

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

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

1 AMEND House Bill No. 813, Page 1, Section 329.033, Line 5, by inserting immediately after said  
2 section and line the following:

3  
4 "332.011. As used in this chapter, the following words and terms mean:

5 (1) "Accredited dental hygiene school", any program which teaches a course in dental  
6 hygiene which is accredited by the Commission on Dental Accreditation of the American Dental  
7 Association and which shall have a minimum of two academic years of curriculum provided in a  
8 college or institution of higher education;

9 (2) "Accredited dental school", any college, university, school, or other institution which  
10 teaches dentistry which has been certified by the American Dental Association;

11 (3) "Board", the Missouri dental board;

12 (4) "Certified dental assistant", a dental assistant who is currently certified by the Dental  
13 Assisting National Board, Inc.;

14 (5) "Dental assistant", an employee of a duly registered and currently licensed dentist in  
15 Missouri, other than either a dental hygienist or a certified dental assistant;

16 (6) "Dental franchisor", any person or entity, pursuant to a valid franchise agreement, who  
17 provides a licensed dentist any dental practice management services, which may include billing  
18 services, marketing or advertising services, providing a license of a valid trademark, signage or  
19 branding consulting, or places in possession of a licensed dentist, such dental material or equipment  
20 as may be necessary for the management of a dental office on the basis of a lease, or any other  
21 agreement for compensation. A dental support organization shall not be considered a dental  
22 franchisor. A person or entity is not a dental franchisor if the agreement with the dentist:

23 (a) Permits the person or entity to interfere with the professional judgment of the dentist,  
24 including, but not limited to, any production quotas, thresholds, or any other minimum  
25 requirements;

26 (b) Contains terms that would constitute a violation of this chapter, any rules and  
27 regulations promulgated by the board, any orders and directives issued by the board, or any other  
28 applicable law;

29 (c) A dental support organization shall not be deemed to be a dental franchisor as defined in  
30 Section 332.011(6);

31 (7) "Dental support organization", any person or entity, under any agreement, who provides  
32 a licensed dentist with any dental nonclinical support services, which may include bookkeeping,  
33 accounting and tax preparation, collections and compliance services, human resources, advertising  
34 and marketing services, payroll administration and processing, financial, information technology,  
35 risk management, and places in possession of a licensed dentist material, equipment, and real  
36 property as may be necessary for a dental office, on the basis of a lease or any other agreement for

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

1 compensation. A person or entity is not a dental support organization if the agreement with the  
 2 dentist:

3 (a) Permits the person or entity to interfere with the professional judgment of the dentist,  
 4 including, but not limited to, any production quotas, thresholds, or any other minimum  
 5 requirements;

6 (b) Contains terms that would constitute a violation of this chapter, any rules and  
 7 regulations promulgated by the board, any orders and directives issued by the board, or any other  
 8 applicable law;

9 (8) "Expanded-functions dental assistant", any dental assistant who has passed a basic dental  
 10 assisting skills mastery examination or a certified dental assistant, either of whom has successfully  
 11 completed a board-approved expanded-functions course, passed a competency examination, and has  
 12 obtained a permit authorizing them to perform expanded-functions duties from the Missouri dental  
 13 board;

14 [(7)] (9) "Expanded-functions duties", reversible acts that would be considered the practice  
 15 of dentistry as defined in section 332.071 that the board specifies by rule may be delegated to a  
 16 dental assistant or dental hygienist who possesses an expanded-functions permit.

17 332.081. 1. Notwithstanding any other provision of law, hospitals licensed under chapter  
 18 197 shall be authorized to employ any or all of the following oral health care providers:

19 (1) A dentist licensed under this chapter for the purpose of treating on hospital premises  
 20 those patients who present with a dental condition and such treatment is necessary to ameliorate the  
 21 condition for which they presented such as severe pain or tooth abscesses;

22 (2) An oral and maxillofacial surgeon licensed under this chapter for the purpose of treating  
 23 oral conditions that need to be ameliorated as part of treating the underlying cause of the patient's  
 24 medical needs including, but not limited to, head and neck cancer, HIV or AIDS, severe trauma  
 25 resulting in admission to the hospital, organ transplant, diabetes, or seizure disorders. It shall be a  
 26 condition of treatment that such patients are admitted to the hospital on either an in- or out-patient  
 27 basis;

28 (3) A maxillofacial prosthodontist licensed under this chapter for the purpose of treating and  
 29 supporting patients of a head and neck cancer team or other complex care or surgical team for the  
 30 fabrication of appliances following ablative surgery, surgery to correct birth anomalies, extensive  
 31 radiation treatment of the head or neck, or trauma-related surgery.

