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Missouri Dental Hygienists' Association Sues Dental Board to Stop Rule Letting Assistants Perform Hygiene Procedures

Lawsuit says the proposed rule revives a pilot program the legislature let expire

JEFFERSON CITY, Mo. – The Missouri Dental Hygienists' Association (MDHA) filed suit yesterday in Cole County Circuit Court, asking the court to block a rule proposed by the Missouri Dental Board that would let dental assistants perform supragingival scaling and comprehensive periodontal charting, because Missouri law reserves those procedures to licensed dentists and dental hygienists.

The proposed rule, published in the Missouri Register on September 15, 2026, would create a new “periodontal” expanded-function permit for dental assistants. MDHA is joined in the suit by Lori Crawford, a former MDHA president who has been a licensed dental hygienist in Missouri since 1986.

“To protect patients, the legislature decided who can perform these procedures, and it wrote that into statute. The Board ran a pilot, the legislature let it expire, and now the Board is trying to make it permanent anyway. That’s not a decision the Board gets to make on its own,” said Diann Bomkamp, Legislative Chair of MDHA.

What the law says

Under Missouri law, the definition of the practice of dental hygiene includes supragingival scaling (removing hard and soft deposits from teeth above the gumline) and comprehensive periodontal charting (clinically examining teeth and surrounding tissues). Missouri law also bars the Board from adopting any rule that allows dental assistants to perform acts that conflict with dental hygiene practice, except for polishing teeth, placing sealants, and applying fluoride. The lawsuit argues the Board cannot expand delegable functions beyond the three statutory exceptions by rule to include supragingival scaling and comprehensive charting.

The expired pilot program

In 2022, the General Assembly authorized the Board to temporarily waive the laws governing the dental field to implement pilot projects to test new ways to reach underserved patients. Accordingly, the Board temporarily waived the delegation limits so a small group of dental

assistants could perform supragingival scaling and periodontal charting in a pilot that ran from January 2024 to October 2025. The authorizing statute expired on August 28, 2026, and the legislature did not renew it.

According to the petition, the pilot's own results do not support making it permanent. The final report from December 2025 acknowledged the pilot did not show a significant increase in clinic capacity or improved access for patients with more serious periodontal disease.

The lawsuit also challenges a provision that would convert former pilot participants into permanent permit holders and allow the Board to begin issuing permits before the rule takes effect, as both are unsupported by the Board's statutory authority.

Finally, unlike the pilot, the proposed rule would not require that patients be told an assistant, rather than a dentist or dental hygienist, is performing their care, or that they consent to it. "I've been a dental hygienist for almost 40 years, and I'm also a patient. Every patient should know who is treating them and have a say in it. The pilot required that. This rule drops it," said Crawford.

What MDHA is asking the court to do

MDHA asks the court to declare the proposed rule invalid and to issue preliminary and permanent injunctions preventing the Board from finalizing the rule or issuing permits under it.

Public comment open through October 15

The Board is accepting public comments on the proposed rule through October 15, 2026. MDHA encourages dental hygienists, dentists, and patients to submit comments. Comments may be submitted via email to dental@pr.mo.gov, via facsimile at (573) 751-8216, or via mail to Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102.

About MDHA

The Missouri Dental Hygienists' Association is a statewide nonprofit representing licensed dental hygienists in Missouri and a constituent of the American Dental Hygienists' Association.

MDHA is represented by Blitz, Bardgett & Deutsch, L.C.

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