

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2075, Page 1, Section A, Line 4, by inserting after all of said line the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (10) A person to practice dentistry in or for:

15 (a) The United States Armed Forces;

16 (b) The United States Public Health Service;

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

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

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

22 (f) The United States Veterans Bureau; or

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

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

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

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

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

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

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

9 (6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of the Internal
10 Revenue Code, as amended, that engages in its operations and provides dental services at facilities owned by
11 a city, county, or other political subdivision of the state, or any entity contracted with the state to provide care
12 in a correctional center, as such term is defined in section 217.010, at which a person regulated under this
13 chapter provides dental care within the scope of his or her license or registration.

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

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

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

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

32 7. All entities defined in subsection 3 of this section and those exempted under subsection 4 of this
33 section shall apply for a permit to employ dentists and dental hygienists licensed in this state to render dental
34 services, and the entity shall apply for the permit in writing on forms provided by the Missouri dental board.
35 The board shall not charge a fee of any kind for the issuance or renewal of such permit. The provisions of
36 this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the Social
37 Security Act (42 U.S.C. Section 1396d(l)).

38 8. Any entity that obtains a permit to render dental services in this state is subject to discipline
39 pursuant to section 332.321. If the board concludes that the person or entity has committed an act or is

1 engaging in a course of conduct that would be grounds for disciplinary action, the board may file a complaint
2 before the administrative hearing commission. The board may refuse to issue or renew the permit of any
3 entity for one or any combination of causes stated in subsection 2 of section 332.321. The board shall notify
4 the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a
5 complaint with the administrative hearing commission as provided by chapter 621.

6 9. A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42
7 U.S.C. Section 1396d(l)) shall register with the board. The information provided to the board as part of the
8 registration shall include the name of the health center, the nonprofit status of the health center, sites where
9 dental services will be provided, and the names of all persons employed by, or contracting with, the health
10 center who are required to hold a license pursuant to this chapter. The registration shall be renewed every
11 twenty-four months. The board shall not charge a fee of any kind for the issuance or renewal of the
12 registration. The registration of the health center shall not be subject to discipline pursuant to section
13 332.321. Nothing in this subsection shall prohibit disciplinary action against a licensee of this chapter who is
14 employed by, or contracts with, such health center for the actions of the licensee in connection with such
15 employment or contract.

16 10. The board may promulgate rules and regulations to ensure not-for-profit corporations are
17 rendering care to the patient populations as set forth herein, including requirements for covered not-for-profit
18 corporations to report patient census data to the board. The provisions of this subsection shall not apply to a
19 federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. Section
20 1396d(l)).

21 11. All not-for-profit corporations organized or operated pursuant to the provisions of chapter 355
22 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), or the requirements relating to migrant,
23 community, or health care for the homeless health centers provided in Section 330 of the Public Health
24 Service Act (42 U.S.C. Section 254b) and federally qualified health centers as defined in Section 1905(l) (42
25 U.S.C. Section 1396d(l)) of the Social Security Act, that employ persons who practice dentistry or dental
26 hygiene in this state shall do so in accordance with the relevant laws of this state except to the extent that
27 such laws are contrary to, or inconsistent with, federal statute or regulation."; and
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29 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.