

# Is Botox Covered Under My Malpractice Policy?

*It depends on scope of license—not just your policy.*

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**E**very week, I receive several calls about Botox coverage under a malpractice policy—specifically, whether it is covered based on a particular scenario. The response is always the same: *It depends.*

Why? Because coverage depends on how the dentist intends to use Botox in their practice and whether that use aligns with the Missouri Dental Practice Act (rules and statutes). This determines whether the procedure falls within the scope of the dentist's license—and, in turn, whether it may be covered under their malpractice policy.

Botox is not specifically defined in the dental practice act. Therefore, dentists must rely on the statutory definition of dentistry to determine whether they can perform such procedures under their license—or whether those services fall outside their scope and may increase risk. We see it as a gray area where caution is warranted. Most malpractice policies exclude Botox unless the dentist requests that coverage be added by endorsement. A quick review of your policy will confirm whether Botox is currently excluded. Let's review some common scenarios:

***I plan to use Botox to treat TMJ pain in patients. Is this covered under my malpractice policy?*** Yes, this may be covered by adding Botox coverage to your malpractice policy. Because dentists diagnose and treat TMJ conditions, carriers may allow Botox to be added by endorsement when used for therapeutic purposes.

***I plan to offer cosmetic Botox procedures to patients. Will my malpractice policy cover this?*** It depends. Can the cosmetic Botox treatment be directly related to the patient's dental care and fall within the scope of dentistry under your license? In many cases, cosmetic Botox may not be covered unless it clearly meets the definition of dentistry under the Missouri Dental Practice Act. Even if a carrier permits Botox coverage to be added, the procedure must still fall within the scope of your license to be covered in the event of a claim.

***I have hired a nurse to administer Botox injections in my office and want them covered under my malpractice policy.*** First, the dental board would generally view this individual as functioning in the role of a dental assistant, meaning they must comply with the dental practice



act (rules and statutes) governing dental assistants. They may be covered as allied staff if they are working within that scope.

Second, if the Botox treatment is dental in nature, you must determine whether your license allows delegation of Botox administration to auxiliary personnel. Based on a review of the dental practice act, delegation of this procedure is not clearly permitted. As a result, this scenario is unlikely to be covered under a malpractice policy.

In summary, malpractice policies typically exclude coverage for professional services that fall outside the scope of the provider's license. If your dental license does not clearly support the use of Botox for a given procedure, it is unlikely that the service will be covered.

***Be careful.*** Do not assume you have blanket coverage for all procedures you perform. Failing to confirm coverage in advance may leave you unprotected if a claim arises and your carrier determines the procedure was outside the practice of dentistry or not permitted under the dental practice act.

To confirm your coverage, contact MDIS. We are here to help you evaluate your policy and put appropriate coverage in place for your practice. You will receive honest guidance—even when the answer may be difficult.



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