

## MISSOURI DENTAL STATUTES

**332.011. Definitions.** — As used in this chapter, the following words and terms mean:

(1) "**Accredited dental hygiene school**", any program which teaches a course in dental hygiene which is accredited by the Commission on Dental Accreditation of the American Dental Association and which shall have a minimum of two academic years of curriculum provided in a college or institution of higher education;

(2) "**Accredited dental school**", any college, university, school, or other institution which teaches dentistry which has been certified by the American Dental Association;

(3) "**Board**", the Missouri dental board;

(4) "**Certified dental assistant**", a dental assistant who is currently certified by the Dental Assisting National Board, Inc.;

(5) "**Dental assistant**", an employee of a duly registered and currently licensed dentist in Missouri, other than either a dental hygienist or a certified dental assistant;

(6) "**Expanded-functions dental assistant**", any dental assistant who has passed a basic dental assisting skills mastery examination or a certified dental assistant, either of whom has successfully completed a board-approved expanded-functions course, passed a competency examination, and has obtained a permit authorizing them to perform expanded-functions duties from the Missouri dental board;

(7) "**Expanded-functions duties**", reversible acts that would be considered the practice of dentistry as defined in section 332.071 that the

board specifies by rule may be delegated to a dental assistant or dental hygienist who possesses an expanded-functions permit.

(L. 1969 S.B. 97, A.L. 1993 H.B. 540, A.L. 1995 S.B. 35, A.L. 2010 H.B. 2226, et al.)

**332.021. Dental board, members, qualifications, appointment, terms, vacancy, how filled — board may sue and be sued.** — 1. "The Missouri Dental Board" shall consist of seven members including five registered and currently licensed dentists, one registered and currently licensed dental hygienist with voting authority as limited in subsection 4 of this section, and one voting public member. Any currently valid certificate of registration or currently valid specialist's certificate issued by the Missouri dental board as constituted pursuant to prior law shall be a valid certificate of registration or a valid specialist's certificate, as the case may be, upon October 13, 1969, and such certificates shall be valid so long as the holders thereof comply with the provisions of this chapter.

2. Any person other than the public member appointed to the board as hereinafter provided shall be a dentist or a dental hygienist who is registered and currently licensed in Missouri, is a United States citizen, has been a resident of this state for one year immediately preceding his or her appointment, has practiced dentistry or dental hygiene for at least five consecutive years immediately preceding his or her appointment, shall have graduated from an accredited dental school or dental hygiene school, and at the time of his or her appointment or during his or her tenure on the board has or shall have no connection with or interest in, directly or indirectly, any dental college, dental hygiene school, university, school, department, or other institution of learning wherein dentistry or dental hygiene is taught, or with any dental laboratory or other business enterprise directly related to the practice of dentistry or dental hygiene.

3. The governor shall appoint members to the board by and with the advice and consent of the senate when a vacancy thereon occurs either by the expiration of a term or otherwise; provided, however, that any board

member shall serve until his or her successor is appointed and has qualified. Each appointee, except where appointed to fill an unexpired term, shall be appointed for a term of five years. The president of the Missouri Dental Association in office at the time shall, at least ninety days prior to the expiration of the term of a board member other than the dental hygienist or public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five dentists qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Missouri Dental Association shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

4. The public member shall be at the time of his or her appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter. All members, including public members, shall be chosen from lists submitted by the director of the division of professional registration. The list of dentists submitted to the governor shall include the names submitted to the director of the division of professional registration by the president of the Missouri Dental Association. This list shall be a public record available for inspection and copying under chapter 610. Lists of dental hygienists submitted to the governor may include names submitted to the director of the division of professional registration by the president of the Missouri Dental Hygienists' Association. The duties of the dental hygienist member shall not include participation in the determination for or the issuance of a certificate of registration or a license to practice as a dentist. The duties of the public member shall not include

the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

5. The board shall have a seal which shall be in circular form and which shall impress the word "SEAL" in the center and around said word the words "Missouri Dental Board". The seal shall be affixed to such instruments as hereinafter provided and to any other instruments as the board shall direct.

6. The board may sue and be sued as the Missouri dental board, and its members need not be named as parties. Members of the board shall not be personally liable, either jointly or severally, for any act or acts committed in the performance of their official duties as board members; nor shall any board member be personally liable for any court costs which accrue in any action by or against the board.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 1983 S.B. 313, A.L. 1988 H.B. 1573, A.L. 1993 S.B. 27, A.L. 1999 H.B. 343, A.L. 2011 H.B. 464 merged with H.B. 555)

**332.031. Board, powers and duties — rulemaking, procedure.** — 1. The board shall administer and enforce the provisions of this chapter, prescribe the duties of its officers and employees, and adopt, publish, and enforce such rules and regulations within the scope and purview of the provisions of this chapter as may be considered by the board to be necessary or proper for the effective administration and interpretation of the provisions of this chapter, and for the conduct of its business and management of its internal affairs.

2. The board shall adopt, publish, and enforce rules and regulations which regulate and define the acts and areas of practice which may be performed by dental hygienists, dental assistants, certified dental assistants and expanded functions dental assistants. Such rules shall establish the degree of supervision which must be provided by a currently licensed

dentist and such educational and proof of competency requirements as must be met for any procedure performed by a dental hygienist, dental assistant, certified dental assistant or expanded functions dental assistant. The dentist shall be responsible for all patient care regardless of whether the care is rendered personally by the dentist or by a dental hygienist, dental assistant, certified dental assistant or expanded functions dental assistant.

3. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

4. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3 merged with S.B. 35)

Effective 8-28-95 (S.B. 3); 6-13-95 (S.B. 35)

**332.032. Board president or secretary may administer oaths and subpoena witnesses and documents, when — enforcement of subpoenas.**

— 1. Upon unanimous consent of the members of the board, the president or secretary of the board shall administer oaths, subpoena witnesses, issue subpoenas duces tecum, and require production of documents and records pertaining to the practice of dentistry. Subpoenas, including subpoenas duces tecum, shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person to produce original documents in response to a subpoena duces tecum, the board may require sworn copies of such documents to be filed with it or delivered to its designated representative.

2. The board may enforce its subpoenas, including subpoena duces tecum, by applying to a circuit court of Cole County, the county of the investigation, hearing, or proceeding, or any county where the person resides or may be found, for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced, which such order and a copy of the application therefor shall be served upon the person in the same manner as a summons in a civil action, and if the circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, such court shall proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court.

(L. 2004 S.B. 1122)

**332.041. Board, meetings, officers — records — compensation.** — 1. The board shall meet at least twice a year at such times and places in the state of Missouri as may be fixed by the board. The board shall elect from its membership a president, a vice president, and a secretary-treasurer, each of whom shall be elected at the times and serve for the terms as are determined by the board, and each of whose duties shall be prescribed by the board.

2. The board shall keep records of its official acts, and certified copies of any such records attested by a designee of the board with the board's seal affixed shall be received as evidence in all courts to the same extent as the board's original records would be received.

3. Each member of the board shall receive as compensation an amount set by the board not to exceed fifty dollars for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his expenses necessarily incurred in the discharge of his official duties. The board may employ and pay legal counsel and such board personnel, as defined in subdivision (4) of subsection 11 of section [324.001](#), as it deems necessary within appropriations therefor.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 2008 S.B. 788, A.L. 2018 S.B. 975 & 1024 Revision)

**332.051. Office, where — investigators, duties.** — 1. The board shall establish and maintain an office at Jefferson City, Missouri, where its records and files shall be kept.

2. Investigators employed by the board shall, among other duties, have the power in the name of the board to investigate alleged violations of this chapter including the right to inspect, on order of the board, any person licensed to practice dentistry or entity providing dental services in this state, including all facilities and equipment related to the delivery of dental care or the fabrication or adjustment of dental prostheses and all clinical and administrative records related to the dental care of patients with respect to violations of the provisions of this chapter.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 2004 S.B. 1122)

**332.052. Dental records required, printed for review — records maintained for minimum of seven years — corrections to be clearly identified — laboratory work orders maintained.** — 1. Dentists shall maintain an adequate and complete patient record for each patient and may maintain electronic records provided the record-keeping format is capable of being printed for review by the board.

2. Patient records remaining under the care, custody and control of the licensees shall be maintained by the licensee, or the licensee's designee, for a minimum of seven years from the date of when the last professional service was provided or in the case of a minor, seven years from the age of majority.

3. Any correction, addition, or change in any patient record made more than forty-eight hours after the final entry is entered in the record as an addendum shall be clearly marked and identified as such, and the date, time, and name of the person making the correction, addition, or change

shall be included, as well as the reason for the correction, addition, or change.

