

FIRST REGULAR SESSION

SENATE BILL NO. 388

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time February 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1611S.011

AN ACT

To repeal section 332.081, RSMo, and to enact in lieu thereof two new sections relating to dental faculty permits.

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

Section A. Section 332.081, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 332.081 and 332.183, to read as
3 follows:

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

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

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

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

18 (4) Dental hygiene students in any accredited dental hygiene school to

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

19 practice dental hygiene under the personal direction of instructors;

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

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

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

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

30 (9) A duly qualified anesthesiologist or nurse anesthetist to administer
31 an anesthetic in connection with dental services or dental surgery; [or]

32 [(9)] (10) A person to practice dentistry in or for:

33 (a) The United States Armed Forces;

34 (b) The United States Public Health Service;

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

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

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

40 (f) The United States Veterans Bureau; or

41 [(10)] (11) A dentist licensed in a state other than Missouri to evaluate
42 a patient or render an oral, written, or otherwise documented dental opinion
43 when providing testimony or records for the purpose of a civil or criminal action
44 before any judicial or administrative proceeding of this state or other forum in
45 this state.

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

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

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

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

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

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

75 (6) Any hospital nonprofit corporation exempt from taxation under Section
76 501(c)(3) of the Internal Revenue Code, as amended, that engages in its
77 operations and provides dental services at facilities owned by a city, county, or
78 other political subdivision of the state at which a person regulated under this
79 chapter provides dental care within the scope of his or her license or registration.
80 If any of the entities exempted from the requirements of this subsection are
81 unable to provide services to a patient due to the lack of a qualified provider and
82 a referral to another entity is made, the exemption shall extend to the person or
83 entity that subsequently provides services to the patient.

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

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

94 5. A not-for-profit corporation organized under the provisions of chapter
95 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), an
96 unincorporated organization operating pursuant to subsection 3 of this section,
97 or any other person should not direct or interfere or attempt to direct or interfere
98 with a licensed dentist's professional judgment and competent practice of
99 dentistry. Nothing in this subsection shall be so construed as to make it unlawful
100 for not-for-profit organizations to enforce employment contracts, corporate policy
101 and procedure manuals, or quality improvement or assurance requirements.

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

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

120 8. A federally qualified health center as defined in Section 1905(l) of the
121 Social Security Act (42 U.S.C. 1396d(l)) shall register with the board. The
122 information provided to the board as part of the registration shall include the
123 name of the health center, the nonprofit status of the health center, sites where
124 dental services will be provided, and the names of all persons employed by, or
125 contracting with, the health center who are required to hold a license pursuant
126 to this chapter. The registration shall be renewed every twenty-four

127 months. The board shall not charge a fee of any kind for the issuance or renewal
128 of the registration. The registration of the health center shall not be subject to
129 discipline pursuant to section 332.321. Nothing in this subsection shall prohibit
130 disciplinary action against a licensee of this chapter who is employed by, or
131 contracts with, such health center for the actions of the licensee in connection
132 with such employment or contract. All licensed persons employed by, or
133 contracting with, the health center shall certify in writing to the board at the
134 time of issuance and renewal of the registration that the facility of the health
135 center meets the same operating standards regarding cleanliness, sanitation, and
136 professionalism as would the facility of a dentist licensed by this chapter. The
137 board shall promulgate rules regarding such standards.

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

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

**332.183. 1. The board may issue a dental faculty permit to an
2 individual who is employed by an accredited dental school, college, or
3 program in Missouri. The holder of a dental faculty permit shall be
4 authorized to practice dentistry in accordance with section 332.071 only
5 within accredited dental school programs and only while engaged in
6 teaching didactic courses, preclinical laboratories, and supervising
7 student-delivered patient care at an accredited Missouri dental school,
8 college, or program.**

9 **2. The holder of a dental faculty permit shall not receive any fee
10 or compensation for the practice of dentistry, other than any salary or**

11 benefits received as part of his or her employment with the accredited
12 Missouri dental school, college, or program, and shall not engage in the
13 private practice of dentistry for any fee or compensation.

14 3. To qualify for a dental faculty permit, an applicant shall:

15 (1) Be a graduate of and hold a degree from a dental school. An
16 applicant shall not be required to be a graduate of an accredited dental
17 school as defined in section 332.011;

18 (2) Submit to the board an affidavit from the dean of the
19 accredited Missouri dental school, college, or program confirming the
20 individual's employment as a teacher or instructor at the accredited
21 Missouri dental school, college, or program;

22 (3) Submit to the board an affidavit stating that he or she shall
23 only practice dentistry within the course and scope of his or her
24 teaching responsibilities and shall not practice dentistry for any fee or
25 compensation other than any salary or benefits received as part of his
26 or her employment with the accredited Missouri dental school, college,
27 or program;

28 (4) Pass a written jurisprudence examination given by the board
29 on the Missouri dental laws and rules with a grade of at least eighty
30 percent;

31 (5) Submit to the board a completed application on forms
32 provided by the board and the applicable fees as determined by the
33 board;

34 (6) Document satisfactory completion of an American Dental
35 Association-accredited postdoctoral training program that is a
36 minimum of twelve continuous months in length; or

37 (7) Have passed the National Board Examination in accordance
38 with the criteria established by the sponsoring body.

39 4. The board may waive the requirements under subdivisions (6)
40 and (7) of subsection 3 of this section, at the request of the applicant,
41 based on the applicant's portfolio of cases completed and
42 documentation that the applicant held a license to teach dentistry in
43 another state within a year of applying to teach dentistry in
44 Missouri. The board shall only waive the requirements under this
45 subsection if the board determines, based on the information provided
46 in this subsection, that the applicant has a similar level of knowledge
47 and experience as persons who have met the requirements under

48 subdivisions (6) or (7) of subsection 3 of this section.

49 5. A dental faculty permit shall be renewed every two years and
50 shall be subject to the same renewal requirements contained in section
51 332.181.

52 6. A dental faculty permit shall be subject to discipline in
53 accordance with section 332.321 and shall be automatically cancelled
54 and nullified if the holder ceases to be employed by the accredited
55 Missouri dental school, college, or program.

56 7. The board shall promulgate rules to implement the provisions
57 of this section. Any rule or portion of a rule, as that term is defined in
58 section 536.010, that is created under the authority delegated in this
59 section shall become effective only if it complies with and is subject to
60 all of the provisions of chapter 536 and, if applicable, section
61 536.028. This section and chapter 536 are nonseverable, and if any of
62 the powers vested with the general assembly pursuant to chapter 536
63 to review, to delay the effective date, or to disapprove and annul a rule
64 are subsequently held unconstitutional, then the grant of rulemaking
65 authority and any rule proposed or adopted after August 28, 2017, shall
66 be invalid and void.

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