

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND Senate Committee Substitute for Senate Bill No. 93, Page 3, Section 162.492, Line 76, by inserting  
2 immediately after all of said section and line the following:

3  
4 "332.081. 1. No person or other entity shall practice dentistry in Missouri or provide dental services  
5 as defined in section 332.071 unless and until the board has issued to the person a certificate certifying that  
6 the person has been duly registered as a dentist in Missouri or the board has issued such certificate to an  
7 entity that has been duly registered to provide dental services by licensed dentists and dental hygienists and  
8 unless and until the board has issued to the person a license, to be renewed each period, as provided in this  
9 chapter, to practice dentistry or as a dental hygienist, or has issued to the person or entity a permit, to be  
10 renewed each period, to provide dental services in Missouri. Nothing in this chapter shall be so construed as  
11 to make it unlawful for:

12 (1) A legally qualified physician or surgeon, who does not practice dentistry as a specialty, from  
13 extracting teeth;

14 (2) A dentist licensed in a state other than Missouri from making a clinical demonstration before a  
15 meeting of dentists in Missouri;

16 (3) Dental students in any accredited dental school to practice dentistry under the personal direction  
17 of instructors;

18 (4) Dental hygiene students in any accredited dental hygiene school to practice dental hygiene under  
19 the personal direction of instructors;

20 (5) A duly registered and licensed dental hygienist in Missouri to practice dental hygiene as defined  
21 in section 332.091;

22 (6) A dental assistant, certified dental assistant, or expanded functions dental assistant to be  
23 delegated duties as defined in section 332.093;

24 (7) A duly registered dentist or dental hygienist to teach in an accredited dental or dental hygiene  
25 school;

26 (8) A person who has been granted a dental faculty permit under section 332.183 to practice  
27 dentistry in the scope of his or her employment at an accredited dental school, college, or program in  
28 Missouri;

29 (9) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic in connection  
30 with dental services or dental surgery; ~~or~~

31 ~~[(9)]~~ (10) A person to practice dentistry in or for:

32 (a) The United States Armed Forces;

33 (b) The United States Public Health Service;

34 (c) Migrant, community, or health care for the homeless health centers provided in Section 330 of  
35 the Public Health Service Act (42 U.S.C. 254(b));

36 (d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l)) of the  
37 Social Security Act;

38 (e) Governmental entities, including county health departments; or

39 (f) The United States Veterans Bureau; or

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1       ~~[(10)]~~ (11) A dentist licensed in a state other than Missouri to evaluate a patient or render an oral,  
 2 written, or otherwise documented dental opinion when providing testimony or records for the purpose of a  
 3 civil or criminal action before any judicial or administrative proceeding of this state or other forum in this  
 4 state.

5       2. No corporation shall practice dentistry as defined in section 332.071 unless that corporation is  
 6 organized under the provisions of chapter 355 or 356 provided that a corporation organized under the  
 7 provisions of chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3) may only  
 8 employ dentists and dental hygienists licensed in this state to render dental services to Medicaid recipients,  
 9 low-income individuals who have available income below two hundred percent of the federal poverty level,  
 10 and all participants in the SCHIP program, unless such limitation is contrary to or inconsistent with federal  
 11 or state law or regulation. This subsection shall not apply to:

12       (1) A hospital licensed under chapter 197 that provides care and treatment only to children under the  
 13 age of eighteen at which a person regulated under this chapter provides dental care within the scope of his or  
 14 her license or registration;

15       (2) A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42  
 16 U.S.C. 1396(d)(1)), or a migrant, community, or health care for the homeless health center provided for in  
 17 Section 330 of the Public Health Services Act (42 U.S.C. 254(b)) at which a person regulated under this  
 18 chapter provides dental care within the scope of his or her license or registration;

19       (3) A city or county health department organized under chapter 192 or chapter 205 at which a person  
 20 regulated under this chapter provides dental care within the scope of his or her license or registration;

