

FIRST REGULAR SESSION

HOUSE BILL NO. 628

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUSICK.

1426H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 332.071, RSMo, and to enact in lieu thereof two new sections relating to vaccine administration by dentists.

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

Section A. Section 332.071, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 332.071 and 332.368, to read as follows:

332.071. A person or other entity "practices dentistry" within the meaning of this chapter who:

(1) Undertakes to do or perform dental work or dental services or dental operations or oral surgery, by any means or methods, including the use of lasers, gratuitously or for a salary or fee or other reward, paid directly or indirectly to the person or to any other person or entity;

(2) Diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of human teeth or adjacent structures or treats or professes to treat any disease or disorder or lesions of the oral regions;

(3) Attempts to or does replace or restore a part or portion of a human tooth;

(4) Attempts to or does extract human teeth or attempts to or does correct malformations of human teeth or jaws;

(5) Attempts to or does adjust an appliance or appliances for use in or used in connection with malposed teeth in the human mouth;

(6) Interprets or professes to interpret or read dental radiographs;

(7) Administers an anesthetic in connection with dental services or dental operations or dental surgery;

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.

18 (8) Undertakes to or does remove hard and soft deposits from or polishes natural and
19 restored surfaces of teeth;

20 (9) Uses or permits to be used for the person's benefit or for the benefit of any other
21 person or other entity the following titles or words in connection with the person's name:
22 "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or
23 descriptive matter which directly or indirectly indicate or imply that the person is willing or able
24 to perform any type of dental service for any person or persons, or uses or permits the use of for
25 the person's benefit or for the benefit of any other person or other entity any card, directory,
26 poster, sign or any other means by which the person indicates or implies or represents that the
27 person is willing or able to perform any type of dental services or operation for any person;

28 (10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an
29 office or establishment of any kind in which dental services or dental operations of any kind are
30 performed for any purpose; but this section shall not be construed to prevent owners or lessees
31 of real estate from lawfully leasing premises to those who are qualified to practice dentistry
32 within the meaning of this chapter;

33 (11) Controls, influences, attempts to control or influence, or otherwise interferes with
34 the dentist's independent professional judgment regarding the diagnosis or treatment of a dental
35 disease, disorder, or physical condition except that any opinion rendered by any health care
36 professional licensed under this chapter or chapter 330, 331, 334, 335, 336, 337, or 338 regarding
37 the diagnosis, treatment, disorder, or physical condition of any patient shall not be construed to
38 control, influence, attempt to control or influence or otherwise interfere with a dentist's
39 independent professional judgment;

40 (12) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge, artificial
41 restoration, appliance or other structure to be used or worn as a substitute for natural teeth,
42 except when one, not a registered and licensed dentist, does so pursuant to a written uniform
43 laboratory work order, in the form prescribed by the board, of a dentist registered and currently
44 licensed in Missouri and which the substitute in this subdivision described is constructed upon
45 or by use of casts or models made from an impression furnished by a dentist registered and
46 currently licensed in Missouri;

47 (13) Attempts to or does place any substitute described in subdivision (12) of this section
48 in a human mouth or attempts to or professes to adjust any substitute or delivers any substitute
49 to any person other than the dentist upon whose order the work in producing the substitute was
50 performed;

51 (14) Advertises, solicits, or offers to or does sell or deliver any substitute described in
52 subdivision (12) of this section or offers to or does sell the person's services in constructing,

53 reproducing, supplying or repairing the substitute to any person other than a registered and
54 licensed dentist in Missouri;

55 (15) Undertakes to do or perform any physical evaluation of a patient in the person's
56 office or in a hospital, clinic, or other medical or dental facility prior to or incident to the
57 performance of any dental services, dental operations, or dental surgery;

58 (16) Reviews examination findings, x-rays, or other patient data to make judgments or
59 decisions about the dental care rendered to a patient in this state;

60 (17) **Prescribes and administers vaccines for diseases related to care within the**
61 **practice of dentistry; or**

62 (18) **Prescribes and administers vaccines in accordance with section 332.368 when**
63 **deployed under section 44.045 to provide care as necessitated by an emergency.**

332.368. 1. A dentist may:

2 (1) **Prescribe and administer vaccines to a person with whom the dentist has**
3 **established a patient relationship; and**

4 (2) **Prescribe and administer vaccines to any person when the dentist is deployed**
5 **under section 44.045 to provide care as necessitated by an emergency.**

6 2. **A dentist shall not be required to prescribe or administer vaccines.**

7 3. **Before prescribing or administering any vaccine under this section, a dentist**
8 **shall complete a training course recognized by the board under subsection 4 of this section**
9 **and obtain a certificate of successful completion from the agency or organization that**
10 **offered the course. A dentist shall produce the certificate upon request of the board.**

11 4. **The board shall recognize for purposes of this section any training course that:**

12 (1) **Includes training on appropriate vaccine storage and proper vaccine**
13 **administration;**

14 (2) **Addresses contraindications and adverse reactions to vaccines; and**

15 (3) **Is offered by the Centers for Disease Control and Prevention, the American**
16 **Dental Association or its successor organization, or any other similar federal or state**
17 **agency or professional organization deemed qualified by the board.**

18 5. **A dentist who administers a vaccine under this section shall inform the patient**
19 **that the administration of the vaccine will be entered into the ShowMeVax system, as**
20 **administered by the department of health and senior services. The patient shall attest to**
21 **the inclusion of such information in the system by signing a form provided by the dentist.**
22 **If the patient indicates that he or she does not want such information entered into the**
23 **ShowMeVax system, the dentist shall provide a written report within fourteen days of**
24 **administration of a vaccine to the patient's primary health care provider, if provided by**
25 **the patient, containing:**

- 26 **(1) The identity of the patient;**
27 **(2) The identity of the vaccine or vaccines administered;**
28 **(3) The route of administration;**
29 **(4) The anatomic site of the administration;**
30 **(5) The dose administered; and**
31 **(6) The date of administration.**

32 **6. Prior to administering a vaccine under this section, a dentist shall review the**
33 **patient's vaccination history in the ShowMeVax system.**

34 **7. A dentist who prescribes or administers a vaccine under this section shall comply**
35 **with any applicable patient of care record-keeping requirements.**

36 **8. A dentist shall not delegate the administration of a vaccine under this section.**

37 **9. The board shall promulgate rules for the purpose of recognizing entities**
38 **qualified to offer the training course required under this section. Any rule or portion of**
39 **a rule, as that term is defined in section 536.010, that is created under the authority**
40 **delegated in this section shall become effective only if it complies with and is subject to all**
41 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
42 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**
43 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
44 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
45 **any rule proposed or adopted after August 28, 2021, shall be invalid and void.**

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