

SECOND REGULAR SESSION

# HOUSE BILL NO. 1798

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BUSICK.

4049H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

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

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Section A. Section 332.071, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 332.071 and 332.368, to read as follows:

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

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

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

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

20 (9) Uses or permits to be used for the person's benefit or for the benefit of any other  
21 person or other entity the following titles or words in connection with the person's name:  
22 "Doctor", "Dentist", "Dr.", "D.D.S.", or "D.M.D.", or any other letters, titles, degrees or  
23 descriptive matter which directly or indirectly indicate or imply that the person is willing or  
24 able to perform any type of dental service for any person or persons, or uses or permits the use  
25 of for the person's benefit or for the benefit of any other person or other entity any card,  
26 directory, poster, sign or any other means by which the person indicates or implies or  
27 represents that the person is willing or able to perform any type of dental services or operation  
28 for any person;

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

34 (11) Controls, influences, attempts to control or influence, or otherwise interferes  
35 with the dentist's independent professional judgment regarding the diagnosis or treatment of a  
36 dental disease, disorder, or physical condition except that any opinion rendered by any health  
37 care professional licensed under this chapter or chapter 330, 331, 334, 335, 336, 337, or 338  
38 regarding the diagnosis, treatment, disorder, or physical condition of any patient shall not be  
39 construed to control, influence, attempt to control or influence or otherwise interfere with a  
40 dentist's independent professional judgment;

41 (12) Constructs, supplies, reproduces or repairs any prosthetic denture, bridge,  
42 artificial restoration, appliance or other structure to be used or worn as a substitute for natural  
43 teeth, except when one, not a registered and licensed dentist, does so pursuant to a written  
44 uniform laboratory work order, in the form prescribed by the board, of a dentist registered and  
45 currently licensed in Missouri and which the substitute in this subdivision described is  
46 constructed upon or by use of casts or models made from an impression furnished by a dentist  
47 registered and currently licensed in Missouri;

48 (13) Attempts to or does place any substitute described in subdivision (12) of this  
49 section in a human mouth or attempts to or professes to adjust any substitute or delivers any  
50 substitute to any person other than the dentist upon whose order the work in producing the  
51 substitute was performed;

52 (14) Advertises, solicits, or offers to or does sell or deliver any substitute described in  
53 subdivision (12) of this section or offers to or does sell the person's services in constructing,

54 reproducing, supplying or repairing the substitute to any person other than a registered and  
55 licensed dentist in Missouri;

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

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

61 (17) **Prescribes and administers vaccines for diseases related to care within the**  
62 **practice of dentistry; or**

63 (18) **Prescribes and administers vaccines in accordance with section 332.368**  
64 **when deployed under section 44.045 to provide care as necessitated by an emergency.**

**332.368. 1. A dentist may:**

2 (1) **Prescribe and administer vaccines to a person with whom the dentist has**  
3 **established a patient relationship; and**

4 (2) **Prescribe and administer vaccines to any person when the dentist is deployed**  
5 **under section 44.045 to provide care as necessitated by an emergency.**

6 2. **A dentist shall not be required to prescribe or administer vaccines.**

7 3. **Before prescribing or administering any vaccine under this section, a dentist**  
8 **shall complete a training course recognized by the board under subsection 4 of this**  
9 **section and obtain a certificate of successful completion from the agency or organization**  
10 **that offered the course. A dentist shall produce the certificate upon request of the**  
11 **board.**

12 4. **The board shall recognize for purposes of this section any training course**  
13 **that:**

14 (1) **Includes training on appropriate vaccine storage and proper vaccine**  
15 **administration;**

16 (2) **Addresses contraindications and adverse reactions to vaccines; and**

17 (3) **Is offered by the Centers for Disease Control and Prevention, the American**  
18 **Dental Association or its successor organization, or any other similar federal or state**  
19 **agency or professional organization deemed qualified by the board.**

20 5. **A dentist who administers a vaccine under this section shall inform the patient**  
21 **that the administration of the vaccine will be entered into the ShowMeVax system, as**  
22 **administered by the department of health and senior services. The patient shall attest to**  
23 **the inclusion of such information in the system by signing a form provided by the**  
24 **dentist. If the patient indicates that he or she does not want such information entered**  
25 **into the ShowMeVax system, the dentist shall provide a written report within fourteen**

26 **days of administration of a vaccine to the patient's primary health care provider, if**  
27 **provided by the patient, containing:**

- 28 (1) **The identity of the patient;**
- 29 (2) **The identity of the vaccine or vaccines administered;**
- 30 (3) **The route of administration;**
- 31 (4) **The anatomic site of the administration;**
- 32 (5) **The dose administered; and**
- 33 (6) **The date of administration.**

34 **6. Prior to administering a vaccine under this section, a dentist shall review the**  
35 **patient's vaccination history in the ShowMeVax system.**

36 **7. A dentist shall not administer a vaccine under this section to a child under**  
37 **seven years of age or under the minimum age recommended by the Centers for Disease**  
38 **Control and Prevention.**

39 **8. A dentist who prescribes or administers a vaccine under this section shall**  
40 **comply with any applicable patient of care record-keeping requirements.**

41 **9. A dentist shall not delegate the administration of a vaccine under this section.**

42 **10. The board shall promulgate rules for the purpose of recognizing entities**  
43 **qualified to offer the training course required under this section. Any rule or portion of**  
44 **a rule, as that term is defined in section 536.010, that is created under the authority**  
45 **delegated in this section shall become effective only if it complies with and is subject to**  
46 **all of the provisions of chapter 536 and, if applicable, section 536.028. This section and**  
47 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**  
48 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
49 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
50 **and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**

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