

SENATE BILL NO. 1287

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

4806S.01I

KRISTINA MARTIN, Secretary

AN ACT

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

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Section A. Section 332.081, RSMo, is repealed and one new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

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

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

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

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

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

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

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

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

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

51 (5) A duly registered and licensed dental hygienist in
52 Missouri to practice dental hygiene as defined in section
53 332.091;

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

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

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

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

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

67 (a) The United States Armed Forces;

68 (b) The United States Public Health Service;

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

72 (d) Federally qualified health centers as defined in
73 Section 1905(1) (42 U.S.C. Section 1396d(1)) of the Social
74 Security Act;

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

77 (f) The United States Veterans Bureau; or

78 (11) A dentist licensed in a state other than Missouri
79 to evaluate a patient or render an oral, written, or
80 otherwise documented dental opinion when providing testimony
81 or records for the purpose of a civil or criminal action

82 before any judicial or administrative proceeding of this
83 state or other forum in this state.

84 3. No corporation shall practice dentistry as defined
85 in section 332.071 unless that corporation is organized
86 under the provisions of chapter 355 or 356 provided that a
87 corporation organized under the provisions of chapter 355
88 and qualifying as an organization under 26 U.S.C. Section
89 501(c)(3) may only employ dentists and dental hygienists
90 licensed in this state to render dental services to Medicaid
91 recipients, low-income individuals who have available income
92 below two hundred percent of the federal poverty level, and
93 all participants in the SCHIP program, unless such
94 limitation is contrary to or inconsistent with federal or
95 state law or regulation. This subsection shall not apply to:

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

101 (2) A federally qualified health center as defined in
102 Section 1905(1) of the Social Security Act (42 U.S.C.
103 Section 1396d(1)), or a migrant, community, or health care
104 for the homeless health center provided for in Section 330
105 of the Public Health Services Act (42 U.S.C. Section 254b)
106 at which a person regulated under this chapter provides
107 dental care within the scope of his or her license or
108 registration;

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

113 (4) A social welfare board organized under section
114 205.770, a city health department operating under a city
115 charter, or a city-county health department at which a
116 person regulated under this chapter provides dental care
117 within the scope of his or her license or registration;

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

123 (6) Any hospital nonprofit corporation exempt from
124 taxation under Section 501(c)(3) of the Internal Revenue
125 Code, as amended, that engages in its operations and
126 provides dental services at facilities owned by a city,
127 county, or other political subdivision of the state, **or any**
128 **entity contracted with the state to provide care in a**
129 **correctional center, as such term is defined in section**
130 **217.010**, at which a person regulated under this chapter
131 provides dental care within the scope of his or her license
132 or registration.

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

139 4. No unincorporated organization shall practice
140 dentistry as defined in section 332.071 unless such
141 organization is exempt from federal taxation under Section
142 501(c)(3) of the Internal Revenue Code of 1986, as amended,
143 and provides dental treatment without compensation from the

144 patient or any third party on their behalf as a part of a
145 broader program of social services including food
146 distribution. Nothing in this chapter shall prohibit
147 organizations under this subsection from employing any
148 person regulated by this chapter.

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

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

164 7. All entities defined in subsection 3 of this
165 section and those exempted under subsection 4 of this
166 section shall apply for a permit to employ dentists and
167 dental hygienists licensed in this state to render dental
168 services, and the entity shall apply for the permit in
169 writing on forms provided by the Missouri dental board. The
170 board shall not charge a fee of any kind for the issuance or
171 renewal of such permit. The provisions of this subsection
172 shall not apply to a federally qualified health center as
173 defined in Section 1905(1) of the Social Security Act (42
174 U.S.C. Section 1396d(1)).

175 8. Any entity that obtains a permit to render dental
176 services in this state is subject to discipline pursuant to
177 section 332.321. If the board concludes that the person or
178 entity has committed an act or is engaging in a course of
179 conduct that would be grounds for disciplinary action, the
180 board may file a complaint before the administrative hearing
181 commission. The board may refuse to issue or renew the
182 permit of any entity for one or any combination of causes
183 stated in subsection 2 of section 332.321. The board shall
184 notify the applicant in writing of the reasons for the
185 refusal and shall advise the applicant of his or her right
186 to file a complaint with the administrative hearing
187 commission as provided by chapter 621.

188 9. A federally qualified health center as defined in
189 Section 1905(1) of the Social Security Act (42 U.S.C.
190 Section 1396d(1)) shall register with the board. The
191 information provided to the board as part of the
192 registration shall include the name of the health center,
193 the nonprofit status of the health center, sites where
194 dental services will be provided, and the names of all
195 persons employed by, or contracting with, the health center
196 who are required to hold a license pursuant to this
197 chapter. The registration shall be renewed every twenty-
198 four months. The board shall not charge a fee of any kind
199 for the issuance or renewal of the registration. The
200 registration of the health center shall not be subject to
201 discipline pursuant to section 332.321. Nothing in this
202 subsection shall prohibit disciplinary action against a
203 licensee of this chapter who is employed by, or contracts
204 with, such health center for the actions of the licensee in
205 connection with such employment or contract.

206 10. The board may promulgate rules and regulations to
207 ensure not-for-profit corporations are rendering care to the
208 patient populations as set forth herein, including
209 requirements for covered not-for-profit corporations to
210 report patient census data to the board. The provisions of
211 this subsection shall not apply to a federally qualified
212 health center as defined in Section 1905(1) of the Social
213 Security Act (42 U.S.C. Section 1396d(1)).

214 11. All not-for-profit corporations organized or
215 operated pursuant to the provisions of chapter 355 and
216 qualifying as an organization under 26 U.S.C. Section
217 501(c) (3), or the requirements relating to migrant,
218 community, or health care for the homeless health centers
219 provided in Section 330 of the Public Health Service Act (42
220 U.S.C. Section 254b) and federally qualified health centers
221 as defined in Section 1905(1) (42 U.S.C. Section 1396d(1))
222 of the Social Security Act, that employ persons who practice
223 dentistry or dental hygiene in this state shall do so in
224 accordance with the relevant laws of this state except to
225 the extent that such laws are contrary to, or inconsistent
226 with, federal statute or regulation.

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