
EMERGENCY RULE

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE Division 2110 – Missouri Dental Board Chapter 2 – General Rules

EMERGENCY RULE

20 CSR 2110-2.133 Telehealth Dental Pilot Project in Medically Underserved Populations

PURPOSE: This rule implements the provisions of Section 332.325, RSMo, and creates temporary waivers of provisions of Chapter 332 and previously promulgated regulations pursuant to Section 332.325, RSMo.

EMERGENCY STATEMENT: Section 332.325, RSMo was passed during the 101st General Assembly, 2022, and became effective August 28, 2022. This legislation created an authorization for the Missouri Dental Board to work with the Missouri Department of Health and Senior Services (DHSS) to create pilot projects designed to examine new methods of extending dental care to underserved populations in Missouri. The legislation authorizes the board to promulgate rules creating temporary waivers of existing sections of Chapter 332 and current rules in order to facilitate the delivery of dental care in these limited pilot projects. The legislation specifies that the provisions of section 332.325, RSMo, expire on August 28, 2026, and requires the Missouri Dental Board to provide a final report on the data and findings of the pilot projects by no later than December 31, 2025.

The Board has collaborated with DHSS to create a pilot project that will collect data on the delivery of dental care to residents of nursing homes and long-term care facilities utilizing telehealth technology. In order to obtain a valid and relevant sample of data on the effectiveness of these new delivery methods, an earlier effective date of these proposed waivers is necessary.

*As a result, the Missouri Dental Board finds there is a compelling governmental interest that requires this emergency action. Specifically, this emergency rule is necessary to preserve a compelling governmental interest by enabling an earlier effective date to allow for adequate time to provide care using these new delivery methods and collect relevant data regarding their effectiveness. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Missouri Dental Board believe this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 28, 2022, becomes effective January 12, 2023, and expires July 10, 2023.*

(1) Pursuant to the provisions of section 332.325, RSMo, the board is collaborating with the Office of Dental Health (ODH) within the Missouri Department of Health and Senior Services (DHSS) to create a pilot project designed to examine new methods of extending dental care to residents in assisted living facilities, intermediate care facilities, residential care facilities, skilled nursing facilities, and homebound special needs patients.

(2) This pilot project, as set forth in section (1) above, will necessitate a waiver of the following provisions of Chapter 332, RSMo, and previously promulgated regulations pursuant to section 332.325, RSMo.

(A) Specific provisions of sections 332.093 and 332.098, RSMo, and 20 CSR 2110-2.120 in order to allow a dentist to supervise a dental assistant, certified dental assistant, or expanded functions dental assistant using telehealth technology. A supervising dentist may delegate to an expanded functions

dental assistant any expanded function duties that dental assistant has a board issued permit for.

(B) Specific provisions of 20 CSR 2110-2.130 to allow a licensed dental hygienist to administer local anesthetic under the supervision of a dentist using telehealth technology.

(C) Specific provisions of sections 332.071 and 332.093, RSMo, and 20 CSR 2110-2.120 and temporary restorations or caries arresting fluoride under the supervision of a dentist using telehealth technology subsequent to an examination and diagnosis by the supervising dentist.

(D) Specific provisions of 20 CSR 2110-2.001 and 20 CSR 2110-2.130 to allow a licensed dental hygienist to provide scaling and polishing, root planning, and nonsurgical periodontal procedures prior to the supervising dentist performing an examination pursuant to standing orders written by the supervising dentist.

(3) The provisions of this rule shall only apply to dental healthcare workers providing services pursuant to a pilot project created through a collaboration between ODH and the board and shall expire on August 28, 2026, in accordance with section 332.325, RSMo.

*AUTHORITY: section 332.031, RSMo 2016, and section 332.325, RSMo Supp. 2022. Emergency rule filed Dec. 28, 2022, effective Jan. 12, 2023, and expires July 10, 2023. An emergency rule and a proposed rule covering this same material will be published in the Feb. 1, 2023, issue of the **Missouri Register**.*

PUBLIC COST: This emergency rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.