

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 815, Page 1, Section 324.005, Line 16, by inserting immediately after said
2 section and line the following:

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

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

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

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

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

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

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

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

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

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

29 (a) The United States Armed Forces;

30 (b) The United States Public Health Service;

31 (c) Migrant, community, or health care for the homeless health centers provided in Section
32 330 of the Public Health Service Act (42 U.S.C. 254(b));

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

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

36 (f) The United States Veterans Bureau; or

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

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

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

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

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

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

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

31 (6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of the
32 Internal Revenue Code, as amended, that engages in its operations and provides dental services at
33 facilities owned by a city, county, or other political subdivision of the state at which a person
34 regulated under this chapter provides dental care within the scope of his or her license or
35 registration.

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

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

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

47 (c) A maxillofacial prosthodontist licensed under chapter 332 for the purpose of treating and
48 supporting patients of a head and neck cancer team or other complex care or surgical team for the

1 fabrication of appliances following ablative surgery, surgery to correct birth anomalies, extensive
2 radiation treatment of the head or neck, or trauma-related surgery.
3

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

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

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

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

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

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

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

1 the facility of a dentist licensed by this chapter. The board shall promulgate rules regarding such
2 standards.

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

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

16 332.083. Notwithstanding any other provision of law, the payment of fees or royalties,
17 pursuant to a valid franchise agreement, for services to a dental franchisor shall be permitted. Such
18 fees or royalties may include a percentage based on revenue collection."; and

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20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.