4. Dentists and nondentists shall maintain copies of laboratory work orders for seven years.

(L. 2006 S.B. 756)

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(L. 2006 S.B. 756)



**332.061. Funds, collection, disposition — board fund established, use, transferred to general revenue, when.** — All funds received pursuant to the provisions of this chapter shall be transmitted by the director of the division of professional registration to the department of revenue for deposit in the state treasury to the credit of the "Dental Board Fund" which is hereby established. All expenditures authorized by this chapter shall be paid from funds appropriated from the dental board fund by the legislature. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium is two times the amount of the appropriation from the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less frequently than yearly, then three times the appropriation from the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the board's funds for the preceding fiscal year.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 1985 S.B. 99)

**332.069. Practice of dentistry across state lines, restrictions — no license required, when.** — 1. Any person or entity not licensed to practice dentistry in Missouri shall not engage in the practice of dentistry, as defined in section 332.171, across state lines except as provided in this section.

2. For purposes of this chapter, the "**practice of dentistry across state lines**" means:

(1) The rendering of any written or otherwise documented dental opinion concerning the diagnosis or treatment of a patient within this state by a dentist located outside this state as a result of transmission of individual patient data by electronic, telephonic, or other means from within this state or any other state to such dentist or dentist's agent; or

(2) The rendering of treatment to a patient within this state by a dentist located outside this state as a result of transmission of individual patient data by electronic, telephonic, or other means from within this state or any other state to such dentist or dentist's agent.

3. A dentist located outside this state shall not be required to obtain a license in this state when:

(1) A consultation is requested by a licensed dentist in this state who retains ultimate authority and responsibility for the diagnosis or treatment of a patient located within this state; and

(2) The consultation request is not due to a contractual agreement to authorize or request consultations from a person or entity not licensed to practice dentistry in Missouri; or

(3) Evaluating a patient or rendering an oral, written, or otherwise documented dental opinion when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state.

(L. 2004 H.B. 970)

**332.071. Practice of dentistry defined.** — 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;

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

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

(10) Directly or indirectly owns, leases, operates, maintains, manages or conducts an office or establishment of any kind in which dental services or dental operations of any kind are performed for any purpose; but this section shall not be construed to prevent owners or lessees of real estate

from lawfully leasing premises to those who are qualified to practice dentistry within the meaning of this chapter;

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

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

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

(14) Advertises, solicits, or offers to or does sell or deliver any substitute described in subdivision (12) of this section or offers to or does sell the person's services in constructing, reproducing, supplying or repairing the substitute to any person other than a registered and licensed dentist in Missouri;

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

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

(L. 1969 S.B. 97, A.L. 1976 S.B. 572, A.L. 1995 S.B. 35, A.L. 2003 S.B. 506, A.L. 2004 S.B. 1122, A.L. 2006 S.B. 756)

**332.072. Gratuitous dental services, dentists and dental hygienists licensed in other states may perform, when — prohibited, when — dental hygiene services, supervision required, when. —** Notwithstanding any other provision of law to the contrary, any qualified dentist who is legally authorized to practice pursuant to the laws of another state may practice as a dentist in this state without examination by the board or payment of any fee and any qualified dental hygienist who is a graduate of an accredited dental hygiene school and legally authorized to practice pursuant to the laws of another state may practice as a dental hygienist in this state without examination by the board or payment of any fee, if such dental or dental hygiene practice consists solely of the provision of gratuitous dental or dental hygiene services provided for a period of not more than fourteen days in any one calendar year. Dentists and dental hygienists who are currently licensed in other states and have been refused licensure by the state of Missouri or previously been licensed by the state, but are no longer licensed due to suspension or revocation shall not be allowed to provide gratuitous dental services within the state of Missouri. Any dental hygiene services provided pursuant to this section shall be performed under the supervision of a dentist providing dental services pursuant to this section or a dentist licensed to practice dentistry in Missouri.

(L. 1995 S.B. 452, A.L. 1996 H.B. 1566, A.L. 2001 H.B. 567 merged with H.B. 607 merged with S.B. 393)

Effective 6-13-01 (H.B. 607); 7-10-01 (H.B. 567); 7-10-01 (S.B. 393)

**332.073. Death or incapacity, continuation of dental practice, when.**

— The surviving spouse or personal representative of a deceased dentist or the spouse or person legally authorized to act for an incapacitated licensed dentist, for a period of twenty-four months following the death or incapacitation of such dentist, may perform the acts set forth in subdivision (10) of section 332.071, provided that he or she shall employ or contract with persons licensed in Missouri to practice dentistry or dental hygiene as defined in this chapter.

(L. 1999 H.B. 409)

**332.081. Oral health providers, hospitals may employ — unlicensed or unregistered practice prohibited — corporation, requirements, exceptions — application for permit to employ dentists and dental hygienists — rulemaking authority.** — 1. Notwithstanding any other provision of law to the contrary, hospitals licensed under [chapter 197](#) shall be authorized to employ any or all of the following oral health providers:

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

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

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

2. No person or other entity shall practice dentistry in Missouri or provide dental services as defined in section [332.071](#) unless and until the board has issued to the person a certificate certifying that the person has been duly registered as a dentist in Missouri or the board has issued such certificate to an entity that has been duly registered to provide dental services by licensed dentists and dental hygienists and unless and until the board has issued to the person a license, to be renewed each period, as provided in this chapter, to practice dentistry or as a dental hygienist, or has issued to the person or entity a permit, to be renewed each period, to provide dental services in Missouri. Nothing in this chapter shall be so construed as to make it unlawful for:

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

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

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

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

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

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

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

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

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

(10) A person to practice dentistry in or for:

(a) The United States Armed Forces;

(b) The United States Public Health Service;

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

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

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

(f) The United States Veterans Bureau; or

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

3. No corporation shall practice dentistry as defined in section [332.071](#) unless that corporation is organized under the provisions of [chapter 355](#) or [356](#) provided that a corporation organized under the provisions of [chapter 355](#) and qualifying as an organization under 26



U.S.C. Section 501(c)(3) may only employ dentists and dental hygienists licensed in this state to render dental services to Medicaid recipients, low-income individuals who have available income below two hundred percent of the federal poverty level, and all participants in the SCHIP program, unless such limitation is contrary to or inconsistent with federal or state law or regulation. This subsection shall not apply to:

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

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

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

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

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

(6) Any hospital nonprofit corporation exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as amended, that engages

in its operations and provides dental services at facilities owned by a city, county, or other political subdivision of the state at which a person regulated under this chapter provides dental care within the scope of his or her license or registration.

If any of the entities exempted from the requirements of this subsection are unable to provide services to a patient due to the lack of a qualified provider and a referral to another entity is made, the exemption shall extend to the person or entity that subsequently provides services to the patient.

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

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

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

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

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

9. A federally qualified health center as defined in Section 1905(l) of the Social Security Act (42 U.S.C. Section 1396d(l)) shall register with the board. The information provided to the board as part of the registration shall include the name of the health center, the nonprofit status of the health center, sites where dental services will be provided, and the names of all persons employed by, or contracting with, the health center who are required to hold a license pursuant to this chapter. The registration shall be renewed every twenty-four months. The board shall not charge a fee of any kind for the issuance or renewal of the registration. The registration of the health center shall not be subject to discipline pursuant to section [332.321](#). Nothing in this subsection shall prohibit disciplinary action against a licensee of this chapter who is employed by, or contracts with, such health center for the actions of the licensee in connection with such employment or contract.

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

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

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 1995 S.B. 35, A.L. 2004 S.B. 1122, A.L. 2017 S.B. 50, A.L. 2018 H.B. 1268)

**332.086. Advisory commission for dental hygienists established, duties, members, terms, meetings, expenses.** — 1. There is hereby established a five-member "Advisory Commission for Dental Hygienists", composed of dental hygienists appointed by the director of the division of professional registration as provided in subsection 2 of this section and the dental hygienist member of the Missouri dental board, which shall guide, advise and make recommendations to the Missouri dental board. The commission shall:

(1) Recommend the educational requirements to be registered as a dental hygienist;

(2) Annually review the practice act of dental hygiene;

(3) Make recommendations to the Missouri dental board regarding the practice, licensure, examination and discipline of dental hygienists; and

(4) Assist the board in any other way necessary to carry out the provisions of this chapter as they relate to dental hygienists.

2. The members of the commission shall be appointed by the director. Each member of the commission shall be a citizen of the United States and a resident of Missouri for one year and shall be a dental hygienist registered and currently licensed pursuant to this chapter. Members of the commission who are not also members of the Missouri dental board shall be appointed for terms of five years, except for the members first appointed, one of which shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years and one shall be appointed for a term of five years. The dental hygienist member of the Missouri dental board shall become a member of the commission and shall serve a term concurrent with the member's term on the dental board. All members of the initial commission shall be appointed by April 1, 2002. Members shall be chosen from lists submitted to the director of the division of professional registration. Lists of dental hygienists submitted to the director may include names submitted to the director of the division of professional registration by the president of the Missouri Dental Hygienists Association.