21       (4) A social welfare board organized under section 205.770, a city health department operating  
 22 under a city charter, or a city-county health department at which a person regulated under this chapter  
 23 provides dental care within the scope of his or her license or registration;

24       (5) Any entity that has received a permit from the dental board and does not receive compensation  
 25 from the patient or from any third party on the patient's behalf at which a person regulated under this chapter  
 26 provides dental care within the scope of his or her license or registration;

27       (6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of the Internal  
 28 Revenue Code, as amended, that engages in its operations and provides dental services at facilities owned by  
 29 a city, county, or other political subdivision of the state at which a person regulated under this chapter  
 30 provides dental care within the scope of his or her license or registration.

31  
 32 If any of the entities exempted from the requirements of this subsection are unable to provide services to a  
 33 patient due to the lack of a qualified provider and a referral to another entity is made, the exemption shall  
 34 extend to the person or entity that subsequently provides services to the patient.

35       3. No unincorporated organization shall practice dentistry as defined in section 332.071 unless such  
 36 organization is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986,  
 37 as amended, and provides dental treatment without compensation from the patient or any third party on their  
 38 behalf as a part of a broader program of social services including food distribution. Nothing in this chapter  
 39 shall prohibit organizations under this subsection from employing any person regulated by this chapter.

40       4. A dentist shall not enter into a contract that allows a person who is not a dentist to influence or  
 41 interfere with the exercise of the dentist's independent professional judgment.

42       5. A not-for-profit corporation organized under the provisions of chapter 355 and qualifying as an  
 43 organization under 26 U.S.C. Section 501(c)(3), an unincorporated organization operating pursuant to  
 44 subsection 3 of this section, or any other person should not direct or interfere or attempt to direct or interfere  
 45 with a licensed dentist's professional judgment and competent practice of dentistry. Nothing in this  
 46 subsection shall be so construed as to make it unlawful for not-for-profit organizations to enforce  
 47 employment contracts, corporate policy and procedure manuals, or quality improvement or assurance  
 48 requirements.

49       6. All entities defined in subsection 2 of this section and those exempted under subsection 3 of this  
 50 section shall apply for a permit to employ dentists and dental hygienists licensed in this state to render dental  
 51 services, and the entity shall apply for the permit in writing on forms provided by the Missouri dental board.  
 52 The board shall not charge a fee of any kind for the issuance or renewal of such permit. The provisions of  
 53 this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the

1 Social Security Act (42 U.S.C. 1396d(l)).

2 7. Any entity that obtains a permit to render dental services in this state is subject to discipline  
3 pursuant to section 332.321. If the board concludes that the person or entity has committed an act or is  
4 engaging in a course of conduct that would be grounds for disciplinary action, the board may file a complaint  
5 before the administrative hearing commission. The board may refuse to issue or renew the permit of any  
6 entity for one or any combination of causes stated in subsection 2 of section 332.321. The board shall notify  
7 the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a  
8 complaint with the administrative hearing commission as provided by chapter 621.

9 8. A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42  
10 U.S.C. 1396d(l)) shall register with the board. The information provided to the board as part of the  
11 registration shall include the name of the health center, the nonprofit status of the health center, sites where  
12 dental services will be provided, and the names of all persons employed by, or contracting with, the health  
13 center who are required to hold a license pursuant to this chapter. The registration shall be renewed every  
14 twenty-four months. The board shall not charge a fee of any kind for the issuance or renewal of the  
15 registration. The registration of the health center shall not be subject to discipline pursuant to section  
16 332.321. Nothing in this subsection shall prohibit disciplinary action against a licensee of this chapter who  
17 is employed by, or contracts with, such health center for the actions of the licensee in connection with such  
18 employment or contract. All licensed persons employed by, or contracting with, the health center shall  
19 certify in writing to the board at the time of issuance and renewal of the registration that the facility of the  
20 health center meets the same operating standards regarding cleanliness, sanitation, and professionalism as  
21 would the facility of a dentist licensed by this chapter. The board shall promulgate rules regarding such  
22 standards.

