

STATEMENT OF EMERGENCY
201 KAR 8:505E.

This emergency administrative regulation is necessary given that the COVID-19 pandemic has created a state of emergency in the Commonwealth and poses a risk to the health and wellbeing of Kentucky citizens. See Governor's Executive Orders 2020-215 and 2020-296. This emergency administrative regulation will allow dentists licensed through the Kentucky Board of Dentistry to administer COVID-19 vaccines authorized by the U.S. Food and Drug Administration to patients in accordance with U.S. Centers for Disease Control and Prevention and Kentucky Cabinet for Health and Family Services guidelines. Pursuant to KRS 13A.190(1)(b)(1), this emergency administrative regulation is temporary in nature and will expire as provided in this section. This emergency administrative regulation shall not be replaced by an ordinary administrative regulation because the need to administer COVID-19 vaccinations is predicated by a public health emergency, and the ongoing requirements for COVID-19 inoculation are currently unknown.

JEFF ALLEN, Executive Director

ANDY BESHEAR, Governor of Kentucky

BOARDS AND COMMISSIONS
Kentucky Board of Dentistry
(New Emergency Administrative Regulation)

201 KAR 8:505E. Administration of COVID-19 immunizations.

RELATES TO: KRS 313.060(1)

STATUTORY AUTHORITY: KRS 313.035, 313.060(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.035(1) authorizes the board to promulgate administrative regulations in accordance with KRS Chapter 13A relating to dentists. KRS 313.060(1) authorizes the board to promulgate administrative regulations in accordance with KRS Chapter 13A relating to dental practices, which shall include the minimal requirements for documentation and Centers for Disease Control compliance.

Section 1. Definitions.

(1) "Dental hygienist" is defined by KRS 313.010(6).

(2) "Dentist" is defined by KRS 313.010(10).

Section 2. Administration of COVID-19 Immunizations.

(1) A Kentucky licensed dentist or registered dental hygienist pursuant to subsection (5) of this section may administer COVID-19 immunizations. The administration of COVID-19 immunizations shall be deemed the practice of dentistry.

(2) This administrative regulation shall not be construed to alter the scope of practice of any health care provider or authorize the delivery of health care services in a setting, or in a manner, not authorized by law. Licensees administering COVID-19 immunizations shall comply with all rules of professional conduct and state and federal statutes relevant to dentistry.

(3) Licensees shall comply with guidelines established by the U.S. Centers for Disease Control and Prevention and the Kentucky Cabinet for Health and Family Services for the administration of COVID-19 immunizations, as well as guidelines established by the federal Advisory Committee on Immunization Practices.

(4) Following the administration of a COVID-19 immunization, a licensee shall report the administration of the patient's primary care physician if applicable.

(5) Only a dental hygienist who has been granted the authority to practice local anesthesia pursuant to 201 KAR 8:562, Section 11(1) may administer a COVID-19 immunization.

Section 3. Immunization Training Course. Prior to administering COVID-19 immunizations, a licensee shall complete an immunization training program approved by the board. The course shall include, at a minimum:

(1) Educational material on the disease of COVID-19 and immunization as prevention of the disease;

(2) Contraindications and precautions for administration of the COVID-19 immunization;

(3) Intramuscular administration;

(4) Communication of the risks and benefits of the COVID-19 immunization and the legal requirements involved;

(5) Reporting of adverse events;

(6) Documentation required by federal law and the U.S. Centers for Disease Control and Prevention; and

(7) Storage and handling of COVID-19 immunizations.

Section 4. Facilities and Infrastructure. A licensee administering COVID-19 immunizations shall have immediate access to emergency response equipment, including:

(1) Oxygen administration equipment; and

(2) Epinephrine.

Section 5. Reporting Requirements.

(1) The administration of a COVID-19 immunization and any adverse event following the immunization shall be reported to the Vaccine Adverse Events Reporting System (VAERS), the Kentucky Department for Public Health, and the patient's primary care physician if applicable.

(2) The licensee shall include in the patient's record:

(a) The date of administration and site of injection of the immunization;

(b) The dose, manufacturer, lot number, and beyond use date of the immunization;

(c) The name and address of the patient's primary health care provider named by the patient;

(d) A notation that the patient was presented with appropriate vaccine information prior to the administration of each vaccine; and

(e) Any adverse event that followed the immunization.

(47 Ky.R. 1735; eff. 1-27-2021.)