3. The commission shall hold an annual meeting at which it shall elect from its membership a chairperson and a secretary. The commission shall meet in conjunction with the dental board meetings or no more than fourteen days prior to regularly scheduled dental board meetings. Additional meetings shall require a majority vote of the commission. A quorum of the commission shall consist of a majority of its members.

4. Members of the commission shall receive as compensation an amount set by the Missouri dental board not to exceed fifty dollars for each day devoted to the duties of the commission and shall be reimbursed for all

actual and necessary expenses incurred in the performance of their official duties on the commission and in attending meetings of the Missouri dental board. The Missouri dental board shall provide all necessary staff and support services as required by the commission to hold commission meetings, to maintain records of official acts, and to conduct all other business of the commission.

(L. 2001 H.B. 567 merged with S.B. 393, A.L. 2004 S.B. 1122, A.L. 2018 S.B. 843)

**332.091. Practice as a dental hygienist defined.** — Any person "**practices as a dental hygienist**" within the meaning of this chapter who, under the supervision of a currently registered and licensed dentist, undertakes to or does remove hard and soft deposits from teeth, polishes natural and restored surfaces of teeth, polishes restorations of teeth, performs clinical examinations of teeth and surrounding tissues for diagnosis by a currently licensed and registered dentist, and who performs such other procedures as may be delegated by the supervising dentist under the degree of supervision set by and in accordance with rules and regulations promulgated by the board.

(L. 1969 S.B. 97, A.L. 1995 S.B. 35)

Effective 6-13-95

**332.093. Practice as a dental assistant defined.** — Any person "**practices as a dental assistant**" within the meaning of this chapter who provides patient services in cooperation with and under the direct supervision of a currently registered and licensed dentist in Missouri. A currently registered and licensed dentist may delegate to a dental assistant, certified dental assistant or expanded functions dental assistant, under their direct supervision, such reversible acts that would be considered the practice of dentistry as defined in section 332.071 provided such delegation is done pursuant to the terms and conditions of a rule adopted by the Missouri dental board pursuant to section 332.031; except that, no such rule may

allow delegation of acts that conflict with the practice of dental hygiene as defined in section 332.091, with the exception that polishing of teeth, placement of pit or fissure sealants, and application of topical fluoride may be delegated to a dental assistant, certified dental assistant or expanded-functions dental assistant.

(L. 1995 S.B. 35, A.L. 2013 S.B. 330)

**332.098. Expanded-function duties, delegation of — requirements — rulemaking authority.** — 1. Dentists delegating expanded-functions duties to dental assistants or dental hygienists shall do so in accordance with rules set forth by the board. No person shall perform expanded-functions duties in this state except under his or her own name and unless the board has issued to such person a permit to perform expanded-functions duties in this state; however, no provision of this section or this chapter shall be construed to make it unlawful for a duly registered and currently licensed dentist in this state to perform dental services that would be considered expanded-functions duties in this state or to make it unlawful for dental assistants, certified dental assistants, or expanded-functions dental assistants to perform polishing of teeth. Under section 332.093, the board shall not promulgate any rule allowing the delegation of acts to a dental assistant that would conflict with the practice of dental hygiene as defined in section 332.091. Expanded-functions permits shall be renewed every five years. The board may promulgate rules specifying the criteria by which expanded-functions permits may be issued and renewed. Expanded-functions permits shall be subject to discipline as provided in section 332.321.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the

general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

(L. 2010 H.B. 2226, et al.)

**332.101. Practice as dental hygienist without certificate, prohibited, exceptions.** — No person shall practice as a dental hygienist in Missouri as defined in section 332.091 except under his own name and unless and until the board has issued to him a certificate certifying that he has been duly registered as a dental hygienist in Missouri and unless and until the board has issued to him a license, to be renewed each period as hereinafter provided, to practice as a dental hygienist in Missouri; but nothing in this section or chapter shall be so construed as to make it unlawful for a duly registered and currently licensed dentist in Missouri to practice as a dental hygienist in Missouri, or to make it unlawful for a qualified dental hygienist legally licensed in a state other than Missouri to give a demonstration or demonstrations before a meeting of dentists or dental hygienists or both in Missouri, or to make it unlawful for a legally qualified and licensed physician or surgeon to practice such oral hygiene as is a recognized part of the practice of medicine or surgery, or to make it unlawful for dental hygiene students in any accredited dental hygiene school to practice as a dental hygienist under the personal direction of instructors, or to make it unlawful for persons to practice as dental hygienists in the United States armed services or in the United States Public Health Service, or in or for the United States Veterans Bureau, or to teach in an accredited dental hygiene program, or to make it unlawful for dental assistants, certified dental assistants or expanded-functions dental assistants to perform polishing of teeth.

(L. 1969 S.B. 97, A.L. 1979 S.B. 331, A.L. 1981 S.B. 16, A.L. 1995 S.B. 35)

Effective 6-13-95



**332.111. Unregistered or unlicensed practice, penalty.** — Any person who practices dentistry as defined in section 332.071, or as a dental hygienist as defined in section 332.091, who is not duly registered and currently licensed in Missouri as hereinafter provided is guilty of a class A misdemeanor.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 2004 S.B. 1122)

**332.112. Volunteer license, requirements — renewal — limitation on practice — no application fee.** — 1. A person desiring to obtain a volunteer license to practice dentistry shall:

(1) Submit to the board a verified affidavit stating that he or she has been licensed to practice dentistry in Missouri or in any state or territory of the United States or the District of Columbia for at least ten years and has not allowed that license to lapse or expire for a period of time greater than four years immediately preceding the date of application for a volunteer license, is retired from the practice of dentistry, and that his or her license was in good standing at retirement; and

(2) Meet the requirements in section 332.151.

2. Effective with the licensing period beginning on December 1, 2010, a volunteer license to practice dentistry shall be renewed every two years. To renew a license, each dentist shall submit satisfactory evidence of current certification in the American Heart Association's Basic Life Support (BLS), Advanced Cardiac Life Support (ACLS), or certification equivalent to BLS or ACLS and completion of forty hours of board-approved continuing education during the two-year period immediately preceding the renewal period. Continuing education hours earned towards certification in BLS or ACLS may be applied towards the forty hours of continuing education required for renewal. Each dentist shall maintain documentation of completion of the required continuing education hours for a minimum of six years after the reporting period in which the continuing education was completed. The board, solely in its discretion,

may allow a dentist working at a facility outlined in subsection 3 of this section to credit time spent working in that facility towards the forty-hour continuing education requirement for renewal. The board, solely in its discretion, may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for credit for continuing education hours and requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.

3. A dentist with a volunteer license may only provide without compensation dental care and preventative care services to family members or at facilities operated by city or county health departments organized under chapter 192 or 205, city health departments operating under city charters, combined city-county health centers, public elementary or secondary schools, federally funded community health centers, or nonprofit community health centers.

4. The board shall not charge a fee for any application for a volunteer license to practice dentistry nor to renew a volunteer license to practice dentistry.

(L. 2009 S.B. 296)

**332.113. Volunteer dental hygienist license, requirements — renewal — limitation on practice — no application fee. — 1.** A person desiring to obtain a volunteer license to practice as a dental hygienist shall:

(1) Submit to the board a verified affidavit stating that he or she has been licensed to practice as a dental hygienist in Missouri or in any state or territory of the United States or the District of Columbia for at least ten years, and has not allowed that license to lapse or expire for a period of time greater than four years immediately preceding the date of application for a volunteer license is retired from practicing as a dental hygienist, and that his or her license was in good standing at retirement; and

(2) Meet the requirements in sections 332.251 or 332.281 and 332.231.

2. Effective with the licensing period beginning on December 1, 2010, a volunteer license to practice dental hygiene shall be renewed every two years. To renew a license, each dental hygienist shall submit satisfactory evidence of current certification in the American Heart Association's Basic Life Support (BLS), Advanced Cardiac Life Support (ACLS), or certification equivalent to BLS or ACLS and completion of twenty-five hours of board-approved continuing education during the two-year period immediately preceding the renewal period. Continuing education hours earned towards certification in BLS or ACLS may be applied towards the twenty-five hours of continuing education required for renewal. Each dental hygienist shall maintain documentation of completion of the required continuing education hours for a minimum of six years after the reporting period in which the continuing education was completed. The board, solely in its discretion, may allow a dental hygienist working at a facility outlined in subsection 3 of this section to credit time spent working in that facility towards the twenty-five hour continuing education requirement for renewal. The board, solely in its discretion, may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for credit for continuing education hours and requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.

3. A dental hygienist with a volunteer license may only provide without compensation dental hygiene care and preventative care services to family members or at facilities operated by city or county health departments organized under chapter 192 or 205, city health departments operating under city charters, combined city-county health centers, public elementary or secondary schools, federally funded community health centers, or nonprofit community health centers.

