

FIRST REGULAR SESSION

HOUSE BILL NO. 484

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LUETKENHAUS.

Read 1st time January 23, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1386L.011

AN ACT

To repeal sections 167.181, 192.070 and 332.311, RSMo 2000, relating to dental care, and to enact in lieu thereof four new sections relating to the same subject.

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Section A. Sections 167.181, 192.070 and 332.311, RSMo 2000, are repealed and four
2 new sections enacted in lieu thereof, to be known as sections 167.181, 192.070, 332.086 and
3 332.311, 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] **such student** has been
10 immunized as required under the rules and regulations of the department of health, and can
11 provide satisfactory evidence of such immunization; except that if [he] **such student** produces
12 satisfactory evidence of having begun the process of immunization, he **or she** may continue to
13 attend school as long as the immunization process is being accomplished in the prescribed
14 manner. It is unlawful for any parent or guardian to refuse or neglect to have his **or her** child
15 immunized as required by this section, unless the child is properly exempted.

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

16 3. This section shall not apply to any child if one parent or guardian objects in writing
17 to [his] **the** school administrator against the immunization of the child, because of religious
18 beliefs or 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] **the superintendent's** jurisdiction. The name of any parent or
24 guardian who neglects or refuses to permit a nonexempted child to be immunized against
25 diseases as required by the rules and regulations promulgated pursuant to the provisions of this
26 section shall be reported by 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] **the physician's** direction. If the parent or guardian is unable to pay, the
29 child shall be immunized at public expense by a physician or nurse at or from the county, district,
30 city public health center or a school nurse or by a nurse or physician in the private office or clinic
31 of the 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] **pursuant to** the authority of this
41 section shall become effective unless it has been promulgated pursuant to the provisions of
42 [section 536.024] **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. **Except as provided in subsection 2 of this section and in**
6 accordance with this chapter and the rules promulgated by the board pursuant thereto, a dental
7 hygienist shall only practice under the supervision of a dentist who is duly registered and
8 currently licensed in Missouri.

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, if**
11 **appropriate, provide fluoride treatments, teeth cleaning and sealants to children who are**
12 **eligible for medical assistance pursuant to chapter 208, RSMo, without the supervision of**
13 **a 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 any dental**
15 **hygienist or dentist who provides fluoride treatments, teeth cleaning and sealants to eligible**
16 **children, and any pediatrician who provides fluoride treatments to eligible children. Those**
17 **public health settings in which a dental hygienist may practice without the supervision of**
18 **a dentist shall be established by the department of health by rule.**