

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 813

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

1516H.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 332.081 and 345.051, RSMo, and to enact in lieu thereof six new sections relating to regulation of certain professions.

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

Section A. Sections 332.081 and 345.051, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 192.500, 328.025, 329.033, 332.081, 332.083, and 345.051, to read as follows:

192.500. 1. For purposes of this section, the following terms shall mean:

(1) “Cone beam computed tomography system”, a medical imaging device using x-ray computed tomography to capture data using a cone-shaped x-ray beam;

(2) “Panoramic x-ray system”, an imaging device that captures the entire mouth in a single, two-dimensional image including the teeth, upper and lower jaws, and surrounding structures and tissues.

2. Cone beam computed tomography systems and panoramic x-ray systems shall not be required to be inspected more frequently than every six years.

3. Notwithstanding any law to the contrary, inspections of x-ray equipment used exclusively on animals by a licensed veterinarian or veterinary facility under chapter 340 shall not be required to be inspected more frequently than every six years.

328.025. If a license issued under this chapter has been destroyed, lost, mutilated beyond practical usage, or was never received, the board shall issue a duplicate license, by

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.

3 **mail, upon request. A request form shall be available online and may be submitted**
4 **electronically or by mail.**

2 **329.033. If a license issued under this chapter has been destroyed, lost, mutilated**
3 **beyond practical usage, or was never received, the board shall issue a duplicate license, by**
4 **mail, upon request. A request form shall be available online and may be submitted**
5 **electronically or by mail.**

332.081. 1. No person or other entity shall practice dentistry in Missouri or provide
2 dental services as defined in section 332.071 unless and until the board has issued to the person
3 a certificate certifying that the person has been duly registered as a dentist in Missouri or to an
4 entity that has been duly registered to provide dental services by licensed dentists and dental
5 hygienists and unless and until the board has issued to the person a license, to be renewed each
6 period, as provided in this chapter, to practice dentistry or as a dental hygienist, or has issued to
7 the person or entity a permit, to be renewed each period, to provide dental services in Missouri.
8 Nothing in this chapter shall be so construed as to make it unlawful for:

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

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

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

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

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

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

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

23 (8) A duly qualified anesthesiologist or nurse anesthetist to administer an anesthetic in
24 connection with dental services or dental surgery; or

25 (9) A person to practice dentistry in or for:

26 (a) The United States Armed Forces;

27 (b) The United States Public Health Service;

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

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

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

33 (f) The United States Veterans Bureau; or

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

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

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

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

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

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

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

64 (6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of
65 the Internal Revenue Code, as amended, that engages in its operations and provides dental

66 services at facilities owned by a city, county, or other political subdivision of the state at which
67 a person regulated under this chapter provides dental care within the scope of his or her license
68 or registration.

69 **(7) Hospitals licensed under chapter 197 that employ any or all of the following oral**
70 **health care providers:**

71 **(a) A dentist licensed under chapter 332 for the purpose of treating on hospital**
72 **premises those patients who present with a dental condition and such treatment is**
73 **necessary to ameliorate the condition for which they presented such as severe pain or tooth**
74 **abscesses;**

75 **(b) An oral and maxillofacial surgeon licensed under chapter 332 for the purpose**
76 **of treating oral conditions that need to be ameliorated as part of treating the underlying**
77 **cause of the patient's medical needs including, but not limited to, head and neck cancer,**
78 **HIV AIDS, severe trauma resulting in admission to the hospital, organ transplant,**
79 **diabetes, or seizure disorders. It shall be a condition of treatment that such patients are**
80 **admitted to the hospital on either an in- or out-patient basis;**

81 **(c) A maxillofacial prosthodontist licensed under chapter 332 for the purpose of**
82 **treating and supporting patients of a head and neck cancer team or other complex care or**
83 **surgical team for the fabrication of appliances following ablative surgery, surgery to**
84 **correct birth anomalies, extensive radiation treatment of the head or neck, or trauma-**
85 **related surgery.**

86

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

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

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

99 5. A not-for-profit corporation organized under the provisions of chapter 355 and
100 qualifying as an organization under 26 U.S.C. Section 501(c)(3), an unincorporated organization
101 operating pursuant to subsection 3 of this section, or any other person should not direct or

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

6. All entities defined in subsection 2 of this section and those exempted under subsection 3 of this section shall apply for a permit to employ dentists and dental hygienists licensed in this state to render dental services, and the entity shall apply for the permit in writing on forms provided by the Missouri dental board. The board shall not charge a fee of any kind for the issuance or renewal of such permit. The provisions of this subsection shall not apply to a federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)).