4. The board shall not charge a fee for any application for a volunteer license to practice dental hygiene nor to renew a volunteer license to practice dental hygiene.

(L. 2009 S.B. 296)

**332.121. Board may ask court to enjoin illegal practice – venue.**

– 1. Upon application by the board and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order, or other order as may be appropriate to enjoin a person, corporation, firm, or other entity from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required by this chapter upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client or patient of the licensee; or

(3) Directing, interfering with, or attempting to direct or interfere with a licensed dentist's professional judgment or competent practice of dentistry.

Nothing in this subsection shall be so construed as to make it unlawful for not-for-profit organizations to enforce employment contracts, corporate policy and procedure manuals, or quality improvement or assurance requirements.

2. Any such action shall be commenced either in the county in which the defendant resides or in the county in which such conduct occurred.

3. Any action brought under this section shall be in addition to and not in lieu of any penalty provided by this chapter and may be brought concurrently with other actions to enforce this chapter.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 1983 S.B. 302, A.L. 2004 S.B. 1122)

**332.122. Reimbursement by health benefit or dental plans, criteria.**

— 1. The determination of whether a service provided to a patient is covered or reimbursable under the terms of a health benefit or dental benefit plan and the creation and management of a health care provider network are:

(1) Deemed not to be the practice of dentistry or other profession governed by this chapter; and

(2) Not in any way subject to the provisions of this chapter.

2. Claims, records, and documents pertaining to the operations of a health carrier, health benefit plan, dental benefit plan, or health care provider network are not clinical and administrative records under section 332.051.

3. Nothing in subsection 1 or 2 of this section shall be construed as affecting the obligations of a health carrier, under chapters 354 and 376, as health carrier is defined in section 376.1350.

(L. 2004 S.B. 1122)

**332.131. Applicant for registration as a dentist, qualifications of.** — Any person who is of good moral character and reputation, and who is a graduate of and has a degree in dentistry from an accredited dental school may apply to the board for examination and registration as a dentist in Missouri.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 2018 H.B. 1719)

**332.141. Application form, contents — fee.** — Applications for dental examination and registration shall be in writing and on forms furnished to the applicant and shall contain the applicant's statements showing the applicant's education and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration, and shall be accompanied by a dentist examination fee.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.151. Dentist applicant, examination, how conducted — failure, reexamination, additional education, when.** — 1. Each applicant for dental examination and registration, after the board has determined that he is a person of good moral character and reputation, shall appear before the board at the time and place in or out of the state of Missouri specified by the board in a written notice to each applicant. The fee accompanying the application as provided in section 332.141 shall not be refunded to any applicant who fails to appear at the time and place so specified, but the board for good cause shown, as defined by rule, may permit any applicant to take the examination or examinations at a later time without paying an additional fee.

2. The board shall determine and specify by rule whether the dental examinations shall be written or oral or clinical or all three, but in any event they shall be in such form and of such content and character as to thoroughly test the qualifications of the applicant to practice dentistry in Missouri. Completion of the national board theoretical examination with scores acceptable to the board, as promulgated by rule, \* is a prerequisite to taking the dental examinations.

3. Any applicant who passes the dental examination or examinations with the average grade specified by a rule promulgated by the board shall be entitled to registration as a dentist in Missouri and shall receive a certificate of registration; but even though an applicant may have made passing grades on his examinations, he shall not be entitled to a certificate of registration as a dentist if the board finds that at any time prior to the issuance of the certificate he has cheated or attempted to cheat on his examination or examinations or any of them or has made false or misleading statements in any application filed for the examination with intent to deceive the board, or that he is not a person of good moral character.

4. The board shall determine and specify by rule the number of times an applicant may fail all or a portion of the dental examinations without completing additional education in an accredited dental school, and shall specify by rule the type and amount of additional education which shall be required of an applicant, which type and amount may vary depending upon the failed portions of the dental examinations. However, no applicant shall be refused permission to take the dental examinations twice without completing additional education, nor shall additional education be required if the applicant only fails an examination over Missouri laws.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

\*Words "completion of which" appear here in original rolls, apparently typographical error.

**332.161. Failed applicant, new examination — fee.** — If an applicant for the dental examination or an applicant for the dental hygienist examination fails to make the required average grade as specified by the board, he may make an application to the board for reexamination on a form to be furnished by the board on request and he may take a new examination or examinations at such time and place as is specified by the board, upon

payment by an applicant of a reexamination fee equivalent to the dentist examination fee or upon payment by an applicant for examination as a dental hygienist of a reexamination fee equivalent to the dental hygienist examination fee. The new examination or examinations and subsequent registration, if any, shall be governed by the provisions of sections 332.151 and 332.251, respectively.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.171. Specialist license, fee, issued when — evaluation committee established, compensation.** — 1. The board shall upon application issue a specialist's license to any currently licensed dentist in Missouri who has been certified in any specialty by an examining board recognized by the American Dental Association. Any such application shall be accompanied by the required fee.

2. Any currently licensed dentist in Missouri who has completed a dental specialty program accredited by the Council on Dental Accreditation but is not eligible for specialty licensure under subsection 1 of this section may apply to the board for specialty licensure in one of the specialty areas recognized by the American Dental Association. Each such application shall be accompanied by the required fee. The board shall establish by rule the minimum requirements for specialty licensure under this subsection. The board shall issue a specialty license to an applicant under this subsection if the applicant meets the requirements of this subsection.

3. The board shall grant a license in one of the specialty areas recognized by the American Dental Association to a dentist who has been certified or licensed and is practicing in another state, province, or territory if the applicant meets the following requirements and the application is accompanied by the required fee:



(1) The applicant currently holds a Missouri license to practice dentistry or obtains such license under sections 332.131 and 332.181, or under section 332.211;

(2) The applicant meets the educational requirements for specialty licensure required of original applicants for specialty licensure in the state of Missouri as required in subsections 1 and 2 of this section;

(3) The applicant meets such other minimum requirements for specialty licensure under this subsection as may be required by the board.

4. The board may establish a committee for each American Dental Association-recognized specialty applied for consisting of at least two dentists appointed by the board who hold valid Missouri specialty licenses in the recognized specialty and who are current diplomats of an American specialty board recognized by the American Dental Association. Each committee shall assist the board in evaluating an applicant for specialty licensure in the recognized specialty for which that committee was established and assume such other duties as established by rule of the board.

5. Each member of a specialty committee appointed by the board as provided in this section shall receive as compensation an amount set by the board, not to exceed fifty dollars for each day spent in the performance of his or her duties on the committee and each member shall be reimbursed for all actual and necessary expenses incurred in the performance of his or her duties.

6. All specialty licenses shall be subject to discipline for cause as set forth in section 332.321, and each specialty license holder shall renew his or her specialty license or licenses as provided for in section 332.181 and shall pay the renewal fee provided therefor.

7. The board shall issue to each applicant who has been recommended as qualified by the specialty committee, as provided in subsection 4 of this

section, a license to practice dentistry in the specialty for which he or she has been so recommended.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 1983 S.B. 302, A.L. 2004 H.B. 970)

(1968) Oral surgery is “specialty” within meaning of statute. This statute does not require two years' practice in this state prior to effective date of this section. There is no requirement that applicant be in active practice in this state as of effective date of statute. *Missouri Dental Board v. Riney (A.)*, 429 S.W.2d 803.

**332.181. License to practice dentistry, application, fee, renewal, requirements.** — 1. No person shall engage in the practice of dentistry in Missouri without having first secured a license as provided for in this chapter.

2. Any person desiring a license to practice dentistry in Missouri shall pay the required fee and make application to the board on a form prescribed by the board pursuant to section 332.141. An application for licensure shall be active for one year after the date it is received by the board. The application becomes void if not completed within such one-year period.

3. All persons once licensed to practice dentistry in Missouri shall renew his or her license to practice dentistry in Missouri on or before the license renewal date and shall display his or her license for each current licensing period in the office in which he or she practices or offers to practice dentistry.

4. Effective with the licensing period beginning on December 1, 2002, a license shall be renewed every two years. To renew a license, each dentist shall submit satisfactory evidence of completion of fifty hours of continuing education during the two-year period immediately preceding the renewal period. Each dentist shall maintain documentation of completion of the required continuing education hours as provided by

rule. Failure to obtain the required continuing education hours, submit satisfactory evidence, or maintain documentation is a violation of section 332.321. As provided by rule, the board may waive and/or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency or for other good cause. All requests for waivers and/or extensions of time shall be made in writing and submitted to the board before the renewal date.

