

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4017-01  
Bill No.: SB 1122  
Subject: Dentists; Licenses - Professional; Health Care Professionals; Corporations  
Type: Original  
Date: February 3, 2004

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Dental Board Fund	\$0	\$7,000	\$125
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$7,000</b>	<b>\$125</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Department of Social Services, Office of State Courts Administrator, and Department of Health and Senior Services** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Administration - Administrative Hearing Commission** state they do not anticipate that this proposal will significantly alter their caseload. However, if other similar proposals also pass, there are more cases, or the cases are more complex, there could be a fiscal impact.

Officials from the **Department of Economic Development (DED) - Division of Professional Registration (PR)** state the proposal creates a new category of licenses for the not-for-profit corporations owning dental practices. It is estimated that there will be 28 applicants for licensure. It is assumed that a \$250 license fee will be charged every two years. A 3% growth factor has been applied. It is also assumed the Missouri Dental Board can utilize its existing appropriation to implement this proposal. With the increase in licensees there is a potential for an increase in complaints and investigations. It is assumed that licensure will begin in FY 06 as the board will have to develop forms, write rules, etc., before implementation can begin.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** state this proposal modifies provisions relating to the practice of dentistry. Based on experience with other divisions, the rules, regulations and forms issued by the Missouri Dental Board could require as many as 8 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$492 [(8 pp x \$27) + (12 pp x \$23)].

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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**DENTAL BOARD FUND**

Income - Department of Economic  
 Development - Professional Registration

Licensing Fees	<u>\$0</u>	<u>\$7,000</u>	<u>\$125</u>
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**ESTIMATED NET EFFECT ON  
 DENTAL BOARD FUND**

	<u>\$0</u>	<u>\$7,000</u>	<u>\$125</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

This proposal could impact small business not-for-profit dental practice corporations.

## DESCRIPTION

This proposal modifies provisions relating to the practice of dentistry and the powers of the Dental Board.

The Dental Board is authorized to issue and enforce subpoenas, including subpoenas duces tecum. Board investigators are authorized to inspect any person or entity licensed or permitted by the board, including all facilities and equipment related to the delivery of dental care or the making of dental prostheses. The investigators may also inspect clinical and administrative records related to the dental care of patients. The definition of the "practice of dentistry" is modified to include persons who interfere with the dentist's independent professional judgement as well as persons who review patient data in order to make judgements or decisions about the dental care of a patient.

The proposal provides that nothing shall make it unlawful for dental hygiene students and persons practicing dentistry in certain federally qualified health centers or migrant, community or health care for the homeless health centers to provide appropriate services without a license or registration.

Certain federally qualified not-for-profit corporations may provide dental services if such corporation employs personnel licensed in this state and serves certain low-income populations. Such corporations must be organized for health purposes only. The corporation shall not interfere with a licensed dentist's professional judgement and must apply for a permit from the Dental Board to employ licensed dental personnel to render dental services. The permitted corporation shall be subject to discipline in the same manner as any other licensee of the board. The proposal authorizes the board to seek injunctive relief against a corporation or other entity and creates a new basis for seeking injunctive relief relating to interference by a person or entity with the professional judgement of a licensed dentist.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration -  
    Administrative Hearing Commission  
Office of State Courts Administrator  
Department of Economic Development -  
    Division of Professional Registration  
Department of Health and Senior Services  
Department of Social Services  
Office of Secretary of State



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Director  
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