

SECOND REGULAR SESSION

# HOUSE BILL NO. 2280

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE VEIT.

4952H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 332.081, RSMo, and to enact in lieu thereof one new section relating to the practice of dentistry.

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

Section A. Section 332.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 332.081, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46           (a) The United States Armed Forces;

47           (b) The United States Public Health Service;

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

50           (d) Federally qualified health centers as defined in Section 1905(l) (42 U.S.C. Section  
51 1396d(l)) of the Social Security Act;

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

53           (f) The United States Veterans Bureau; or

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

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

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

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

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

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

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

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

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

95 4. No unincorporated organization shall practice dentistry as defined in section  
96 332.071 unless such organization is exempt from federal taxation under Section 501(c)(3) of  
97 the Internal Revenue Code of 1986, as amended, and provides dental treatment without  
98 compensation from the patient or any third party on their behalf as a part of a broader  
99 program of social services including food distribution. Nothing in this chapter shall prohibit  
100 organizations under this subsection from employing any person regulated by this chapter.

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

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

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

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

126 9. A federally qualified health center as defined in Section 1905(l) of the Social  
127 Security Act (42 U.S.C. Section 1396d(l)) shall register with the board. The information

128 provided to the board as part of the registration shall include the name of the health center, the  
129 nonprofit status of the health center, sites where dental services will be provided, and the  
130 names of all persons employed by, or contracting with, the health center who are required to  
131 hold a license pursuant to this chapter. The registration shall be renewed every twenty-four  
132 months. The board shall not charge a fee of any kind for the issuance or renewal of the  
133 registration. The registration of the health center shall not be subject to discipline pursuant to  
134 section 332.321. Nothing in this subsection shall prohibit disciplinary action against a  
135 licensee of this chapter who is employed by, or contracts with, such health center for the  
136 actions of the licensee in connection with such employment or contract.

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

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

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