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

8. A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)) shall register with the board. The information provided to the board as part of the registration shall include the name of the health center, the nonprofit status of the health center, sites where dental services will be provided, and the names of all persons employed by, or contracting with, the health center who are required to hold a license pursuant to this chapter. The registration shall be renewed every twenty-four months. The board shall not charge a fee of any kind for the issuance or renewal of the registration. The registration of the health center shall not be subject to discipline pursuant to section 332.321. Nothing in this subsection shall prohibit disciplinary action against a licensee of this chapter who is employed by, or contracts with, such health center for the actions of the licensee in connection with such employment or contract. All licensed persons employed by, or contracting with, the health center shall certify in writing to the board at the time of issuance and renewal of the registration that the facility of the health center meets the same operating standards regarding cleanliness, sanitation, and professionalism as would the facility of a dentist licensed by this chapter. The board shall promulgate rules regarding such standards.

9. The board may promulgate rules and regulations to ensure not-for-profit corporations are rendering care to the patient populations as set forth herein, including requirements for

138 covered not-for-profit corporations to report patient census data to the board. The provisions of
139 this subsection shall not apply to a federally qualified health center as defined in Section 1905(l)
140 of the Social Security Act (42 U.S.C. 1396d(l)).

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

**332.083. Notwithstanding any other provision of law, the payment of fees or
2 royalties, pursuant to a valid franchise agreement, for services to a dental franchisor shall
3 be permitted. Such fees or royalties may include a percentage based on revenue collection.**

345.051. 1. Every person licensed or registered pursuant to the provisions of sections
2 345.010 to 345.080 shall renew the license or registration on or before the renewal date. Such
3 renewal date shall be determined by the board. The application shall be made on a form
4 furnished by the board. The application shall include, but not be limited to, disclosure of the
5 applicant's full name and the applicant's office and residence addresses and the date and number
6 of the applicant's license or registration, all final disciplinary actions taken against the applicant
7 by any speech-language-hearing association or society, state, territory or federal agency or
8 country and information concerning the applicant's current physical and mental fitness to
9 practice.

10 2. A blank form for application for license or registration renewal shall be mailed to each
11 person licensed or registered in this state at the person's last known office or residence address.
12 The failure to mail the form of application or the failure to receive it does not, however, relieve
13 any person of the duty to renew the license or registration and pay the fee required by sections
14 345.010 to 345.080 for failure to renew the license or registration.

15 3. An applicant for renewal of a license or registration under this section shall:

16 (1) Submit an amount established by the board; and

17 (2) Meet any other requirements the board establishes as conditions for license or
18 registration renewal, including the demonstration of continued competence to practice the
19 profession for which the license or registration is issued. A requirement of continued
20 competence may include, but is not limited to, **up to thirty hours triennially** of continuing
21 education, examination, self-evaluation, peer review, performance appraisal or practical
22 simulation.

23 4. If a license or registration is suspended pursuant to section 345.065, the license or
24 registration expires on the expiration date as established by the board for all licenses and
25 registrations issued pursuant to sections 345.010 to 345.080. Such license or registration may
26 be renewed but does not entitle the licensee to engage in the licensed or registered activity or in
27 any other conduct or activity which violates the order of judgment by which the license or
28 registration was suspended until such license or registration has been reinstated.

29 5. If a license or registration is revoked on disciplinary grounds pursuant to section
30 345.065, the license or registration expires on the expiration date as established by the board for
31 all licenses and registrations issued pursuant to sections 345.010 to 345.080. Such license or
32 registration may not be renewed. If a license or registration is reinstated after its expiration, the
33 licensee, as a condition of reinstatement, shall pay a reinstatement fee that is equal to the renewal
34 fee in effect on the last regular renewal date immediately preceding the date of reinstatement plus
35 any late fee established by the board.

✓