

An important Supreme Court decision for the dental field

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July 21, 2016 was a very important day for Korean dentists. Botulinum toxin (BTX) was used for the treatment of wrinkles around the eyes and forehead by a dentist on October 7, 2011, who was later charged with administering medical care without the appropriate license. The dentist was convicted of medical law violations in both the first and second trial. The case was then appealed to the Supreme Court and deliberated en banc. The accused was ruled innocent and the case was sent back to the second trial court. Although there were a few dissenting opinions within the Supreme Court, the use of BTX injections for wrinkles around the eyes and forehead by dentists was legitimized.

The dental community did not have high hopes regarding the Supreme Court appeal in this case because the dentist had been found guilty in the first and second trials, in which case the probability of a positive Supreme Court outcome was approximately 8%. Although a number of dentists have made an endeavor in their belief and they made a result which deserves to be written in the Korean dental history. The Supreme Court approached the case with prudence by reason of dealing with the field of medical part including dental part. The Supreme Court proceeded with the en banc appeal, which was open to the public. The Supreme Court trial was also broadcast on television and on the Internet. It was considerably helpful not only the oral and maxillofacial surgeon in the trial as a “person for reference” but also many dentists. Many dentists participated in fundraising for the trial and provided data and references.

Many oral and maxillofacial surgeons discussed and provided supplementary materials in the Social Networking Service. After the Supreme Court hearings, supplementary data was requested by the court, and many oral and maxillofacial surgeons submitted data. This yielded an excellent outcome. The efforts of the oral and maxillofacial surgeon were undoubtedly get praised in this trial.

Because this judgment will become case law, the decision of the Supreme Court is very important. When there are similar cases in the future, this case can be used as a reference for the legitimacy of facial region treatment by dentists.

The barrier to treatment of the facial area by dentists no longer exists. However, they should have a responsibility on their treatment for facial areas. By virtue of this verdict, treatment of facial areas by dentists will become more popular, but, at the same time, side effects of these treatments may be increased. It will put fetters on dentists in the future. Therefore, education and self-surveillance should be maintained in the dental field. In addition, the Korean Dental Association including, the Korean Association of Oral and Maxillofacial Surgeons, should encourage efforts to increase the education of general practitioners and to establish standards of facial treatment in the future. These efforts should help preserve the dental field and dentists' pride obtained from this judgment.

We appreciate the Supreme Court, which handed down this wise decision. Also, we would like to thank the many dentists who have done their best to keep the dental fields from medical doctor.

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Conflict of Interest

No potential conflict of interest relevant to this article was reported.