32 2. No person or other entity shall practice dentistry in Missouri or provide dental services as  
 33 defined in section 332.071 unless and until the board has issued to the person a certificate certifying  
 34 that the person has been duly registered as a dentist in Missouri or to an entity that has been duly  
 35 registered to provide dental services by licensed dentists and dental hygienists and unless and until  
 36 the board has issued to the person a license, to be renewed each period, as provided in this chapter,  
 37 to practice dentistry or as a dental hygienist, or has issued to the person or entity a permit, to be  
 38 renewed each period, to provide dental services in Missouri. Nothing in this chapter shall be so  
 39 construed as to make it unlawful for:

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

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

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

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

48 (5) A duly registered and licensed dental hygienist in Missouri to practice dental hygiene as

1 defined in section 332.091;

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

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

6 (8) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic in  
7 connection with dental services or dental surgery; or

8 (9) A person to practice dentistry in or for:

9 (a) The United States Armed Forces;

10 (b) The United States Public Health Service;

11 (c) Migrant, community, or health care for the homeless health centers provided in Section  
12 330 of the Public Health Service Act (42 U.S.C. 254(b));

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

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

16 (f) The United States Veterans Bureau; or

17 (10) A dentist licensed in a state other than Missouri to evaluate a patient or render an oral,  
18 written, or otherwise documented dental opinion when providing testimony or records for the  
19 purpose of a civil or criminal action before any judicial or administrative proceeding of this state or  
20 other forum in this state.

21 [2.] 3. No corporation shall practice dentistry as defined in section 332.071 unless that  
22 corporation is organized under the provisions of chapter 355 or 356 provided that a corporation  
23 organized under the provisions of chapter 355 and qualifying as an organization under 26 U.S.C.  
24 Section 501(c)(3) may only employ dentists and dental hygienists licensed in this state to render  
25 dental services to Medicaid recipients, low-income individuals who have available income below  
26 two hundred percent of the federal poverty level, and all participants in the SCHIP program, unless  
27 such limitation is contrary to or inconsistent with federal or state law or regulation. This subsection  
28 shall not apply to:

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

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

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

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

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

47 (6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of the  
48 Internal Revenue Code, as amended, that engages in its operations and provides dental services at

1 facilities owned by a city, county, or other political subdivision of the state at which a person  
2 regulated under this chapter provides dental care within the scope of his or her license or  
3 registration.  
4

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

8 [3.] 4. No unincorporated organization shall practice dentistry as defined in section 332.071  
9 unless such organization is exempt from federal taxation under Section 501(c)(3) of the Internal  
10 Revenue Code of 1986, as amended, and provides dental treatment without compensation from the  
11 patient or any third party on their behalf as a part of a broader program of social services including  
12 food distribution. Nothing in this chapter shall prohibit organizations under this subsection from  
13 employing any person regulated by this chapter.

14 [4.] 5. A dentist shall not enter into a contract that allows a person who is not a dentist to  
15 influence or interfere with the exercise of the dentist's independent professional judgment.

16 [5.] 6. A not-for-profit corporation organized under the provisions of chapter 355 and  
17 qualifying as an organization under 26 U.S.C. Section 501(c)(3), an unincorporated organization  
18 operating pursuant to subsection 3 of this section, or any other person should not direct or interfere  
19 or attempt to direct or interfere with a licensed dentist's professional judgment and competent  
20 practice of dentistry. Nothing in this subsection shall be so construed as to make it unlawful for not-  
21 for-profit organizations to enforce employment contracts, corporate policy and procedure manuals,  
22 or quality improvement or assurance requirements.

