

FIRST REGULAR SESSION

HOUSE BILL NO. 401

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TREADWAY.

Read 1st time January 17, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1250L.021

AN ACT

To repeal sections 167.181, 192.070 and 332.311, RSMo 2000, relating to dental care, and to enact in lieu thereof five new sections relating to the same subject, with a termination date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 167.181, 192.070 and 332.311, RSMo 2000, are repealed and five
2 new sections enacted in lieu thereof, to be known as sections 167.181, 192.070, 332.086,
3 332.311 and 332.324, to read as follows:

167.181. 1. The department of health, after consultation with the department of
2 elementary and secondary education, shall promulgate rules and regulations governing the
3 immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and
4 hepatitis B, to be required of children attending public, private, parochial or parish schools. Such
5 rules and regulations may modify the immunizations that are required of children in this
6 subsection. The immunizations required and the manner and frequency of their administration
7 shall conform to recognized standards of medical practice. The department of health shall
8 supervise and secure the enforcement of the required immunization program.

9 2. It is unlawful for any student to attend school unless he has been immunized as
10 required under the rules and regulations of the department of health, and can provide satisfactory
11 evidence of such immunization; except that if he produces satisfactory evidence of having begun
12 the process of immunization, he may continue to attend school as long as the immunization
13 process is being accomplished in the prescribed manner. It is unlawful for any parent or guardian
14 to refuse or neglect to have his child immunized as required by this section, unless the child is

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 properly exempted.

16 3. This section shall not apply to any child if one parent or guardian objects in writing
17 to his school administrator against the immunization of the child, because of religious beliefs or
18 medical contraindications. In cases where any such objection is for reasons of medical
19 contraindications, a statement from a duly licensed physician must also be provided to the school
20 administrator.

21 4. Each school superintendent, whether of a public, private, parochial or parish school,
22 shall cause to be prepared a record showing the immunization status of every child enrolled in
23 or attending a school under his jurisdiction. The name of any parent or guardian who neglects
24 or refuses to permit a nonexempted child to be immunized against diseases as required by the
25 rules and regulations promulgated pursuant to the provisions of this section shall be reported by
26 the school superintendent to the department of health.

27 5. The immunization required may be done by any duly licensed physician or by
28 someone under his direction. If the parent or guardian is unable to pay, the child shall be
29 immunized at public expense by a physician or nurse at or from the county, district, city public
30 health center or a school nurse or by a nurse or physician in the private office or clinic of the
31 child's personal physician with the costs of immunization paid through the state Medicaid
32 program, private insurance or in a manner to be determined by the department of health subject
33 to state and federal appropriations, and after consultation with the school superintendent and the
34 advisory committee established in section 192.630, RSMo. **When a child receives his or her**
35 **immunization, the treating physician may also administer the appropriate fluoride**
36 **treatment to the child.**

37 6. Funds for the administration of this section and for the purchase of vaccines for
38 children of families unable to afford them shall be appropriated to the department of health from
39 general revenue or from federal funds if available.

40 7. No rule or portion of a rule promulgated under the authority of this section shall
41 become effective unless it has been promulgated pursuant to the provisions of [section 536.024]
42 **chapter 536, RSMo.**

192.070. The bureau of child hygiene in the department of health shall issue educational
2 literature on the care of the baby and the hygiene of the child **including, but not limited to, the**
3 **importance of routine dental care for children**; study the causes of infant mortality and the
4 application of measures for the prevention and suppression of the diseases of infancy and
5 childhood; and inspect the sanitary and hygienic conditions in public school buildings and
6 grounds.

332.086. 1. There is hereby established a five-member "Advisory Commission for
2 **Dental Hygienists", composed of dental hygienists appointed by the governor as provided**

3 in subsection 2 of this section and the dental hygienist member of the Missouri dental
4 board, which shall guide, advise and make recommendations to the Missouri dental board.

5 The commission shall:

6 (1) Recommend the educational requirements to be registered as a dental hygienist;

7 (2) Annually review the practice act of dental hygiene;

8 (3) Make recommendations to the Missouri dental board regarding the practice,
9 licensure, examination and discipline of dental hygienists; and

10 (4) Assist the board in any other way necessary to carry out the provisions of this
11 chapter as they relate to dental hygienists.

