

SECOND REGULAR SESSION

SENATE BILL NO. 1075

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6734S.011

AN ACT

To repeal section 332.081, RSMo, and to enact in lieu thereof one new section relating to dental practices at federally qualified health centers.

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

Section A. Section 332.081, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 332.081, to read as follows:

332.081. 1. Notwithstanding any other provision of law to the contrary,
2 hospitals licensed under chapter 197 shall be authorized to employ any or all of
3 the following oral health providers:

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

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

15 (3) A maxillofacial prosthodontist licensed under this chapter for the
16 purpose of treating and supporting patients of a head and neck cancer team or
17 other complex care or surgical team for the fabrication of appliances following
18 ablative surgery, surgery to correct birth anomalies, extensive radiation
19 treatment of the head or neck, or trauma-related surgery.

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

20 2. No person or other entity shall practice dentistry in Missouri or provide
21 dental services as defined in section 332.071 unless and until the board has
22 issued to the person a certificate certifying that the person has been duly
23 registered as a dentist in Missouri or to an entity that has been duly registered
24 to provide dental services by licensed dentists and dental hygienists and unless
25 and until the board has issued to the person a license, to be renewed each period,
26 as provided in this chapter, to practice dentistry or as a dental hygienist, or has
27 issued to the person or entity a permit, to be renewed each period, to provide
28 dental services in Missouri. Nothing in this chapter shall be so construed as to
29 make it unlawful for:

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

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

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

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

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

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

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

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

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

47 (a) The United States Armed Forces;

48 (b) The United States Public Health Service;

49 (c) Migrant, community, or health care for the homeless health centers
50 provided in Section 330 of the Public Health Service Act (42 U.S.C. Section
51 254(b));

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

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

55 (f) The United States Veterans Bureau; or

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

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

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

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

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

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

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

91 (6) Any hospital nonprofit corporation exempt from taxation under Section

92 501(c)(3) of the Internal Revenue Code, as amended, that engages in its
93 operations and provides dental services at facilities owned by a city, county, or
94 other political subdivision of the state at which a person regulated under this
95 chapter provides dental care within the scope of his or her license or registration.
96 If any of the entities exempted from the requirements of this subsection are
97 unable to provide services to a patient due to the lack of a qualified provider and
98 a referral to another entity is made, the exemption shall extend to the person or
99 entity that subsequently provides services to the patient.

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

107 5. A dentist shall not enter into a contract that allows a person who is not
108 a dentist to influence or interfere with the exercise of the dentist's independent
109 professional judgment.

110 6. A not-for-profit corporation organized under the provisions of chapter
111 355 and qualifying as an organization under 26 U.S.C. Section 501(c)(3), an
112 unincorporated organization operating pursuant to subsection 4 of this section,
113 or any other person should not direct or interfere or attempt to direct or interfere
114 with a licensed dentist's professional judgment and competent practice of
115 dentistry. Nothing in this subsection shall be so construed as to make it unlawful
116 for not-for-profit organizations to enforce employment contracts, corporate policy
117 and procedure manuals, or quality improvement or assurance requirements.

118 7. All entities defined in subsection 3 of this section and those exempted
119 under subsection 4 of this section shall apply for a permit to employ dentists and
120 dental hygienists licensed in this state to render dental services, and the entity
121 shall apply for the permit in writing on forms provided by the Missouri dental
122 board. The board shall not charge a fee of any kind for the issuance or renewal
123 of such permit. The provisions of this subsection shall not apply to a federally
124 qualified health center as defined in Section 1905(l) of the Social Security Act (42
125 U.S.C. Section 1396d(l)).

126 8. Any entity that obtains a permit to render dental services in this state
127 is subject to discipline pursuant to section 332.321. If the board concludes that

128 the person or entity has committed an act or is engaging in a course of conduct
129 that would be grounds for disciplinary action, the board may file a complaint
130 before the administrative hearing commission. The board may refuse to issue or
131 renew the permit of any entity for one or any combination of causes stated in
132 subsection 2 of section 332.321. The board shall notify the applicant in writing
133 of the reasons for the refusal and shall advise the applicant of his or her right to
134 file a complaint with the administrative hearing commission as provided by
135 chapter 621.

136 9. A federally qualified health center as defined in Section 1905(l) of the
137 Social Security Act (42 U.S.C. Section 1396d(l)) shall register with the board. The
138 information provided to the board as part of the registration shall include the
139 name of the health center, the nonprofit status of the health center, sites where
140 dental services will be provided, and the names of all persons employed by, or
141 contracting with, the health center who are required to hold a license pursuant
142 to this chapter. The registration shall be renewed every twenty-four
143 months. The board shall not charge a fee of any kind for the issuance or renewal
144 of the registration. The registration of the health center shall not be subject to
145 discipline pursuant to section 332.321. Nothing in this subsection shall prohibit
146 disciplinary action against a licensee of this chapter who is employed by, or
147 contracts with, such health center for the actions of the licensee in connection
148 with such employment or contract. [All licensed persons employed by, or
149 contracting with, the health center shall certify in writing to the board at the
150 time of issuance and renewal of the registration that the facility of the health
151 center meets the same operating standards regarding cleanliness, sanitation, and
152 professionalism as would the facility of a dentist licensed by this chapter. The
153 board shall promulgate rules regarding such standards.]

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

160 11. All not-for-profit corporations organized or operated pursuant to the
161 provisions of chapter 355 and qualifying as an organization under 26 U.S.C.
162 Section 501(c)(3), or the requirements relating to migrant, community, or health
163 care for the homeless health centers provided in Section 330 of the Public Health

164 Service Act (42 U.S.C. Section 254(b)) and federally qualified health centers as
165 defined in Section 1905(l) (42 U.S.C. Section 1396d(l)) of the Social Security Act,
166 that employ persons who practice dentistry or dental hygiene in this state shall
167 do so in accordance with the relevant laws of this state except to the extent that
168 such laws are contrary to, or inconsistent with, federal statute or regulation.

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