

SECOND REGULAR SESSION

HOUSE BILL NO. 2229

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHOEMEHL (Sponsor),
WASSON AND DOUGHERTY (Co-sponsors).

4388L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 332.011, RSMo, and to enact in lieu thereof three new sections relating to dental hygienists.

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

Section A. Section 332.011, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 332.011, 332.098, and 332.103, to read as follows:

332.011. As used in this chapter, the following words and terms mean:

- (1) "Accredited dental hygiene school", any program which teaches a course in dental hygiene which is accredited by the Commission on Dental Accreditation of the American Dental Association and which shall have a minimum of two academic years of curriculum provided in a college or institution of higher education;
- (2) "Accredited dental school", any college, university, school, or other institution which teaches dentistry which has been certified by the American Dental Association;
- (3) "Board", the Missouri dental board;
- (4) "Certified dental assistant", a dental assistant who is currently certified by the Dental Assisting National Board, Inc.;
- (5) "Dental assistant", an employee of a duly registered and currently licensed dentist in Missouri, other than either a dental hygienist or a certified dental assistant;
- (6) "Expanded-functions dental assistant", any dental assistant who has passed a basic dental assisting skills mastery examination or a certified dental assistant, either of whom has successfully completed a board-approved expanded-functions course, passed a competency examination, and [can show proof of competency in a specific expanded function to the] **has**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 obtained a permit authorizing them to perform expanded-functions duties from the
18 Missouri dental board;

19 (7) "Expanded-functions duties", reversible acts that would be considered the
20 practice of dentistry as defined in section 332.071 that the board specifies by rule may be
21 delegated to a dental assistant or dental hygienist who possesses an expanded-functions
22 permit.

332.098. 1. Dentists delegating expanded-functions duties to dental assistants or
2 dental hygienists shall do so in accordance with rules set forth by the board. No person
3 shall perform expanded-functions duties in this state except under his or her own name
4 and unless the board has issued to such person a permit to perform expanded-functions
5 duties in this state; however, no provision of this section or this chapter shall be construed
6 to make it unlawful for a duly registered and currently licensed dentist in this state to
7 perform dental services that would be considered expanded-functions duties in this state
8 or to make it unlawful for dental assistants, certified dental assistants, or expanded-
9 functions dental assistants to perform polishing of teeth. Under section 332.093, the board
10 shall not promulgate any rule allowing the delegation of acts to a dental assistant that
11 would conflict with the practice of dental hygiene as defined in section 332.091. Expanded-
12 functions permits shall be renewed every five years. The board may promulgate rules
13 specifying the criteria by which expanded-functions permits may be issued and renewed.
14 Expanded-functions permits shall be subject to discipline as provided in section 332.321.

15 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is
16 created under the authority delegated in this section shall become effective only if it
17 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
18 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
19 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
20 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
21 grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,
22 shall be invalid and void.

332.103. 1. Dentists delegating expanded-functions duties to dental assistants or
2 dental hygienists shall do so in accordance with rules set forth by the Missouri dental
3 board. No person shall perform expanded-functions duties in Missouri except under his
4 or her own name and unless and until the board has issued to him or her a permit to
5 perform expanded-functions duties in Missouri. Nothing in this section or chapter shall
6 be construed to make it unlawful for a duly registered and current licensed dentist in
7 Missouri to perform dental services that would be considered expanded-functions duties
8 in Missouri, or to make it unlawful for dental assistants, certified dental assistants, or

9 expanded-functions dental assistants to perform polishing of teeth. Expanded-functions
10 permits shall be renewed every five years and shall be subject to discipline as provided in
11 section 332.321. The board may promulgate rules specifying the criteria by which
12 expanded-functions permits may be issued and renewed.

13 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is
14 created under the authority delegated in this section shall become effective only if it
15 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
16 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
17 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
18 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
19 grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,
20 shall be invalid and void.

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