5. Any licensed dentist who fails to renew his or her license on or before the renewal date may apply to the board for renewal of his or her license within four years subsequent to the date of the license expiration. To renew an expired license, the person shall submit an application for renewal, pay the renewal fee and renewal penalty fee as set by rule, and submit satisfactory evidence of completion of at least fifty hours of continuing education for each renewal period that his or her license was expired as provided by rule. The required hours must be obtained within four years prior to renewal. The license of any dentist who fails to renew within four years of the time his or her license has expired shall be void. The dentist may apply for a new license; provided that, unless application is made under section 332.321, the dentist shall pay the same fees and be examined in the same manner as an original applicant for licensure as a dentist.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 1983 S.B. 302, A.L. 1993 S.B. 27, A.L. 2001 S.B. 393, A.L. 2004 H.B. 970)

**332.183. Dental faculty permit, issued when — requirements — renewal — discipline — rulemaking authority.** — 1. The board may issue a dental faculty permit to an individual who is employed by an accredited dental school, college, or program in Missouri. The holder of a dental faculty permit shall be authorized to practice dentistry, subject to the requirements of subsection 2 of this section, in accordance with section [332.071](#) only within accredited dental school programs and only while engaged in teaching didactic courses, preclinical laboratories, and supervising student-

delivered patient care at an accredited Missouri dental school, college, or program.

2. The holder of a dental faculty permit shall not receive any fee or compensation for the practice of dentistry, other than any salary or benefits received as part of his or her employment with the accredited Missouri dental school, college, or program and shall not engage in the private practice of dentistry for any fee or compensation.

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

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

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

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

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

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

(6) Document one of the following:

(a) Satisfactory completion of an American Dental Association-accredited postdoctoral training program that is a minimum of twelve continuous months in length; or

(b) Passage of the National Board Examination in accordance with the criteria established by the sponsoring body.

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

5. A dental faculty permit shall be renewed every two years and shall be subject to the same renewal requirements contained under section [332.181](#).

6. A dental faculty permit shall be subject to discipline in accordance with section [332.321](#) and shall be automatically cancelled and nullified if the holder ceases to be employed by the accredited Missouri dental school, college, or program.

7. The board shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section [536.010](#), that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of [chapter 536](#) and, if applicable, section [536.028](#). This section and [chapter 536](#) are nonseverable, and if any of the powers vested with the general assembly pursuant to [chapter 536](#), to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

(L. 2018 H.B. 1268)

**332.191. Dentist, license, contents.** — Licenses issued to dentists shall contain a serial number, the name of the licensee, the date of issue, and the date of expiration.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.201. Dentist, temporary certificate or license issued, when, length of time valid.** — The board may not issue any temporary certificates of registration or licenses to practice dentistry in Missouri; except, upon the request and recommendation of the department of health and senior services, the department of mental health, or the department of corrections and human resources, the board shall issue a letter authorizing an uncertificated and unlicensed graduate of an accredited dental school to practice dentistry if the board determines that the recommended person is qualified to take the dental examination and if this person is employed by an institution operated by one of the aforementioned agencies the letter shall be effective for such period of time as may be authorized by the board, but any such authorization issued by the board shall in no event extend beyond the date that the results of the board's dental examination or examinations next following the date of the authorization are announced.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.211. Registration and licensing without examination, requirements, fee.** — The board shall grant without examination a certificate of registration and a license to a dentist who has been licensed in another state for at least five consecutive years immediately preceding his applying, if the board is satisfied by proof adduced by the applicant that his qualifications are at least equivalent to the requirements for initial registration as a dentist in Missouri under the provisions of this chapter, that he is at least twenty-one years of age and is of good moral character and reputation; provided that the board may by rule require an applicant under this section to take any examination over Missouri laws given to

dentists initially seeking licensure under section 332.151 and to take a practical examination if his licensure in any state was ever denied, revoked or suspended for incompetency or inability to practice in a safe manner, or if he has failed any practical examination given as a prerequisite to licensure as a dentist in any state. Any such dentist applying to be so registered and licensed shall accompany his application with a fee not greater than the dental examination and license fees and if registered and licensed shall renew his license as provided in section 332.181.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.231. Applicant as dental hygienist, qualifications.** — Any person who is of good moral character and reputation and who has satisfactorily completed a course in dental hygiene in an accredited dental hygiene school may apply to the board for examination and registration as a dental hygienist in Missouri.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.241. Application, contents, fee.** — Applications for examination and registration as a dental hygienist shall be in writing on forms furnished to the applicant which shall contain applicant's statements showing his education and such other pertinent information as the board may require. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration, and shall be accompanied by a dental hygienist examination fee.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.251. Dental hygienist applicant, examination, how conducted — failure, reexamination, additional education, when.** — 1. Each applicant for examination as a dental hygienist shall, after the board has determined that he is a person of good moral character and reputation, appear before

the board at the time and place specified by the board in a written notice to each such applicant. The fee accompanying the application as provided in section 332.241 shall not be refunded to any applicant who fails to appear at the time and place so specified, but the board for good cause shown, as defined by rule, may permit any applicant to take the examination or examinations at a later time without paying an additional fee.

2. The board shall determine and specify by rule whether dental hygienist examinations shall be written or oral or clinical or all three, but in any event the examination shall be of such form and of such content and character as to thoroughly test the qualifications of the applicant to practice as a dental hygienist in Missouri. Completion of the national board theoretical examination with scores acceptable to the board, as promulgated by rule, is a prerequisite to taking the dental hygienist examinations.

3. Any applicant who passes the dental hygienist examination or examinations with the average grade specified in a rule promulgated by the board shall be entitled to registration as a dental hygienist in Missouri, and shall receive a certificate of registration. Irrespective of the fact that an applicant may have made passing grades on his examinations, he shall not be entitled to a certificate of registration as a dental hygienist if the board finds that at any time prior to the issuance of the certificate the applicant has cheated on his examination or examinations, or has made false or misleading statements in any application filed for such examination with intent to deceive the board, or that he is not a person of good moral character and reputation.

4. The board shall determine and specify by rule the number of times an applicant may fail all or a portion of the dental hygiene examinations without completing additional education in an accredited dental hygiene school, and shall specify by rule the type and amount of additional education which shall be required of an applicant, which type and amount may vary depending upon the failed portions of the dental hygiene examinations. However, no applicant shall be refused permission to take



the dental hygiene examinations twice without completing additional education, nor shall additional education be required if the applicant only fails an examination over Missouri laws.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.261. License as dental hygienist, application, fee, renewal — renewal and reinstatement procedure.** — 1. No person shall engage in the practice of dental hygiene without having first secured a license as provided for in this chapter.

2. Any person desiring a license to practice dental hygiene in Missouri shall pay the required fee and make application to the board on a form prescribed by the board pursuant to section 332.241. An application for licensure shall be active for one year after the date it is received by the board. The application becomes void if not completed within such one-year period.

3. All persons once licensed to practice as a dental hygienist in Missouri shall renew his or her license to practice on or before the renewal date and shall display his or her license for each current licensing period in the office in which he or she practices or offers to practice as a dental hygienist.

4. Effective with the licensing period beginning on December 1, 2002, a license shall be renewed every two years. To renew a license, each dental hygienist shall submit satisfactory evidence of completion of thirty hours of continuing education during the two-year period immediately preceding the renewal period. Each dental hygienist shall maintain documentation of completion of the required continuing education hours as provided by rule. Failure to obtain the required continuing education hours, submit satisfactory evidence, or maintain documentation is a violation of section 332.321 and may subject the licensee to discipline. As provided by rule, the board may waive and/or extend the time requirements for completion of the continuing education for reasons related to health, military service, foreign residency or for other good cause. All requests for waivers and/or

extensions of time shall be made in writing and submitted to the board before the renewal date.

5. Any licensed dental hygienist who fails to renew his or her license on or before the renewal date may apply to the board for renewal of his or her license within four years subsequent to the date of the license expiration. To renew an expired license, the person shall submit an application for renewal, pay the renewal fee and renewal penalty fee as set by rule, and submit satisfactory evidence of completion of at least thirty hours of continuing education for each renewal period that his or her license was expired as provided by rule. The required hours must be obtained within four years prior to renewal. The license of any dental hygienist who fails to renew within four years of the time his or her license has expired shall be void. The dental hygienist may reapply for a license; provided that, unless application is made under section 332.281, the dental hygienist shall pay the same fees and be examined in the same manner as an original applicant for licensure as a dental hygienist.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16, A.L. 1983 S.B. 302, A.L. 1993 S.B. 27, A.L. 2001 S.B. 393, A.L. 2004 H.B. 970)

