules and the comments received, click on the Board's website: [www.ncdentalboard.org](http://www.ncdentalboard.org). Once the final version that will be submitted to the Rules Review Commission has been completed, it will be posted here as well.

## New Statute Requires Annual Opioid Prescribing CE course

The latest state budget bill (House Bill 97) became law when signed by the Governor on September 19, 2015. Buried within this massive document is a small section that applies to the NC State Board of Dental Examiners as well as other Boards where licensees are allowed to prescribe opioids for pain management. The law mandates that the Dental Board do two things: (1) Adopt the North Carolina Medical Board's Policy for the Use of Opiates for the Treatment of Pain, and (2) Require a continuing education course on the abuse of controlled substances as a condition of license renewal.

The Dental Board adopted the Medical Board policy at its meeting in October 2015. The text of the policy can be found by clicking on the link below:

[http://dev.ncmedboard.org/images/uploads/other\\_pdfs/Policy\\_for\\_the\\_Use\\_of\\_Opiates\\_for\\_the\\_Treatment\\_of\\_Pain\\_Jan\\_2015.pdf](http://dev.ncmedboard.org/images/uploads/other_pdfs/Policy_for_the_Use_of_Opiates_for_the_Treatment_of_Pain_Jan_2015.pdf)

The Dental Board is also beginning the work necessary to change its continuing education rules to require a one-hour continuing education course as a condition for license renewal. The one-hour course will be incorporated into the current CE hours required for renewal and will not be in addition to them.

The pertinent section of the law appears below:

### **STATEWIDE OPIOID PRESCRIBING GUIDELINES**

**SECTION 12F.16.(a)** *By July 1, 2016, the following State health officials and health care provider licensing boards shall adopt the North Carolina Medical Board's Policy for the Use of Opiates for the Treatment of Pain:*

- (1) The Director of the Division of Public Health of the Department of Health and Human Services (DHHS).*
- (2) The Director of the Division of Medical Assistance, DHHS.*
- (3) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, DHHS.*
- (4) The directors of medical, dental, and mental health services within the Department of Public Safety.*
- (5) North Carolina State Board of Dental Examiners.*
- (6) North Carolina Board of Nursing.*
- (7) North Carolina Board of Podiatry Examiners.*

### **CONTINUING EDUCATION REQUIREMENTS**

**SECTION 12F.16.(b)** *The following health care provider occupational licensing boards shall require continuing education on the abuse of controlled substances as a condition of license renewal for health care providers who prescribe controlled substances:*

- (1) North Carolina Board of Dental Examiners.*
- (2) North Carolina Board of Nursing.*
- (3) North Carolina Board of Podiatry Examiners.*
- (4) North Carolina Medical Board.*

**SECTION 12F.16.(c)** *In establishing the continuing education standards, the boards listed in subsection (b) of this section shall require that at least one hour of the total required continuing education hours consists of a course designed specifically to address prescribing practices. The course shall include, but not be limited to, instruction on controlled substance prescribing practices and controlled substance prescribing for chronic pain management*

## NC Controlled Substances Reporting System Unsolicited Reports

The NC Drug Control Unit (NCDCU) is now sending unsolicited educational letters to prescribers regarding their patients' who have reached a predetermined threshold of obtaining controlled substances from various pharmacies and prescribers.

The letter instructs the prescriber to review the patient's controlled substances prescription history report available at the NC CSRS practitioner access website: <https://nccsrsp.hidinc.com>. If the prescriber is not registered with the NC CSRS, the notification contains instructions on how to register in order to access the patient's report.

It is not the intent of NCDCU to suggest how prescribers should provide care to their patients. NCDCU is cognizant that some patients have special needs and conditions which may medically justify large quantities of controlled substances. If a prescriber finds an error on the patient's prescribing history, NCDCU encourages them to contact the pharmacy who dispensed the controlled substance.

## ADEX and the Southern Regional Testing Agency (SRTA)

North Carolina accepts the results of the ADEX clinical examination for dentists applying to be licensed in this state. Effective August 10, 2015, the Southern Regional Testing Agency (SRTA) no longer offers the ADEX examination. Therefore, North Carolina will no longer accept the results of the SRTA examination for dental licensure. The Council of Interstate Testing Agencies (CITA) and the Commission on Dental Competency Assessments (CDCA) [formerly NERB] continue to offer the ADEX examination.

### We've Moved!

The lease for the Board's office space expired and we have relocated to a new space in the same office park. As of August, 2015 the Board's office address is:

**2000 Perimeter Park Dr., Suite 160  
Morrisville, NC 27560**

### The Latest Numbers (as of September 30, 2015)

	<u>Dentists</u>	<u>Dental Hygienists</u>
Total Licensed by NC	5,832	7,726
Licensed during 2014	188	254

## North Carolina State Board of Dental Examiners

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**The purpose of the North Carolina State Board of Dental Examiners is to ensure that the dental profession merit and receive the confidence of the public and that only qualified persons be permitted to practice dentistry and dental hygiene in the state of North Carolina.**

## Welcome New Consumer Member

Governor Pat McCrory appointed Mr. E. Clark Jenkins as the new Consumer Member of the North Carolina State Board of Dental Examiners. Mr. Jenkins retired as President of the Feldspar Corporation and lives in Asheville, NC. He is currently serving a three-year term that began August 1, 2015.

We're on the web!

[ncdentalboard.org](http://ncdentalboard.org)

## Current Board Members (as of August 1, 2015)

	<u>Term Expires</u>	<u>Hometown</u>
Clifford O. Feingold, DDS (President)	2018	Asheville, NC
William M. Litaker, DDS* (Sec./Treas.)	2016	Hickory, NC
Stanley L. Allen, DDS (Past. Pres.)	2017	Greensboro, NC
David A. Howdy, DDS	2016	Washington, NC
Merlin W. Young, DDS*	2017	Wendell, NC
Millard W. "Buddy" Wester, III, DDS*	2018	Henderson, NC
Carla J. Stack, RDH	2017	Charlotte, NC
E. Clark Jenkins* (Consumer)	2018	Asheville, NC

*\*Eligible to run for a second term.*