23 9. The board may promulgate rules and regulations to ensure not-for-profit corporations are  
24 rendering care to the patient populations as set forth herein, including requirements for covered not-for-profit  
25 corporations to report patient census data to the board. The provisions of this subsection shall not apply to a  
26 federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C.  
27 1396d(l)).

28 10. All not-for-profit corporations organized or operated pursuant to the provisions of chapter 355  
29 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the requirements relating to migrant,  
30 community, or health care for the homeless health centers provided in Section 330 of the Public Health  
31 Service Act (42 U.S.C. 254(b)) and federally qualified health centers as defined in Section 1905(l) (42  
32 U.S.C. 1396d(l)) of the Social Security Act, that employ persons who practice dentistry or dental hygiene in  
33 this state shall do so in accordance with the relevant laws of this state except to the extent that such laws are  
34 contrary to, or inconsistent with, federal statute or regulation.

35 332.183. 1. The board may issue a dental faculty permit to an individual who is employed by an  
36 accredited dental school, college, or program in Missouri. The holder of a dental faculty permit shall be  
37 authorized to practice dentistry in accordance with section 332.071 only within accredited dental school  
38 programs and only while engaged in teaching didactic courses, preclinical laboratories, and supervising  
39 student-delivered patient care at an accredited Missouri dental school, college, or program.

40 2. The holder of a dental faculty permit shall not receive any fee or compensation for the practice of  
41 dentistry, other than any salary or benefits received as part of his or her employment with the accredited  
42 Missouri dental school, college, or program and shall not engage in the private practice of dentistry for any  
43 fee or compensation.

44 3. To qualify for a dental faculty permit, an applicant shall:

45 (1) Be a graduate of and hold a degree from a dental school. An applicant shall not be required to be  
46 a graduate of an accredited dental school as defined in section 332.011;

47 (2) Submit to the board an affidavit from the dean of the accredited Missouri dental school, college,  
48 or program confirming the individual's employment as a teacher or instructor at the accredited Missouri  
49 dental school, college, or program;

50 (3) Submit to the board an affidavit stating that he or she will only practice dentistry within the  
51 course and scope of his or her teaching responsibilities and will not practice dentistry for any fee or  
52 compensation other than any salary or benefits received as part of his or her employment with the accredited  
53 Missouri dental school, college, or program;

1       (4) Pass a written jurisprudence examination given by the board on the Missouri dental laws and  
2 rules with a grade of at least eighty percent; and

3       (5) Submit to the board a completed application on forms provided by the board and the applicable  
4 fees as determined by the board; and

5       (6) Document satisfactory completion of an American Dental Association-accredited postdoctoral  
6 training program that is a minimum of twelve continuous months in length; or

7       (7) Have passed the National Board Examination in accordance with the criteria established by the  
8 sponsoring body.

9       4. The board may waive the requirements under subdivision (6) or (7) of subsection 3 of this  
10 section, at the request of the applicant, based on the applicant's portfolio of cases completed and  
11 documentation that the applicant held a license to teach dentistry in another state within a year of applying to  
12 teach dentistry in Missouri. The board shall only waive the requirements under this subsection if the board  
13 determines, based on the information provided in this subsection, that the applicant has a similar level of  
14 knowledge and experience as persons who have met the requirements under subdivision (6) or (7) of  
15 subsection 3 of this section.

16       5. A dental faculty permit shall be renewed every two years and shall be subject to the same renewal  
17 requirements contained under section 332.181.

18       6. A dental faculty permit shall be subject to discipline in accordance with section 332.321 and shall  
19 be automatically cancelled and nullified if the holder ceases to be employed by the accredited Missouri  
20 dental school, college, or program.

21       7. The board shall promulgate rules to implement the provisions of this section. Any rule or portion  
22 of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this  
23 section shall become effective only if it complies with and is subject to all of the provisions of chapter 536  
24 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers  
25 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
26 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
27 and any rule proposed or adopted after August 28, 2017, shall be invalid and void."; and  
28

29 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.