23 [6.] 7. All entities defined in subsection 2 of this section and those exempted under  
24 subsection 3 of this section shall apply for a permit to employ dentists and dental hygienists licensed  
25 in this state to render dental services, and the entity shall apply for the permit in writing on forms  
26 provided by the Missouri dental board. The board shall not charge a fee of any kind for the issuance  
27 or renewal of such permit. The provisions of this subsection shall not apply to a federally qualified  
28 health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)).

29 [7.] 8. Any entity that obtains a permit to render dental services in this state is subject to  
30 discipline pursuant to section 332.321. If the board concludes that the person or entity has  
31 committed an act or is engaging in a course of conduct that would be grounds for disciplinary  
32 action, the board may file a complaint before the administrative hearing commission. The board  
33 may refuse to issue or renew the permit of any entity for one or any combination of causes stated in  
34 subsection 2 of section 332.321. The board shall notify the applicant in writing of the reasons for  
35 the refusal and shall advise the applicant of his or her right to file a complaint with the  
36 administrative hearing commission as provided by chapter 621.

37 [8.] 9. A federally qualified health center as defined in Section 1905(l) of the Social  
38 Security Act (42 U.S.C. 1396d(l)) shall register with the board. The information provided to the  
39 board as part of the registration shall include the name of the health center, the nonprofit status of  
40 the health center, sites where dental services will be provided, and the names of all persons  
41 employed by, or contracting with, the health center who are required to hold a license pursuant to  
42 this chapter. The registration shall be renewed every twenty-four months. The board shall not  
43 charge a fee of any kind for the issuance or renewal of the registration. The registration of the  
44 health center shall not be subject to discipline pursuant to section 332.321. Nothing in this  
45 subsection shall prohibit disciplinary action against a licensee of this chapter who is employed by, or  
46 contracts with, such health center for the actions of the licensee in connection with such  
47 employment or contract. All licensed persons employed by, or contracting with, the health center  
48 shall certify in writing to the board at the time of issuance and renewal of the registration that the

1 facility of the health center meets the same operating standards regarding cleanliness, sanitation, and  
2 professionalism as would the facility of a dentist licensed by this chapter. The board shall  
3 promulgate rules regarding such standards.

4 [9.] 10. The board may promulgate rules and regulations to ensure not-for-profit  
5 corporations are rendering care to the patient populations as set forth herein, including requirements  
6 for covered not-for-profit corporations to report patient census data to the board. The provisions of  
7 this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of  
8 the Social Security Act (42 U.S.C. 1396d(l)).

9 [10.] 11. All not-for-profit corporations organized or operated pursuant to the provisions of  
10 chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the  
11 requirements relating to migrant, community, or health care for the homeless health centers  
12 provided in Section 330 of the Public Health Service Act (42 U.S.C. 254(b)) and federally qualified  
13 health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l)) of the Social Security Act, that  
14 employ persons who practice dentistry or dental hygiene in this state shall do so in accordance with  
15 the relevant laws of this state except to the extent that such laws are contrary to, or inconsistent  
16 with, federal statute or regulation.

17 332.321. 1. The board may refuse to issue or renew a permit or license required pursuant to  
18 this chapter for one or any combination of causes stated in subsection 2 of this section or the board  
19 may, as a condition to issuing or renewing any such permit or license, require a person to submit  
20 himself or herself for identification, intervention, treatment or rehabilitation by the well-being  
21 committee as provided in section 332.327. The board shall notify the applicant in writing of the  
22 reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the  
23 administrative hearing commission as provided by chapter 621.

