

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1268
99TH GENERAL ASSEMBLY

Reported from the Committee on Professional Registration, April 5, 2018, with recommendation that the Senate Committee Substitute do pass.

4125S.06C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 332.081, RSMo, and to enact in lieu thereof two new sections relating to the Missouri dental board.

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

Section A. Section 332.081, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 332.081 and 332.183, to read as
3 follows:

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

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

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

15 (3) A maxillofacial prosthodontist licensed under this chapter for the
16 purpose of treating and supporting patients of a head and neck cancer team or

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

17 other complex care or surgical team for the fabrication of appliances following
18 ablative surgery, surgery to correct birth anomalies, extensive radiation
19 treatment of the head or neck, or trauma-related surgery.

20 2. No person or other entity shall practice dentistry in Missouri or provide
21 dental services as defined in section 332.071 unless and until the board has
22 issued to the person a certificate certifying that the person has been duly
23 registered as a dentist in Missouri or **the board has issued such certificate**
24 to an entity that has been duly registered to provide dental services by licensed
25 dentists and dental hygienists and unless and until the board has issued to the
26 person a license, to be renewed each period, as provided in this chapter, to
27 practice dentistry or as a dental hygienist, or has issued to the person or entity
28 a permit, to be renewed each period, to provide dental services in
29 Missouri. Nothing in this chapter shall be so construed as to make it unlawful
30 for:

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

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

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

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

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

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

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

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

49 (9) A duly qualified anesthesiologist or nurse anesthetist to administer
50 an anesthetic in connection with dental services or dental surgery; [or]

51 [(9)] (10) A person to practice dentistry in or for:

52 (a) The United States Armed Forces;

53 (b) The United States Public Health Service;

54 (c) Migrant, community, or health care for the homeless health centers

55 provided in Section 330 of the Public Health Service Act ([42 U.S.C. Section

56 254(b)] **42 U.S.C. Section 254b**);

57 (d) Federally qualified health centers as defined in Section 1905(l) (42

58 U.S.C. Section 1396d(l)) of the Social Security Act;

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

60 (f) The United States Veterans Bureau; or

61 **[(10)] (11)** A dentist licensed in a state other than Missouri to evaluate

62 a patient or render an oral, written, or otherwise documented dental opinion

63 when providing testimony or records for the purpose of a civil or criminal action

64 before any judicial or administrative proceeding of this state or other forum in

65 this state.

66 3. No corporation shall practice dentistry as defined in section 332.071

67 unless that corporation is organized under the provisions of chapter 355 or 356

68 provided that a corporation organized under the provisions of chapter 355 and

69 qualifying as an organization under 26 U.S.C. Section 501(c)(3) may only employ

70 dentists and dental hygienists licensed in this state to render dental services to

71 Medicaid recipients, low-income individuals who have available income below two

72 hundred percent of the federal poverty level, and all participants in the SCHIP

73 program, unless such limitation is contrary to or inconsistent with federal or state

74 law or regulation. This subsection shall not apply to:

75 (1) A hospital licensed under chapter 197 that provides care and

76 treatment only to children under the age of eighteen at which a person regulated

77 under this chapter provides dental care within the scope of his or her license or

78 registration;

79 (2) A federally qualified health center as defined in Section 1905(l) of the

80 Social Security Act ([42 U.S.C. Section 1396(d)(l)] **42 U.S.C. Section 1396d(l)**),

81 or a migrant, community, or health care for the homeless health center provided

82 for in Section 330 of the Public Health Services Act ([42 U.S.C. Section 254(b)]

83 **42 U.S.C. Section 254b**) at which a person regulated under this chapter

84 provides dental care within the scope of his or her license or registration;

85 (3) A city or county health department organized under chapter 192 or

86 chapter 205 at which a person regulated under this chapter provides dental care

87 within the scope of his or her license or registration;

88 (4) A social welfare board organized under section 205.770, a city health

89 department operating under a city charter, or a city-county health department at
90 which a person regulated under this chapter provides dental care within the
91 scope of his or her license or registration;

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

96 (6) Any hospital nonprofit corporation exempt from taxation under Section
97 501(c)(3) of the Internal Revenue Code, as amended, that engages in its
98 operations and provides dental services at facilities owned by a city, county, or
99 other political subdivision of the state at which a person regulated under this
100 chapter provides dental care within the scope of his or her license or registration.
101 If any of the entities exempted from the requirements of this subsection are
102 unable to provide services to a patient due to the lack of a qualified provider and
103 a referral to another entity is made, the exemption shall extend to the person or
104 entity that subsequently provides services to the patient.

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

112 5. A dentist shall not enter into a contract that allows a person who is not
113 a dentist to influence or interfere with the exercise of the dentist's independent
114 professional judgment.

