

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 355,
2 Page 9, Section 227.447, Line 6, by inserting immediately after all of said section and line the
3 following:

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

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

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

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

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

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

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

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

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

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

32 ~~[(9)]~~ (10) A person to practice dentistry in or for:

33 (a) The United States Armed Forces;

34 (b) The United States Public Health Service;

35 (c) Migrant, community, or health care for the homeless health centers provided in Section
36 330 of the Public Health Service Act (42 U.S.C. 254(b));

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

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

4 (f) The United States Veterans Bureau; or

5 ~~[(10)]~~ (11) A dentist licensed in a state other than Missouri to evaluate a patient or render an
6 oral, written, or otherwise documented dental opinion when providing testimony or records for the
7 purpose of a civil or criminal action before any judicial or administrative proceeding of this state or
8 other forum in this state.

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

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

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

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

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

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

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

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

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

1 employing any person regulated by this chapter.

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

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

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

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

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

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

45 10. All not-for-profit corporations organized or operated pursuant to the provisions of
46 chapter 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the
47 requirements relating to migrant, community, or health care for the homeless health centers
48 provided in Section 330 of the Public Health Service Act (42 U.S.C. 254(b)) and federally qualified

1 health centers as defined in Section 1905(l) (42 U.S.C. 1396d(l)) of the Social Security Act, that
2 employ persons who practice dentistry or dental hygiene in this state shall do so in accordance with
3 the relevant laws of this state except to the extent that such laws are contrary to, or inconsistent
4 with, federal statute or regulation.

5 332.183. 1. The board may issue a dental faculty permit to an individual who is employed
6 by an accredited dental school, college, or program in Missouri. The holder of a dental faculty
7 permit shall be authorized to practice dentistry in accordance with section 332.071 only within
8 accredited dental school programs and only while engaged in teaching didactic courses, preclinical
9 laboratories, and supervising student-delivered patient care at an accredited Missouri dental school,
10 college, or program.

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

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

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

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

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

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

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

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

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

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

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

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

45 7. The board shall promulgate rules to implement the provisions of this section. Any rule or
46 portion of a rule, as that term is defined in section 536.010, that is created under the authority
47 delegated in this section shall become effective only if it complies with and is subject to all of the
48 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

1 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to
2 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
3 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
4 August 28, 2017, shall be invalid and void."; and

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