**332.271. Dental hygienist license, contents.** — Licenses issued to dental hygienists by the board shall contain a serial number, the name of the licensee, the date of issue, and the date of expiration.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.281. Dental hygienist, license without examination, when — fee.**  
— The board shall grant without examination a certificate of registration and license to a dental hygienist who has been licensed in another state for at least two consecutive years immediately preceding his application to practice in Missouri if the board is satisfied by proof adduced by the applicant that his qualifications are at least equivalent to the requirements for initial registration as a dental hygienist in Missouri under the provisions of this chapter and that he is of good moral character and

reputation; provided that the board may by rule require an applicant under this section to take any examination over Missouri laws given to dental hygienist initially seeking licensure under section 332.251 and to take a practical examination if his licensure in any state was ever denied, revoked or suspended for incompetency or inability to practice in a safe manner, or if he has failed any practical examination given as a prerequisite to licensure as a dental hygienist in any state. Any such dental hygienist applying to be so registered and licensed shall accompany his application with a fee not greater than the dental hygienist examination and license fees and if registered and licensed shall renew his license as provided in section 332.261.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.291. Dental hygienist, certificate of practice, who eligible, fee.**

— Any person registered and currently licensed as a dental hygienist, who is of good moral character, who has been practicing as a dental hygienist in Missouri immediately preceding the date of his application under the continuous supervision of a registered and currently licensed dentist in Missouri, may apply to the board for a certificate to be signed and attested by a designee of the board and bearing the board's seal, certifying that the holder is a person of good moral character, that he was registered and licensed in Missouri as a dental hygienist on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and has been practicing as a dental hygienist continuously under the supervision of a duly registered and currently licensed dentist in Missouri for \_\_\_\_\_ year(s) immediately preceding the date of the certificate, and that he has represented to the board that he intends to apply to practice as a dental hygienist in the state of \_\_\_\_\_; provided that the required fee shall accompany each application.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

**332.301. Dental hygienist, temporary license prohibited.** — The board may not issue any temporary certificate of registration or any temporary license to practice as a dental hygienist in Missouri.

(L. 1969 S.B. 97)

**332.302. Definitions.** — As used in sections 332.302 to 332.305, the following terms shall mean:

- (1) "**Committee**", the dental hygienist distance learning committee created under section 332.303;
- (2) "**Department**", the department of economic development;
- (3) "**Director**", the director of the department of economic development.

(L. 2005 S.B. 177)

**332.303. Dental hygienist distance learning committee established, members.** — 1. Subject to appropriations, there is hereby established the "Dental Hygienist Distance Learning Committee". The committee shall consist of six members and the director of the division of professional registration. The director shall appoint the members of the committee, three of whom shall be dentists licensed under this chapter, and three of whom shall be dental hygienists holding certificates of registration under this chapter.

2. Members of the committee shall not be compensated for their services, but they shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Each member shall serve until the committee is dissolved under section 332.305. The department shall provide staff to the committee and aid it in the performance of its duties.

(L. 2005 S.B. 177)

**332.304. Duties of the dental hygienist distance learning committee.** — The specific duties of the committee shall include the following:

(1) Designing a training program for dental hygienists which allows coursework to be completed off-site from the educational institution, and clinical and didactic training to be delivered in the office of a dentist licensed under this chapter, if such offsite dental office is a part of an accredited dental hygiene program through the Commission on Dental Accreditation of the American Dental Association as an extended campus facility or any other facility approved by the council on dental accreditation;

(2) Developing suggestions for the creation of a contract between the department and an institution of higher education to establish the training program designed under subdivision (1) of this section;

(3) Analyzing issues relating to the curriculum, funding, and administration of the training program designed under subdivision (1) of this section; and

(4) On or before November 1, 2005, delivering to both houses of the general assembly and the governor a report on the training program designed under subdivision (1) of this section and any suggestions developed and analysis made under subdivisions (2) and (3) of this section.

(L. 2005 S.B. 177)

**332.305. Dissolution of the dental hygienist distance learning committee.** — The committee shall dissolve upon delivery of the report required under subdivision (4) of section 332.304.

(L. 2005 S.B. 177)

**332.306. Distance dental hygienist education program to be established by department of economic development — distance dental hygienist education program defined.** — 1. As used in this section, "distance dental hygienist education program" shall mean a training program for dental

hygienists accredited by the Commission on Dental Accreditation of the American Dental Association that allows didactic and clinical course work to be completed offsite of the educational institution, including a dental facility regulated under this chapter, if such offsite location is a part of an accredited dental hygiene program through the Commission on Dental Accreditation of the American Dental Association as an extended campus facility.

2. The department of economic development shall contract with an institution of higher education, which meets the standards established by the Commission on Dental Accreditation of the American Dental Association, to establish a distance dental hygienist education program.

(L. 2005 S.B. 177 § 332.312)

**332.311. Dental hygienist to practice under dentist supervision only — no supervision required for fluoride treatments, teeth cleaning and sealants.** — 1. Except as provided in subsection 2 of this section, a duly registered and currently licensed dental hygienist may only practice as a dental hygienist so long as the dental hygienist is employed by a dentist who is duly registered and currently licensed in Missouri, or as an employee of such other person or entity approved by the board in accordance with rules promulgated by the board. In accordance with this chapter and the rules promulgated by the board pursuant thereto, a dental hygienist shall only practice under the supervision of a dentist who is duly registered and currently licensed in Missouri, except as provided in subsection 2 of this section.

2. A duly registered and currently licensed dental hygienist who has been in practice at least three years and who is practicing in a public health setting may provide fluoride treatments, teeth cleaning and sealants, if appropriate, to children who are eligible for medical assistance, pursuant to chapter 208, without the supervision of a dentist. Medicaid shall reimburse any eligible provider who provides fluoride treatments, teeth cleaning, and sealants to eligible children. Those public health settings in which a dental

hygienist may practice without the supervision of a dentist shall be established jointly by the department of health and senior services and by the Missouri dental board by rule.

(L. 1969 S.B. 97, A.L. 1997 S.B. 141, A.L. 2001 H.B. 567 merged with S.B. 393, A.L. 2006 S.B. 828)

**332.316. Complaint by prisoners — disposition of certain records.**

— 1. If the board finds merit to a complaint by an individual incarcerated or under the care and control of the department of corrections and takes further investigative action, no documentation may appear on file or disciplinary action may be taken in regards to the licensee's license unless the provisions of subsection 2 of section 332.321 have been violated. Any case file documentation that does not result in the board filing an action pursuant to subsection 2 of section 332.321 shall be destroyed within three months after the final case disposition by the board. No notification to any other licensing board in another state or any national registry regarding any investigative action shall be made unless the provisions of subsection 2 of section 332.321 have been violated.

2. Upon written request of the dentist subject to a complaint, prior to August 28, 1999, by an individual incarcerated or under the care and control of the department of corrections that did not result in the board filing an action pursuant to subsection 2 of section 332.321, the board and the division of professional registration, shall in a timely fashion:

(1) Destroy all documentation regarding the complaint;

(2) Notify any other licensing board in another state or any national registry regarding the board's actions if they have been previously notified of the complaint; and

(3) Send a letter to the licensee that clearly states that the board found the complaint to be unsubstantiated, that the board has taken the requested

action, and notify the licensee of the provisions of subsection 3 of this section.

3. Any person who has been the subject of an unsubstantiated complaint as provided in subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint in subsequent applications or representations relating to their dental practice.

(L. 1999 H.B. 343)

**332.321. Refusal to issue or renew, revocation or suspension of license, grounds for, procedure — additional disciplinary actions.**

— 1. The board may refuse to issue or renew a permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section or the board may, as a condition to issuing or renewing any such permit or license, require a person to submit himself or herself for identification, intervention, treatment or rehabilitation by the well-being committee as provided in section [332.327](#). The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by [chapter 621](#).

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by [chapter 621](#) against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his or her permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in [chapter 195](#), or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably



related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; or increasing charges when a patient utilizes a third-party payment program; or for repeated irregularities in billing a third party for services rendered to a patient. For the purposes of this subdivision, irregularities in billing shall include:

(a) Reporting charges for the purpose of obtaining a total payment in excess of that usually received by the dentist for the services rendered;

(b) Reporting incorrect treatment dates for the purpose of obtaining payment;

(c) Reporting charges for services not rendered;

(d) Incorrectly reporting services rendered for the purpose of obtaining payment that is greater than that to which the person is entitled;

(e) Abrogating the co-payment or deductible provisions of a third-party payment contract. Provided, however, that this paragraph shall not prohibit a discount, credit or reduction of charges provided under an agreement between the licensee and an insurance company, health service corporation or health maintenance organization licensed pursuant to the laws of this state; or governmental third-party payment program; or self-insurance program organized, managed or funded by a business entity for its own employees or labor organization for its members;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of, or relating to one's ability to perform, the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a permit or license or allowing any person to use his or her permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter imposed by another state, province, territory, federal agency or country upon grounds for which discipline is authorized in this state;

(9) A person is finally adjudicated incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice, by lack of supervision or in any other manner, any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter;

(11) Issuance of a permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate, permit or license if so required by this chapter or by any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation that is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. For purposes of this section, the

term "**advertisement**" shall mean any announcement as described in subdivision (9) of section [332.071](#). False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

(a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;

(b) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;

