

SECOND REGULAR SESSION

# SENATE BILL NO. 815

90TH GENERAL ASSEMBLY

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INTRODUCED BY SENATORS FLOTRON, SCHNEIDER, STEELMAN, STAPLES AND EHLMANN.

Read 1st time January 12, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

34041.011

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## AN ACT

To repeal section 332.261, RSMo 1994, and sections 332.021 and 332.031, RSMo Supp. 1999, relating to dental hygienists, and to enact in lieu thereof four new sections relating to the same subject.

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

Section A. Section 332.261, RSMo 1994, and sections 332.021 and 332.031, RSMo Supp. 1999, are repealed and four new sections enacted in lieu thereof, to be known as sections 332.021, 332.031, 332.086 and 332.261, to read as follows:

332.021. 1. "The Missouri Dental Board" shall consist of ~~[seven]~~ **nine** members including five registered and currently licensed dentists, ~~[one]~~ **three** registered and currently licensed dental ~~[hygienist]~~ **hygienists** with voting authority as limited in subsection 4 of this section, and one voting public member. Any currently valid certificate of registration or currently valid specialist's certificate issued by the Missouri dental board as constituted pursuant to prior law shall be a valid certificate of registration or a valid specialist's certificate, as the case may be, upon October 13, 1969, and such certificates shall be valid so long as the holders thereof comply with the provisions of this chapter.

2. Any person other than the public member appointed to the board as hereinafter provided shall be a dentist or a dental hygienist who is registered and currently licensed in Missouri, is a United States citizen, has been a resident of this state for one year immediately preceding his or her appointment, has practiced dentistry or dental hygiene for at least five consecutive years immediately preceding his or her appointment, shall have graduated from an accredited dental school or dental hygiene school, and at the time of his or her appointment or during his or her tenure on the board has or shall have no connection with or interest in, directly

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

or indirectly, any dental college, dental hygiene school, university, school, department, or other institution of learning wherein dentistry or dental hygiene is taught, or with any dental laboratory or other business enterprise directly related to the practice of dentistry or dental hygiene.

3. The governor shall appoint members to the board by and with the advice and consent of the senate when a vacancy thereon occurs either by the expiration of a term or otherwise; provided, however, that any board member shall serve until his or her successor is appointed and has qualified. Each appointee, except where appointed to fill an unexpired term, shall be appointed for a term of five years. The president of the Missouri Dental Association in office at the time shall, at least ninety days prior to the expiration of the term of a board member other than the dental [hygienist] **hygienists** or public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five dentists qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Dental Association shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

4. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. Lists of dental hygienists submitted to the governor may include names submitted to the director of the division of professional registration by the president of the Missouri Dental Hygienists' Association. The duties of the dental hygienist [member] **members** shall not include participation in the determination for or the issuance of a certificate of registration or a license to practice as a dentist. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

5. The board shall have a seal which shall be in circular form and which shall impress the word "SEAL" in the center and around [said] **such** word the words "Missouri Dental Board". The seal shall be affixed to such instruments as hereinafter provided and to any other instruments as the board shall direct.

6. The board may sue and be sued as the Missouri dental board, and its members need not be named as parties. Members of the board shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as board

members; nor shall any board member be personally liable for any court costs which accrue in any action by or against the board.

332.031. 1. The board shall administer and enforce the provisions of this chapter, prescribe the duties of its officers and employees, and adopt, publish, and enforce such rules and regulations within the scope and purview of the provisions of this chapter as may be considered by the board to be necessary or proper for the effective administration and interpretation of the provisions of this chapter, and for the conduct of its business and management of its internal affairs.

2. The board shall adopt, publish, and enforce rules and regulations which regulate and define the acts and areas of practice which may be performed by dental hygienists, dental assistants, certified dental assistants and expanded functions dental assistants. Such rules shall establish the degree of supervision which must be provided by a currently licensed dentist and such educational **requirements, with the concurrence of the advisory commission for dental hygienists**, and proof of competency requirements as must be met for any procedure performed by a dental hygienist, dental assistant, certified dental assistant or expanded functions dental assistant. The dentist shall be responsible for all patient care regardless of whether the care is rendered personally by the dentist or by a dental hygienist, dental assistant, certified dental assistant or expanded functions dental assistant.

3. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

4. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

**332.086. 1. There is hereby established a five-member "Advisory Commission for Dental Hygienists", composed of dental hygienists appointed by the governor as provided in subsection 2 of this section and the three dental hygienist members of the Missouri dental board, which shall guide, advise and make recommendations to the Missouri dental board. The commission shall:**

- (1) Approve the educational requirements to be registered as a dental hygienist;**
- (2) Annually review the practice act of dental hygiene;**
- (3) Make recommendations to the Missouri dental board regarding the practice, licensure, examination and discipline of dental hygienists; and**
- (4) Assist the board in any other way necessary to carry out the provisions of this chapter as they relate to dental hygienists.**

**2. The members of the commission shall be appointed by the governor with the**

advice and consent of the senate. Each member of the commission shall be a citizen of the United States and a resident of Missouri for one year and shall be a dental hygienist registered and currently licensed pursuant to this chapter. Members of the commission who are not also members of the Missouri dental board shall be appointed for terms of three years, except for the members first appointed, one of which shall be appointed for a term of one year, and one shall be appointed for a term of three years. The dental hygienist members of the Missouri dental board shall become members of the commission and shall serve terms concurrent with each member's term on the dental board. All members of the initial commission shall be appointed by October 31, 2000. Members shall be chosen from lists submitted by the director of the division of professional registration. Lists of dental hygienists submitted to the governor may include names submitted to the director of the division of professional registration by the president of the Missouri Dental Hygienists Association.

3. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and a secretary. The commission may hold such additional meetings, at specified times or by notice from the chairperson, as may be required in the performance of its duties; provided, however, that notice of every meeting is given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

4. Members of the commission shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties on the commission and in attending meetings of the Missouri dental board. The Missouri dental board shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts, and to conduct all other business of the commission.

332.261. 1. After a person has received a certificate of registration qualifying [him] **such person** to practice as a dental hygienist in Missouri, [he] **the person** may within one year from the date of his **or her** certificate apply for and shall receive a license to practice as a dental hygienist in Missouri. Application forms shall be furnished to the applicant, and the application shall be accompanied by the dental hygienist license fee.

2. The certificate of registration as a dental hygienist issued to any person who fails to apply for a license as [herein] provided **in this section** within one year after the date of his **or her** certificate of registration shall be void.

3. Each person who holds a certificate of registration to practice as a dental hygienist in Missouri shall renew his **or her** license to practice as a dental hygienist on or before the renewal date and shall display his **or her** license for each current licensing period in the office in which [he] **the person** practices or offers to practice as a dental hygienist.

4. The board shall not renew any certificate of registration of any hygienist unless the

licensee shall provide satisfactory evidence that [he] **the person** has completed [forty-five] **thirty** hours of continuing education [within a three-year period.] **every two years**. The board may waive the requirements for continuing education for retired or disabled hygienists or for other good cause. **Continuing education as required by this subsection shall be obtained through courses approved by the advisory commission for dental hygienists.**

5. Any registered and licensed dental hygienist who fails to renew his **or her** license on or before the renewal date may apply to the board for a renewal of his **or her** license within five years after the date his **or her** license expired, but [he] **such person** shall pay a reinstatement fee for the new license.

6. The certificate of registration of any dental hygienist who fails to renew his **or her** license within five years of the time that his **or her** license shall have expired shall be void. [He] **Such person** may apply for a new certificate of registration, provided that, unless [he] **the person** applies [under] **pursuant to** section 332.281, [he] **the person** shall pay the same fees and be examined in the same manner as an original applicant for a certificate of registration as a dental hygienist.

7. Any dental hygienist holding a certificate of registration in this state who does not practice in this state or who does not reside in this state may apply to the board to be placed on an out-of-state registration list of dental hygienists. Any dental hygienist applying to be so registered shall accompany his **or her** application with a fee not greater than the license fee for a licensee who practices in this state or resides in this state. The required fee shall be established by the board, by rule, as with other licensing fees.

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