24 2. The board may cause a complaint to be filed with the administrative hearing commission  
25 as provided by chapter 621 against any holder of any permit or license required by this chapter or  
26 any person who has failed to renew or has surrendered his or her permit or license for any one or  
27 any combination of the following causes:

28 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an  
29 extent that such use impairs a person's ability to perform the work of any profession licensed or  
30 regulated by this chapter;

31 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or  
32 nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States,  
33 for any offense reasonably related to the qualifications, functions or duties of any profession  
34 licensed or regulated pursuant to this chapter, for any offense an essential element of which is fraud,  
35 dishonesty or an act of violence, or any offense involving moral turpitude, whether or not sentence  
36 is imposed;

37 (3) Use of fraud, deception, misrepresentation or bribery in securing any permit or license  
38 issued pursuant to this chapter or in obtaining permission to take any examination given or required  
39 pursuant to this chapter;

40 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
41 fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party  
42 payment program; or for repeated irregularities in billing a third party for services rendered to a  
43 patient. For the purposes of this subdivision, irregularities in billing shall include:

44 (a) Reporting charges for the purpose of obtaining a total payment in excess of that usually  
45 received by the dentist for the services rendered;

46 (b) Reporting incorrect treatment dates for the purpose of obtaining payment;

47 (c) Reporting charges for services not rendered;

48 (d) Incorrectly reporting services rendered for the purpose of obtaining payment that is

1 greater than that to which the person is entitled;

2 (e) Abrogating the co-payment or deductible provisions of a third-party payment contract.  
3 Provided, however, that this paragraph shall not prohibit a discount, credit or reduction of charges  
4 provided under an agreement between the licensee and an insurance company, health service  
5 corporation or health maintenance organization licensed pursuant to the laws of this state; or  
6 governmental third-party payment program; or self-insurance program organized, managed or  
7 funded by a business entity for its own employees or labor organization for its members;

8 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in  
9 the performance of, or relating to one's ability to perform, the functions or duties of any profession  
10 licensed or regulated by this chapter;

11 (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter,  
12 or any lawful rule or regulation adopted pursuant to this chapter;

13 (7) Impersonation of any person holding a permit or license or allowing any person to use  
14 his or her permit, license or diploma from any school;

15 (8) Disciplinary action against the holder of a license or other right to practice any  
16 profession regulated by this chapter imposed by another state, province, territory, federal agency or  
17 country upon grounds for which discipline is authorized in this state;

18 (9) A person is finally adjudicated incapacitated or disabled by a court of competent  
19 jurisdiction;

20 (10) Assisting or enabling any person to practice or offer to practice, by lack of supervision  
21 or in any other manner, any profession licensed or regulated by this chapter who is not registered  
22 and currently eligible to practice pursuant to this chapter;

23 (11) Issuance of a permit or license based upon a material mistake of fact;

24 (12) Failure to display a valid certificate, permit or license if so required by this chapter or  
25 by any rule promulgated hereunder;

26 (13) Violation of any professional trust or confidence;

27 (14) Use of any advertisement or solicitation that is false, misleading or deceptive to the  
28 general public or persons to whom the advertisement or solicitation is primarily directed. False,  
29 misleading or deceptive advertisements or solicitations shall include, but not be limited to:

30 (a) Promises of cure, relief from pain or other physical or mental condition, or improved  
31 physical or mental health;

32 (b) Any misleading or deceptive statement offering or promising a free service. Nothing  
33 herein shall be construed to make it unlawful to offer a service for no charge if the offer is  
34 announced as part of a full disclosure of routine fees including consultation fees;

35 (c) Any misleading or deceptive claims of patient cure, relief or improved condition;  
36 superiority in service, treatment or materials; new or improved service, treatment or material; or  
37 reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any  
38 such claim if it is readily verifiable by existing documentation, data or other substantial evidence.  
39 Any claim that exceeds or exaggerates the scope of its supporting documentation, data or evidence  
40 is misleading or deceptive;

41 (d) Any announced fee for a specified service where that fee does not include the charges  
42 for necessary related or incidental services, or where the actual fee charged for that specified service  
43 may exceed the announced fee, but it shall not be unlawful to announce only the maximum fee that  
44 can be charged for the specified service, including all related or incidental services, modified by the  
45 term "up to" if desired;

46 (e) Any announcement in any form including the term "specialist" or the phrase "limited to  
47 the specialty of" unless each person named in conjunction with the term or phrase, or responsible for  
48 the announcement, holds a valid Missouri certificate and license evidencing that the person is a

1 specialist in that area;