(c) Any misleading or deceptive claims of patient cure, relief or improved health condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim that exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(d) Any announced fee for a specified service where that fee does not include the charges for necessary related or incidental services, or where the actual fee charged for that specified service may exceed the announced fee, but it shall not be unlawful to announce only the maximum fee that can be charged for the specified service, including all related or incidental services, modified by the term "up to" if desired;

(e) Any announcement in any form including the term "specialist" or the phrase "limited to the specialty of" unless each person named in conjunction with the term or phrase, or responsible for the announcement, holds a valid Missouri certificate and license evidencing that the person is a specialist in that area;

(f) Any announcement containing any of the terms denoting recognized specialties, or other descriptive terms carrying the same meaning, unless the announcement clearly designates by list each dentist not licensed as a specialist in Missouri who is sponsoring or named in the announcement, or employed by the entity sponsoring the announcement, after the following clearly legible or audible statement: "Notice: the following dentist(s) in this practice is (are) not licensed in Missouri as specialists in the advertised dental specialty(s) of \_\_\_\_\_". For purposes of this paragraph, a statement that is "**clearly legible**" shall have print that is equal or larger in size than the announcement of services, and a statement that is "**clearly audible**" shall have speech volume and pace equal to the announcement of services;

(g) Any announcement containing any terms denoting or implying specialty areas that are not recognized by the American Dental Association;

(h) Any advertisement that does not contain the name of one or more of the duly registered and currently licensed dentists regularly employed in and responsible for the management, supervision, and operation of each office location listed in the advertisement; or

(i) Any advertisement denoting the use of sedation services permitted by the board in accordance with section [332.362](#) using any term other than deep sedation, general anesthesia, or moderate sedation. Such terms shall only be used in the announcement or advertisement of sedation services with the possession of a deep sedation, general anesthesia, or moderate sedation permit or license;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;

(17) Failing to maintain his or her office or offices, laboratory, equipment and instruments in a safe and sanitary condition;

(18) Accepting, tendering or paying rebates to or splitting fees with any other person; provided, however, that nothing herein shall be so construed as to make it unlawful for a dentist practicing in a partnership or as a corporation organized pursuant to the provisions of [chapter 356](#) to distribute profits in accordance with his or her stated agreement;

(19) Administering, or causing or permitting to be administered, nitrous oxide gas in any amount to himself or herself, or to another unless as an adjunctive measure to patient management;

(20) Being unable to practice as a dentist, specialist or hygienist with reasonable skill and safety to patients by reasons of professional incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the dentist or specialist or hygienist to submit to a reexamination for the purpose of establishing his or her competency to practice as a dentist, specialist or hygienist, which reexamination shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the dentist's, specialist's or hygienist's professional competence by at least three dentists or fellow specialists, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the dentist, specialist or hygienist compelled to take examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or registered mail. Failure of the dentist, specialist or hygienist to submit to the examination when directed shall constitute an admission of the allegations against him or her, unless the failure was due to circumstances beyond his or her control. A dentist, specialist or hygienist whose right to practice has been affected pursuant to this subdivision shall, at reasonable intervals, be afforded an

opportunity to demonstrate that he or she can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding pursuant to this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a dentist, specialist or hygienist in any other proceeding. Proceedings pursuant to this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the following: denying his or her application for a license; permanently withholding issuance of a license; administering a public or private reprimand; placing on probation, suspending or limiting or restricting his or her license to practice as a dentist, specialist or hygienist for a period of not more than five years; revoking his or her license to practice as a dentist, specialist or hygienist; requiring him or her to submit to the care, counseling or treatment of physicians designated by the dentist, specialist or hygienist compelled to be treated; or requiring such person to submit to identification, intervention, treatment or rehabilitation by the well-being committee as provided in section [332.327](#). For the purpose of this subdivision, "**license**" includes the certificate of registration, or license, or both, issued by the board.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of [chapter 621](#). Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person or firm named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years; or

(2) Suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate, or permit. In any order of revocation, the board may provide that the person shall not apply for licensure for a period of not less than one year following the date of the order of revocation; or

(4) Cause the person or firm named in the complaint to make restitution to any patient, or any insurer or third-party payer who shall have paid in whole or in part a claim or payment for which they should be reimbursed, where restitution would be an appropriate remedy, including the reasonable cost of follow-up care to correct or complete a procedure performed or one that was to be performed by the person or firm named in the complaint; or

(5) Request the attorney general to bring an action in the circuit court of competent jurisdiction to recover a civil penalty on behalf of the state in an amount to be assessed by the court.

4. If the board concludes that a dentist or dental hygienist has committed an act or is engaging in a course of conduct that would be grounds for disciplinary action and constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the conduct that gives rise to the danger and the nature of the proposed restriction or suspension of the dentist's or dental hygienist's license. Within fifteen days after service of the complaint on the dentist or dental hygienist, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged conduct of the dentist or dental hygienist appears to constitute a clear and present danger to the public health and safety that justifies that the dentist's or dental hygienist's license be immediately restricted or suspended. The burden of proving that a dentist or dental hygienist is a clear and present danger to the public health and safety shall be upon the Missouri dental board. The

administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend a dentist's or dental hygienist's license, the dentist or dental hygienist named in the complaint may request a full hearing before the administrative hearing commission. A request for a full hearing shall be made within thirty days after the administrative hearing commission issues a decision. The administrative hearing commission shall, if requested by a dentist or dental hygienist named in the complaint, set a date to hold a full hearing under [chapter 621](#) regarding the activities alleged in the initial complaint filed by the board. The administrative hearing commission shall set the date for full hearing within ninety days from the date its decision was issued. Either party may request continuances, which shall be granted by the administrative hearing commission upon a showing of good cause by either party or consent of both parties. If a request for a full hearing is not made within thirty days, the authority to impose discipline becomes final and the board shall set the matter for hearing in accordance with section [621.110](#).

6. If the administrative hearing commission dismisses without prejudice the complaint filed by the board under subsection 4 of this section or dismisses the action based on a finding that the board did not meet its burden of proof establishing a clear and present danger, such dismissal shall not bar the board from initiating a subsequent action on the same grounds in accordance with this chapter and [chapters 536](#) and [621](#).

7. Notwithstanding any other provisions of section [332.071](#) or of this section, a currently licensed dentist in Missouri may enter into an agreement with individuals and organizations to provide dental health care, provided such agreement does not permit or compel practices that violate any provision of this chapter.



8. At all proceedings for the enforcement of these or any other provisions of this chapter the board shall, as it deems necessary, select, in its discretion, either the attorney general or one of the attorney general's assistants designated by the attorney general or other legal counsel to appear and represent the board at each stage of such proceeding or trial until its conclusion.

9. If at any time when any discipline has been imposed pursuant to this section or pursuant to any provision of this chapter, the licensee removes himself or herself from the state of Missouri, ceases to be currently licensed pursuant to the provisions of this chapter, or fails to keep the Missouri dental board advised of his or her current place of business and residence, the time of his or her absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

(L. 1969 S.B. 97, A.L. 1978 S.B. 625, A.L. 1981 S.B. 16, A.L. 1983 S.B. 44 & 45 merged with S.B. 302, A.L. 1999 H.B. 343, A.L. 2001 S.B. 393, A.L. 2004 H.B. 970, A.L. 2018 H.B. 1719)

**332.323. Dental services provided free of charge, immunity from civil damages for discrimination.** — Notwithstanding any other provision of law to the contrary, any health care provider licensed pursuant to this chapter who provides any service for which the health care provider is licensed may provide such service free of charge. Such health care provider shall not be subject to an action for civil damages for discrimination based on the provision of such free dental services.

(L. 1998 S.B. 790)

**332.324. Donated dental services program established — contract with Missouri dental board, contents.** — 1. The department of health and senior services may contract with the Missouri dental board to establish a donated dental services program, in conjunction with the provisions of

section 332.323, through which volunteer dentists, licensed by the state pursuant to this chapter, will provide comprehensive dental care for needy, disabled, elderly and medically compromised individuals. Eligible individuals may be treated by the volunteer dentists in their private offices. Eligible individuals may not be required to pay any fees or costs, except for dental laboratory costs.

2. The department of health and senior services shall contract with the Missouri dental board, its designee or other qualified organizations experienced in providing similar services or programs, to administer the program.

3. The contract shall specify the responsibilities of the administering organization which may include:

(1) The establishment of a network of volunteer dentists including dental specialists, volunteer dental laboratories and other appropriate volunteer professionals to donate dental services to eligible individuals;

(2) The establishment of a system to refer eligible individuals to appropriate volunteers;

(3) The development and implementation of a public awareness campaign to educate eligible individuals about the availability of the program;

(4) Providing appropriate administrative and technical support to the program;

(5) Submitting an annual report to the department that:

(a) Accounts for all program funds;

(b) Reports the number of individuals served by the program and the number of dentists and dental laboratories participating as providers in the program; and

(c) Reports any other information required by the department;

(6) Performing, as required by the department, any other duty relating to the program.