12 2. The members of the commission shall be appointed by the governor with the
13 advice and consent of the senate. Each member of the commission shall be a citizen of the
14 United States and a resident of Missouri for one year and shall be a dental hygienist
15 registered and currently licensed pursuant to this chapter. Members of the commission
16 who are not also members of the Missouri dental board shall be appointed for terms of five
17 years, except for the members first appointed, one of which shall be appointed for a term
18 of two years, one shall be appointed for a term of three years, one shall be appointed for
19 a term of four years and one shall be appointed for a term of five years. The dental
20 hygienist member of the Missouri dental board shall become a member of the commission
21 and shall serve a term concurrent with the member's term on the dental board. All
22 members of the initial commission shall be appointed by April 1, 2002. Members shall be
23 chosen from lists submitted by the director of the division of professional registration.
24 Lists of dental hygienists submitted to the governor may include names submitted to the
25 director of the division of professional registration by the president of the Missouri Dental
26 Hygienists Association.

27 3. The commission shall hold an annual meeting at which it shall elect from its
28 membership a chairperson and a secretary. The commission shall meet in conjunction with
29 the dental board meetings or no more than fourteen days prior to regularly scheduled
30 dental board meetings. Additional meetings shall require a majority vote of the
31 commission. A quorum of the commission shall consist of a majority of its members.

32 4. Members of the commission shall serve without compensation but shall be
33 reimbursed for all actual and necessary expenses incurred in the performance of their
34 official duties on the commission and in attending meetings of the Missouri dental board.
35 The Missouri dental board shall provide all necessary staff and support services as
36 required by the commission to hold commission meetings, to maintain records of official
37 acts, and to conduct all other business of the commission.

332.311. 1. Except as provided in subsection 2 of this section, a duly registered and

2 currently licensed dental hygienist may only practice as a dental hygienist so long as the dental
3 hygienist is employed by a dentist who is duly registered and currently licensed in Missouri, or
4 as an employee of such other person or entity approved by the board in accordance with rules
5 promulgated by the board. In accordance with this chapter and the rules promulgated by the
6 board pursuant thereto, a dental hygienist shall only practice under the supervision of a dentist
7 who is duly registered and currently licensed in Missouri, **except as provided in subsection 2**
8 **of this section.**

9 **2. A duly registered and currently licensed dental hygienist who has been in**
10 **practice at least three years and who is practicing in a public health setting may provide**
11 **fluoride treatments, teeth cleaning and sealants, if appropriate, to children who are eligible**
12 **for medical assistance, pursuant to chapter 208, RSMo, without the supervision of a**
13 **dentist. At no less than seventy-five percent of the usual and customary charge, as**
14 **established by the division of medical services by rule, Medicaid shall reimburse an eligible**
15 **provider who provides fluoride treatments, teeth cleaning and sealants to eligible children.**
16 **Those public health settings in which a dental hygienist may practice without the**
17 **supervision of a dentist shall be established jointly by the department of health and by the**
18 **Missouri dental board by rule. This provision shall expire on August 28, 2006.**

332.324. 1. The department of health may contract with the Missouri dental board
2 **to establish a donated dental services program, in conjunction with the provisions of**
3 **section 332.323, through which volunteer dentists, licensed by the state pursuant to this**
4 **chapter, will provide comprehensive dental care for needy, disabled, elderly and medically-**
5 **compromised individuals. Eligible individuals may be treated by the volunteer dentists in**
6 **their private offices. Eligible individuals may not be required to pay any fees or costs,**
7 **except for dental laboratory costs.**

8 **2. The department of health shall contract with the Missouri dental board, its**
9 **designee or other qualified organizations experienced in providing similar services or**
10 **programs, to administer the program.**

11 **3. The contract shall specify the responsibilities of the administering organization**
12 **which may include:**

13 **(1) The establishment of a network of volunteer dentists including dental**
14 **specialists, volunteer dental laboratories and other appropriate volunteer professionals to**
15 **donate dental services to eligible individuals;**

16 **(2) The establishment of a system to refer eligible individuals to appropriate**
17 **volunteers;**

18 **(3) The development and implementation of a public awareness campaign to**
19 **educate eligible individuals about the availability of the program;**

- 20 **(4) Providing appropriate administrative and technical support to the program;**
21 **(5) Submitting an annual report to the department that:**
22 **(a) Accounts for all program funds;**
23 **(b) Reports the number of individuals served by the program and the number of**
24 **dentists and dental laboratories participating as providers in the program; and**
25 **(c) Reports any other information required by the department;**
26 **(6) Performing, as required by the department, any other duty relating to the**
27 **program.**
28 **4. The department shall promulgate rules, pursuant to chapter 536, RSMo, for the**
29 **implementation of this program and for the determination of eligible individuals.**