2 (f) Any announcement containing any of the terms denoting recognized specialties, or other  
3 descriptive terms carrying the same meaning, unless the announcement clearly designates by list  
4 each dentist not licensed as a specialist in Missouri who is sponsoring or named in the  
5 announcement, or employed by the entity sponsoring the announcement, after the following clearly  
6 legible or audible statement: "Notice: the following dentist(s) in this practice is (are) not licensed in  
7 Missouri as specialists in the advertised dental specialty(s) of \_\_\_\_\_";

8 (g) Any announcement containing any terms denoting or implying specialty areas that are  
9 not recognized by the American Dental Association;

10 (15) Violation of the drug laws or rules and regulations of this state, any other state or the  
11 federal government;

12 (16) Failure or refusal to properly guard against contagious, infectious or communicable  
13 diseases or the spread thereof;

14 (17) Failing to maintain his or her office or offices, laboratory, equipment and instruments  
15 in a safe and sanitary condition;

16 (18) Accepting, tendering or paying "rebates" to or "splitting fees" with any other person;  
17 provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist  
18 [practicing];

19 (a) To make payment of fees or royalties, pursuant to a valid franchise agreement, which  
20 payment may be a percentage based on collections, for services to a dental franchisor; or

21 (b) To practice in a partnership or as a corporation organized pursuant to the provisions of  
22 chapter 356 to distribute profits in accordance with his or her stated agreement;

23 (19) Administering, or causing or permitting to be administered, nitrous oxide gas in any  
24 amount to himself or herself, or to another unless as an adjunctive measure to patient management;

25 (20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and  
26 safety to patients by reasons of professional incompetency, or because of illness, drunkenness,  
27 excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. In  
28 enforcing this subdivision the board shall, after a hearing before the board, upon a finding of  
29 probable cause, require the dentist or specialist or hygienist to submit to a reexamination for the  
30 purpose of establishing his or her competency to practice as a dentist, specialist or hygienist, which  
31 reexamination shall be conducted in accordance with rules adopted for this purpose by the board,  
32 including rules to allow the examination of the dentist's, specialist's or hygienist's professional  
33 competence by at least three dentists or fellow specialists, or to submit to a mental or physical  
34 examination or combination thereof by at least three physicians. One examiner shall be selected by  
35 the dentist, specialist or hygienist compelled to take examination, one selected by the board, and one  
36 shall be selected by the two examiners so selected. Notice of the physical or mental examination  
37 shall be given by personal service or registered mail. Failure of the dentist, specialist or hygienist to  
38 submit to the examination when directed shall constitute an admission of the allegations against him  
39 or her, unless the failure was due to circumstances beyond his or her control. A dentist, specialist or  
40 hygienist whose right to practice has been affected pursuant to this subdivision shall, at reasonable  
41 intervals, be afforded an opportunity to demonstrate that he or she can resume competent practice  
42 with reasonable skill and safety to patients.

43 (a) In any proceeding pursuant to this subdivision, neither the record of proceedings nor the  
44 orders entered by the board shall be used against a dentist, specialist or hygienist in any other  
45 proceeding. Proceedings pursuant to this subdivision shall be conducted by the board without the  
46 filing of a complaint with the administrative hearing commission;

47 (b) When the board finds any person unqualified because of any of the grounds set forth in  
48 this subdivision, it may enter an order imposing one or more of the following: denying his or her

1 application for a license; permanently withholding issuance of a license; administering a public or  
2 private reprimand; placing on probation, suspending or limiting or restricting his or her license to  
3 practice as a dentist, specialist or hygienist for a period of not more than five years; revoking his or  
4 her license to practice as a dentist, specialist or hygienist; requiring him or her to submit to the care,  
5 counseling or treatment of physicians designated by the dentist, specialist or hygienist compelled to  
6 be treated; or requiring such person to submit to identification, intervention, treatment or  
7 rehabilitation by the well-being committee as provided in section 332.327. For the purpose of this  
8 subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

9 3. After the filing of such complaint, the proceedings shall be conducted in accordance with  
10 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the  
11 grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in  
12 combination:

