

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

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 60, Page 20, Section 329.050, Line 81, by inserting after said section and line the  
3 following:  
4

5 "332.081. 1. Notwithstanding any other provision of law to the contrary, hospitals licensed  
6 under chapter 197 shall be authorized to employ any or all of the following oral health providers:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (a) The United States Armed Forces;

20 (b) The United States Public Health Service;

21 (c) Migrant, community, or health care for the homeless health centers provided in Section  
22 330 of the Public Health Service Act (42 U.S.C. Section 254b);

23 (d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. Section  
24 1396d(l)) of the Social Security Act;

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

26 (f) The United States Veterans Bureau; or

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

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

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

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

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

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

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

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

25  
 26 If any of the entities exempted from the requirements of this subsection are unable to provide  
 27 services to a patient due to the lack of a qualified provider and a referral to another entity is made,  
 28 the exemption shall extend to the person or entity that subsequently provides services to the patient.

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

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

37 6. A not-for-profit corporation organized under the provisions of chapter 355 and qualifying  
 38 as an organization under 26 U.S.C. Section 501(c)(3), an unincorporated organization operating  
 39 pursuant to subsection 4 of this section, or any other person should not direct or interfere or attempt

1 to direct or interfere with a licensed dentist's professional judgment and competent practice of  
2 dentistry. Nothing in this subsection shall be so construed as to make it unlawful for not-for-profit  
3 organizations to enforce employment contracts, corporate policy and procedure manuals, or quality  
4 improvement or assurance requirements.

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

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

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

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

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

- 1 with, federal statute or regulation."; and
- 2
- 3 Further amend said bill by amending the title, enacting clause, and intersectional references
- 4 accordingly.