

SECOND REGULAR SESSION

HOUSE BILL NO. 1661

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4805L.01I

AN ACT

To repeal section 332.071, RSMo, and to enact in lieu thereof two new sections relating to dentistry.

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

Section A. Section 332.071, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 332.052 and 332.071, to read as follows:

332.052. 1. Dentists shall maintain an adequate and complete patient record for each patient and may maintain electronic records provided the record-keeping format is capable of being printed for review by the board.

2. Patient records remaining under the care, custody and control of the licensees shall be maintained by the licensee, or the licensee's designee, for a minimum of five years from the date of when the last professional service was provided or in the case of a minor, five years from the age of majority.

3. Any correction, addition, or change in any patient record made more than forty-eight hours after the final entry is entered in the record as an addendum, shall be clearly marked and identified as such, and the date, time, and name of the person making the correction, addition, or change shall be included, as well as the reason for the correction, addition, or change.

4. Dentists and nondentists shall maintain copies of laboratory work orders for five years.

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.

332.071. A person or other entity "practices dentistry" within the meaning of this chapter

2 who:

3 (1) Undertakes to do or perform dental work or dental services or dental operations or

4 oral surgery, by any means or methods, including the use of lasers, gratuitously or for a salary

5 or fee or other reward, paid directly or indirectly to the person or to any other person or entity;

6 (2) Diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats

7 or professes to treat, any disease, pain, deformity, deficiency, injury or physical condition of

8 human teeth or adjacent structures or treats or professes to treat any disease or disorder or lesions

9 of the oral regions;

10 (3) Attempts to or does replace or restore a part or portion of a human tooth;

11 (4) Attempts to or does extract human teeth or attempts to or does correct malformations

12 of human teeth or jaws;

13 (5) Attempts to or does adjust an appliance or appliances for use in or used in connection

14 with malposed teeth in the human mouth;

15 (6) Interprets or professes to interpret or read dental radiographs;

16 (7) Administers an anesthetic in connection with dental services or dental operations or

17 dental surgery;

18 (8) Undertakes to or does remove hard and soft deposits from or polishes natural and

19 restored surfaces of teeth;

20 (9) Uses or permits to be used for the person's benefit or for the benefit of any other

21 person or other entity the following titles or words in connection with the person's name:

22 "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or

23 descriptive matter which directly or indirectly indicate or imply that the person is willing or able

24 to perform any type of dental service for any person or persons, or uses or permits the use of for

25 the person's benefit or for the benefit of any other person or other entity any card, directory,

26 poster, sign or any other means by which the person indicates or implies or represents that the

27 person is willing or able to perform any type of dental services or operation for any person;

28 (10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an

29 office or establishment of any kind in which dental services or dental operations of any kind are

30 performed for any purpose; but this section shall not be construed to prevent owners or lessees

31 of real estate from lawfully leasing premises to those who are qualified to practice dentistry

32 within the meaning of this chapter;

33 (11) Controls, influences, attempts to control or influence, or otherwise interferes with

34 the dentist's independent professional judgment regarding the diagnosis or treatment of a dental

35 disease, disorder, or physical condition except that any opinion rendered by any health care

36 professional licensed under this chapter or chapter 330, 331, 334, 335, 336, 337, or 338, RSMo,

37 regarding the diagnosis, treatment, disorder, or physical condition of any patient shall not be
38 construed to control, influence, attempt to control or influence or otherwise interfere with a
39 dentist's independent professional judgment;

40 (12) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge, artificial
41 restoration, appliance or other structure to be used or worn as a substitute for natural teeth,
42 except when one, not a registered and licensed dentist, does so pursuant to a written uniform
43 laboratory work order, in the form [to be] prescribed by the board [and copies of which shall be
44 retained by the nondentist for two years], of a dentist registered and currently licensed in
45 Missouri and which the substitute in this subdivision described is constructed upon or by use of
46 casts or models made from an impression furnished by a dentist registered and currently licensed
47 in Missouri;

48 (13) Attempts to or does place any substitute described in subdivision (12) of this section
49 in a human mouth or attempts to or professes to adjust any substitute or delivers any substitute
50 to any person other than the dentist upon whose order the work in producing the substitute was
51 performed;

52 (14) Advertises, solicits, or offers to or does sell or deliver any substitute described in
53 subdivision (12) of this section or offers to or does sell the person's services in constructing,
54 reproducing, supplying or repairing the substitute to any person other than a registered and
55 licensed dentist in Missouri;

56 (15) Undertakes to do or perform any physical evaluation of a patient in the person's
57 office or in a hospital, clinic, or other medical or dental facility prior to or incident to the
58 performance of any dental services, dental operations, or dental surgery;

59 (16) Reviews examination findings, x-rays, or other patient data to make judgments or
60 decisions about the dental care rendered to a patient in this state.

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