13 (1) Censure or place the person or firm named in the complaint on probation on such terms  
14 and conditions as the board deems appropriate for a period not to exceed five years; or

15 (2) Suspend the license, certificate or permit for a period not to exceed three years; or

16 (3) Revoke the license, certificate, or permit. In any order of revocation, the board may  
17 provide that the person shall not apply for licensure for a period of not less than one year following  
18 the date of the order of revocation; or

19 (4) Cause the person or firm named in the complaint to make restitution to any patient, or  
20 any insurer or third-party payer who shall have paid in whole or in part a claim or payment for  
21 which they should be reimbursed, where restitution would be an appropriate remedy, including the  
22 reasonable cost of follow-up care to correct or complete a procedure performed or one that was to  
23 be performed by the person or firm named in the complaint; or

24 (5) Request the attorney general to bring an action in the circuit court of competent  
25 jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the court.

26 4. If the board concludes that a dentist or dental hygienist has committed an act or is  
27 engaging in a course of conduct that would be grounds for disciplinary action and constitutes a clear  
28 and present danger to the public health and safety, the board may file a complaint before the  
29 administrative hearing commission requesting an expedited hearing and specifying the conduct that  
30 gives rise to the danger and the nature of the proposed restriction or suspension of the dentist's or  
31 dental hygienist's license. Within fifteen days after service of the complaint on the dentist or dental  
32 hygienist, the administrative hearing commission shall conduct a preliminary hearing to determine  
33 whether the alleged conduct of the dentist or dental hygienist appears to constitute a clear and  
34 present danger to the public health and safety that justifies that the dentist's or dental hygienist's  
35 license be immediately restricted or suspended. The burden of proving that a dentist or dental  
36 hygienist is a clear and present danger to the public health and safety shall be upon the Missouri  
37 dental board. The administrative hearing commission shall issue its decision immediately after the  
38 hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss  
39 the action.

40 5. If the administrative hearing commission grants temporary authority to the board to  
41 restrict or suspend a dentist's or dental hygienist's license, the dentist or dental hygienist named in  
42 the complaint may request a full hearing before the administrative hearing commission. A request  
43 for a full hearing shall be made within thirty days after the administrative hearing commission  
44 issues a decision. The administrative hearing commission shall, if requested by a dentist or dental  
45 hygienist named in the complaint, set a date to hold a full hearing under chapter 621 regarding the  
46 activities alleged in the initial complaint filed by the board. The administrative hearing commission  
47 shall set the date for full hearing within ninety days from the date its decision was issued. Either  
48 party may request continuances, which shall be granted by the administrative hearing commission



1 upon a showing of good cause by either party or consent of both parties. If a request for a full  
2 hearing is not made within thirty days, the authority to impose discipline becomes final and the  
3 board shall set the matter for hearing in accordance with section 621.110.

4 6. If the administrative hearing commission dismisses without prejudice the complaint filed  
5 by the board under subsection 4 of this section or dismisses the action based on a finding that the  
6 board did not meet its burden of proof establishing a clear and present danger, such dismissal shall  
7 not bar the board from initiating a subsequent action on the same grounds in accordance with this  
8 chapter and chapters 536 and 621.

9 7. Notwithstanding any other provisions of section 332.071 or of this section, a currently  
10 licensed dentist in Missouri may enter into an agreement with individuals and organizations to  
11 provide dental health care, provided such agreement does not permit or compel practices that violate  
12 any provision of this chapter.

13 8. At all proceedings for the enforcement of these or any other provisions of this chapter the  
14 board shall, as it deems necessary, select, in its discretion, either the attorney general or one of the  
15 attorney general's assistants designated by the attorney general or other legal counsel to appear and  
16 represent the board at each stage of such proceeding or trial until its conclusion.

17 9. If at any time when any discipline has been imposed pursuant to this section or pursuant  
18 to any provision of this chapter, the licensee removes himself or herself from the state of Missouri,  
19 ceases to be currently licensed pursuant to the provisions of this chapter, or fails to keep the  
20 Missouri dental board advised of his or her current place of business and residence, the time of his  
21 or her absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any  
22 part of the time of discipline so imposed."; and  
23

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