115 6. A not-for-profit corporation organized under the provisions of chapter
116 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), an
117 unincorporated organization operating pursuant to subsection 4 of this section,
118 or any other person should not direct or interfere or attempt to direct or interfere
119 with a licensed dentist's professional judgment and competent practice of
120 dentistry. Nothing in this subsection shall be so construed as to make it unlawful
121 for not-for-profit organizations to enforce employment contracts, corporate policy
122 and procedure manuals, or quality improvement or assurance requirements.

123 7. All entities defined in subsection 3 of this section and those exempted
124 under subsection 4 of this section shall apply for a permit to employ dentists and

125 dental hygienists licensed in this state to render dental services, and the entity
126 shall apply for the permit in writing on forms provided by the Missouri dental
127 board. The board shall not charge a fee of any kind for the issuance or renewal
128 of such permit. The provisions of this subsection shall not apply to a federally
129 qualified health center as defined in Section 1905(l) of the Social Security Act (42
130 U.S.C. Section 1396d(l)).

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

141 9. A federally qualified health center as defined in Section 1905(l) of the
142 Social Security Act (42 U.S.C. Section 1396d(l)) shall register with the board. The
143 information provided to the board as part of the registration shall include the
144 name of the health center, the nonprofit status of the health center, sites where
145 dental services will be provided, and the names of all persons employed by, or
146 contracting with, the health center who are required to hold a license pursuant
147 to this chapter. The registration shall be renewed every twenty-four
148 months. The board shall not charge a fee of any kind for the issuance or renewal
149 of the registration. The registration of the health center shall not be subject to
150 discipline pursuant to section 332.321. Nothing in this subsection shall prohibit
151 disciplinary action against a licensee of this chapter who is employed by, or
152 contracts with, such health center for the actions of the licensee in connection
153 with such employment or contract. [All licensed persons employed by, or
154 contracting with, the health center shall certify in writing to the board at the
155 time of issuance and renewal of the registration that the facility of the health
156 center meets the same operating standards regarding cleanliness, sanitation, and
157 professionalism as would the facility of a dentist licensed by this chapter. The
158 board shall promulgate rules regarding such standards.]

159 10. The board may promulgate rules and regulations to ensure
160 not-for-profit corporations are rendering care to the patient populations as set

161 forth herein, including requirements for covered not-for-profit corporations to
162 report patient census data to the board. The provisions of this subsection shall
163 not apply to a federally qualified health center as defined in Section 1905(l) of the
164 Social Security Act (42 U.S.C. Section 1396d(l)).

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

**332.183. 1. The board may issue a dental faculty permit to an
2 individual who is employed by an accredited dental school, college, or
3 program in Missouri. The holder of a dental faculty permit shall be
4 authorized to practice dentistry, subject to the requirements of
5 subsection 2 of this section, in accordance with section 332.071 only
6 within accredited dental school programs and only while engaged in
7 teaching didactic courses, preclinical laboratories, and supervising
8 student-delivered patient care at an accredited Missouri dental school,
9 college, or program.**

10 **2. The holder of a dental faculty permit shall not receive any fee
11 or compensation for the practice of dentistry, other than any salary or
12 benefits received as part of his or her employment with the accredited
13 Missouri dental school, college, or program and shall not engage in the
14 private 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
17 applicant shall not be required to be a graduate of an accredited dental
18 school as defined in section 332.011;**

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

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

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

32 **(5) Submit to the board a completed application on forms**
33 **provided by the board and the applicable fees as determined by the**
34 **board; and**

35 **(6) Document one of the following:**

36 **(a) Satisfactory completion of an American Dental Association-**
37 **accredited postdoctoral training program that is a minimum of twelve**
38 **continuous months in length; or**

39 **(b) Passage of the National Board Examination in accordance**
40 **with the criteria established by the sponsoring body.**

41 **4. The board may waive the requirements under subdivision (6)**
42 **of subsection 3 of this section, at the request of the applicant, based on**
43 **the applicant's portfolio of cases completed and documentation that the**
44 **applicant held a license to teach dentistry in another state within a**
45 **year of applying to teach dentistry in Missouri. The board shall only**
46 **wave the requirements under this subsection if the board determines,**
47 **based on the information provided in this subsection, that the applicant**
48 **has a similar level of knowledge and experience as persons who have**
49 **met the requirements under subdivision (6) of subsection 3 of this**
50 **section.**

51 **5. A dental faculty permit shall be renewed every two years and**
52 **shall be subject to the same renewal requirements contained under**
53 **section 332.181.**

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

58 **7. The board shall promulgate rules to implement the provisions**
59 **of this section. Any rule or portion of a rule, as that term is defined in**

60 section 536.010, that is created under the authority delegated in this
61 section shall become effective only if it complies with and is subject to
62 all of the provisions of chapter 536, and, if applicable, section
63 536.028. This section and chapter 536 are nonseverable, and if any of
64 the powers vested with the general assembly pursuant to chapter 536,
65 to review, to delay the effective date, or to disapprove and annul a rule
66 are subsequently held unconstitutional, then the grant of rulemaking
67 authority and any rule proposed or adopted after August 28, 2018, shall
68 be invalid and void.

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