4. The department shall promulgate rules, pursuant to chapter 536, for the implementation of this program and for the determination of eligible individuals. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

(L. 2001 H.B. 567 merged with S.B. 393)

Effective 7-10-01

**332.327. Dental well-being committee, powers and duties, records confidential, exception, the well-being committee – diversion agreements, entered into, when.** – 1. The board may establish an impaired dentist or dental hygienist committee, to be designated as the well-being committee, to promote the early identification, intervention, treatment and rehabilitation of dentists or dental hygienists who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition. The board may enter into a contractual agreement with a nonprofit corporation or a dental association for the purpose of creating, supporting and maintaining a committee to be designated as the well-being committee. The board may promulgate administrative rules subject to the provisions of this section and chapter 536 to effectuate and implement any committee formed pursuant to this section. The board may expend appropriated funds necessary to provide

for operational expenses of the committee formed pursuant to this section. Any member of the well-being committee, as well as any administrator, staff member, consultant, agent or employee of the committee, acting within the scope of his or her duties and without actual malice and, all other persons who furnish information to the committee in good faith and without actual malice, shall not be liable for any claim of damages as a result of any statement, decision, opinion, investigation or action taken by the committee, or by any individual member of the committee.

2. All information, interviews, reports, statements, memoranda or other documents furnished to or produced by the well-being committee, as well as communications to or from the committee, any findings, conclusions, interventions, treatment, rehabilitation or other proceedings of the committee which in any way pertain to a licensee who may be, or who actually is, impaired shall be privileged and confidential.

3. All records and proceedings of the well-being committee which pertain or refer to a licensee who may be, or who actually is, impaired shall be privileged and confidential and shall be used by the committee and its members only in the exercise of the proper function of the committee and shall not be considered public records pursuant to chapter 610 and shall not be subject to court subpoena or subject to discovery or introduction as evidence in any civil, criminal or administrative proceedings except as provided in subsection 4 of this section.

4. The well-being committee may disclose information relative to an impaired licensee only when:

(1) It is essential to disclose the information to further the intervention, treatment or rehabilitation needs of the impaired licensee and only to those persons or organization with a need to know;

(2) Its release is authorized in writing by the impaired licensee;

(3) The committee is required to make a report to the board; or

(4) The information is subject to a court order.

5. In lieu of pursuing discipline against a dentist or dental hygienist for violating one or more causes stated in subsection 2 of section 332.321, the board may enter into a diversion agreement with a dentist or dental hygienist to refer the licensee to the dental well-being committee under such terms and conditions as are agreed to by the board and licensee for a period not to exceed five years. The board shall enter into no more than two diversion agreements with any individual licensee. If the licensee violates a term or condition of a diversion agreement entered into pursuant to this section, the board may elect to pursue discipline against the licensee pursuant to chapter 621 for the original conduct that resulted in the diversion agreement, or for any subsequent violation of subsection 2 of section 332.321. While the licensee participates in the well-being committee, the time limitations of section 324.043 shall toll pursuant to subsection 7 of section 324.043. All records pertaining to diversion agreements are confidential and may only be released pursuant to subsection 8 of section 324.001.

6. The board may disclose information and records to the well-being committee to assist the committee in the identification, intervention, treatment, and rehabilitation of dentists or dental hygienists who may be impaired by reason of illness, substance abuse, or as the result of any physical or mental condition. The well-being committee shall keep all information and records provided by the board confidential to the extent the board is required to treat the information and records as closed to the public pursuant to chapter 324.

(L. 1999 H.B. 343, A.L. 2002 H.B. 2001, A.L. 2003 H.B. 440, A.L. 2008 S.B. 788)

**332.361. Dentist may prescribe, possess and administer drugs.** — 1. Any duly registered and currently licensed dentist in Missouri may write, and

any pharmacist in Missouri who is currently licensed under the provisions of chapter 338 and any amendments thereto, may fill any prescription of a duly registered and currently licensed dentist in Missouri for any drug necessary or proper in the practice of dentistry, provided that no such prescription is in violation of either the Missouri or federal narcotic drug act.

2. Any duly registered and currently licensed dentist in Missouri may possess, have under his control, prescribe, administer, dispense, or distribute a "controlled substance" as that term is defined in section 195.010 only to the extent that:

(1) The dentist possesses the requisite valid federal and state registration to distribute or dispense that class of controlled substance;

(2) The dentist prescribes, administers, dispenses, or distributes the controlled substance in the course of his professional practice of dentistry, and for no other reason;

(3) A bona fide dentist-patient relationship exists; and

(4) The dentist possesses, has under his control, prescribes, administers, dispenses, or distributes the controlled substance in accord with all pertinent requirements of the federal and Missouri narcotic drug and controlled substances acts, including the keeping of records and inventories when required therein.

(L. 1969 S.B. 97, A.L. 1981 S.B. 16)

CROSS REFERENCE:

Drug regulations, Chap. 195

**332.362. Dentists to have sedation or anesthesia permits — sedation or anesthesia prescribed or administered, how — site certificate required — rulemaking authority. — 1.** All duly registered and currently licensed

dentists in Missouri who prescribe and administer deep sedation or general anesthesia agents in the course of providing dental services shall possess a deep sedation or general anesthesia permit issued by the board. All duly registered and currently licensed dentists in Missouri who prescribe and administer conscious sedation agents in the course of providing dental services shall possess a conscious sedation permit issued by the board.

2. Dentists prescribing or administering deep sedation or general anesthesia or conscious sedation agents shall do so in accordance with rules set forth by the board.

3. Any dental office where deep sedation or general anesthesia or conscious sedation agents are administered shall possess a site certificate issued by the board and comply with the board's minimum standard for site certificates.

4. The board may promulgate rules specifying the criteria by which deep sedation or general anesthesia permits, conscious sedation permits, and site certificates may be issued, renewed, or revoked and standards for prescribing and administering deep sedation or general anesthesia or conscious sedation agents within the dental setting. Such rules shall only apply to entities regulated under this chapter.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

(L. 2004 H.B. 1422 § 332.361)

**332.364. Removable dentures to be marked for identification, how marked — prior existing unmarked dentures to be marked, when.**

— 1. On and after January 1, 1988, every complete upper and lower denture and removable dental prosthesis fabricated by a dentist, or fabricated pursuant to his or her prescription, shall be marked with the name or Social Security number, or both, of the patient for whom the prosthesis is intended. The markings shall be made during fabrication and shall be permanent, legible and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant them shall be determined by the dentist or dental laboratory fabricating the prosthesis. If, in the professional judgment of the dentist, this full identification is not possible, the name or Social Security number may be omitted.

2. Any removable dental prosthesis in existence which was not marked in accordance with subsection 1 of this section at the time of fabrication shall be so marked at the time of any subsequent rebasing or duplication.

(L. 1987 S.B. 310 §§ 1, 2)

**332.366. Teeth-whitening services deemed practice of dentistry.** — Any person who provides teeth whitening services to another person by use of products not readily available to the public through over-the-counter purchase shall be deemed to be engaging in the practice of dentistry. Licensed dental hygienists or dental assistants may apply teeth whitening formulations, but only under the appropriate level of supervision of a licensed dentist as established by rule. Any individual who take the dental impression of another person or who performs any phase of any operation incident to teeth whitening, including but not limited to the instruction or application of on-site teeth whitening materials or procedures, except under the appropriate level of supervision of a licensed dentist, shall be deemed to be engaging in the practice of dentistry.

(L. 2009 S.B. 296 § 1)



**332.425. Instructor in accredited school, issuance of teaching license, when.** — 1. The dental board may issue a limited teaching license to a dentist employed as an instructor in an accredited dental school in Missouri. The holder of a limited teaching license shall be authorized to practice dentistry, in accordance with section 332.071, only within the confines of the accredited dental school programs. A limited teaching license shall be renewed every two years and shall be subject to the same renewal requirements contained in section 332.181. A limited teaching license shall be subject to discipline in accordance with section 332.321 and shall be automatically cancelled and nullified if the holder ceases to be employed as an instructor in the accredited dental school.

2. To qualify for a limited teaching license, an applicant shall:

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

(2) Have passed the National Board Examination in accordance with criteria established by the sponsoring body;

(3) Have passed a state or regional entry level competency examination approved by the Missouri dental board for licensure within the previous five years;

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

(5) Hold current certification in the American Heart Association's Basic Life Support (BLS), Advanced Cardiac Life Support (ACLS), or certification equivalent to BLS or ACLS;

(6) Submit to the board a completed application for licensure on forms provided by the board and the applicable license fee; and

(7) Submit to the board evidence of successful passage of an examination, approved by the board, of spoken and written proficiency in the English language.

(L. 2011 H.B. 591 merged with S.B. 325)