

FIRST REGULAR SESSION

SENATE BILL NO. 322

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

1528S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 332.071, RSMo, and to enact in lieu thereof two new sections relating to vaccine administration by dentists.

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Section A. Section 332.071, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 332.071 and 332.368, to read as follows:

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

3 (1) Undertakes to do or perform dental work or dental
4 services or dental operations or oral surgery, by any means
5 or methods, including the use of lasers, gratuitously or for
6 a salary or fee or other reward, paid directly or indirectly
7 to the person or to any other person or entity;

8 (2) Diagnoses or professes to diagnose, prescribes for
9 or professes to prescribe for, treats or professes to treat,
10 any disease, pain, deformity, deficiency, injury or physical
11 condition of human teeth or adjacent structures or treats or
12 professes to treat any disease or disorder or lesions of the
13 oral regions;

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

16 (4) Attempts to or does extract human teeth or
17 attempts to or does correct malformations of human teeth or
18 jaws;

19 (5) Attempts to or does adjust an appliance or
20 appliances for use in or used in connection with malposed
21 teeth in the human mouth;

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

24 (7) Administers an anesthetic in connection with
25 dental services or dental operations or dental surgery;

26 (8) Undertakes to or does remove hard and soft
27 deposits from or polishes natural and restored surfaces of
28 teeth;

29 (9) Uses or permits to be used for the person's
30 benefit or for the benefit of any other person or other
31 entity the following titles or words in connection with the
32 person's name: "Doctor", "Dentist", "Dr.", "D.D.S.", or
33 "D.M.D.", or any other letters, titles, degrees or
34 descriptive matter which directly or indirectly indicate or
35 imply that the person is willing or able to perform any type
36 of dental service for any person or persons, or uses or
37 permits the use of for the person's benefit or for the
38 benefit of any other person or other entity any card,
39 directory, poster, sign or any other means by which the
40 person indicates or implies or represents that the person is
41 willing or able to perform any type of dental services or
42 operation for any person;

43 (10) Directly or indirectly owns, leases, operates,
44 maintains, manages or conducts an office or establishment of
45 any kind in which dental services or dental operations of
46 any kind are performed for any purpose; but this section
47 shall not be construed to prevent owners or lessees of real
48 estate from lawfully leasing premises to those who are
49 qualified to practice dentistry within the meaning of this
50 chapter;

51 (11) Controls, influences, attempts to control or
52 influence, or otherwise interferes with the dentist's
53 independent professional judgment regarding the diagnosis or
54 treatment of a dental disease, disorder, or physical
55 condition except that any opinion rendered by any health
56 care professional licensed under this chapter or chapter
57 330, 331, 334, 335, 336, 337, or 338 regarding the
58 diagnosis, treatment, disorder, or physical condition of any
59 patient shall not be construed to control, influence,
60 attempt to control or influence or otherwise interfere with
61 a dentist's independent professional judgment;

62 (12) Constructs, supplies, reproduces or repairs any
63 prosthetic denture, bridge, artificial restoration,
64 appliance or other structure to be used or worn as a
65 substitute for natural teeth, except when one, not a
66 registered and licensed dentist, does so pursuant to a
67 written uniform laboratory work order, in the form
68 prescribed by the board, of a dentist registered and
69 currently licensed in Missouri and which the substitute in
70 this subdivision described is constructed upon or by use of
71 casts or models made from an impression furnished by a
72 dentist registered and currently licensed in Missouri;

73 (13) Attempts to or does place any substitute
74 described in subdivision (12) of this section in a human
75 mouth or attempts to or professes to adjust any substitute
76 or delivers any substitute to any person other than the
77 dentist upon whose order the work in producing the
78 substitute was performed;

79 (14) Advertises, solicits, or offers to or does sell
80 or deliver any substitute described in subdivision (12) of
81 this section or offers to or does sell the person's services
82 in constructing, reproducing, supplying or repairing the

83 substitute to any person other than a registered and
84 licensed dentist in Missouri;

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

90 (16) Reviews examination findings, x-rays, or other
91 patient data to make judgments or decisions about the dental
92 care rendered to a patient in this state;

93 (17) **Prescribes and administers vaccines.**

**332.368. 1. A dentist may prescribe and administer
2 vaccines to a person with whom the dentist has established a
3 patient relationship and vaccines directly related to an
4 emergency as defined in section 44.045. No dentist shall be
5 required to prescribe or administer vaccines.**

6 **2. The board shall recognize a training course, which
7 includes training regarding appropriate vaccine storage,
8 proper administration, and addressing contraindications and
9 adverse reactions, offered by the Centers for Disease
10 Control and Prevention, the American Dental Association or
11 its successor organization, and other similar federal or
12 state agencies or professional organizations deemed
13 qualified by the board.**

14 **3. The dentist shall:**

15 (1) Inform the patient that the administration of the
16 vaccine will be entered into the ShowMeVax system, as
17 administered by the department of health and senior
18 services. The patient shall attest to the inclusion of such
19 information in the system by signing a form provided by the
20 dentist. If the patient indicates that he or she does not
21 want such information entered into the ShowMeVax system, the

22 dentist shall provide a written report within fourteen days
23 of administration of a vaccine to the patient's primary
24 health care provider, if provided by the patient, containing:

- 25 (a) The identity of the patient;
26 (b) The identity of the vaccine or vaccines
27 administered;
28 (c) The route of administration;
29 (d) The anatomic site of the administration;
30 (e) The dose administered; and
31 (f) The date of administration;
32 (2) Prior to administering a vaccine, review the
33 patient's vaccination history in the ShowMeVax system;
34 (3) Obtain a certificate of successful completion from
35 the entity from whom the dentist received the training
36 described in subsection 2 of this section and shall produce
37 for the board upon their request; and
38 (4) Comply with any applicable patient of care record
39 keeping requirements.

40 4. The dentist shall not delegate the administration
41 of a vaccine. The board shall promulgate rules for the
42 purpose of recognizing training entities listed in
43 subdivision (2) of subsection 1 of this section. Any rule
44 or portion of a rule, as that term is defined in section
45 536.010, that is created under the authority delegated in
46 this section shall become effective only if it complies with
47 and is subject to all of the provisions of chapter 536 and,
48 if applicable, section 536.028. This section and chapter
49 536 are nonseverable and if any of the powers vested with
50 the general assembly pursuant to chapter 536 to review, to
51 delay the effective date, or to disapprove and annul a rule
52 are subsequently held unconstitutional, then the grant of

53 rulemaking authority and any rule proposed or adopted after
54 August 28, 2021, shall be invalid and void.

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