

FIRST REGULAR SESSION

SENATE BILL NO. 270

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

1027S.01H

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Section A. Section 332.071, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 332.071 and 332.368, to read as follows: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

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 for diseases**
94 **related to care within the practice of dentistry; or**

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

332.368. 1. A dentist may:

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

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

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

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

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

18 (1) Includes training on appropriate vaccine storage
19 and proper vaccine administration;

20 (2) Addresses contraindications and adverse reactions
21 to vaccines; and

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

26 5. A dentist who administers a vaccine under this
27 section shall inform the patient that the administration of
28 the vaccine will be entered into the ShowMeVax system, as
29 administered by the department of health and senior
30 services. The patient shall attest to the inclusion of such
31 information in the system by signing a form provided by the
32 dentist.

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

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

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

43 9. A dentist shall not delegate the administration of
44 a vaccine under this section.

45 10. All individual and group health insurance policies
46 providing coverage for vaccinations shall also provide
47 coverage for vaccinations administered under this section.

48 11. The board shall promulgate rules for the purpose
49 of recognizing entities qualified to offer the training

50 course required under this section. Any rule or portion of
51 a rule, as that term is defined in section 536.010, that is
52 created under the authority delegated in this section shall
53 become effective only if it complies with and is subject to
54 all of the provisions of chapter 536 and, if applicable,
55 section 536.028. This section and chapter 536 are
56 nonseverable, and if any of the powers vested with the
57 general assembly pursuant to chapter 536 to review, to delay
58 the effective date, or to disapprove and annul a rule are
59 subsequently held unconstitutional, then the grant of
60 rulemaking authority and any rule proposed or adopted after
61 August 28, 2023, shall be invalid and void.

✓