

SECOND REGULAR SESSION

SENATE BILL NO. 942

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time January 28, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5079S.011

AN ACT

To repeal sections 334.010 and 335.076, RSMo, and to enact in lieu thereof three new sections relating to licensing requirements for certain health care providers.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 334.010 and 335.076, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 324.044, 334.010, and 335.076, to read as follows:

324.044. 1. As used in this section, the following terms shall mean:

(1) "Advertisement", a communication, whether printed, electronic, or oral, that names a health care practitioner and the practice, profession, or institution in which the practitioner is employed, volunteers, or otherwise provides health care services, including business cards, letterhead, patient brochures, email, internet, outdoor displays, audio and video communications, and any other communication used in the course of business;

(2) "Fraudulent misrepresentation", includes, but shall not be limited to, the use of titles, terms, or other words used in an advertisement that misrepresents a health care practitioner's professional skills, training, expertise, education, board certification, or licensure, with the purpose of misleading the public;

(3) "Health care practitioner", the same meaning as "health care professional" as defined in section 376.1350.

2. Any advertisement for the services of a health care practitioner shall use the following titles:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 (1) Physicians licensed under chapter 334 shall use "doctor of
20 medicine", "physician", "M.D.", "doctor of osteopathic medicine", or "D.O".
21 A physician may use specialty designations pursuant to section 334.010;

22 (2) Registered nurses licensed under chapter 335 shall only use
23 "registered nurse" or "R.N.";

24 (3) Licensed practical nurses licensed under chapter 335 shall
25 only use "licensed practical nurse" or "L.P.N.";

26 (4) Advanced practice registered nurses shall only use the title
27 "advanced practice registered nurse", or "APRN", or the titles reserved
28 for advanced practice registered nurses in section 335.076;

29 (5) Physician assistants licensed under sections 334.735 to
30 334.749 shall use only "physician assistant" or "P.A.";

31 (6) All other health care practitioners shall use the appropriate
32 title as indicated by the provisions of law governing licensure of such
33 profession.

34 3. An advertisement for the services of a health care practitioner
35 shall include the practitioner's full name and title as set forth in this
36 section. The advertisement shall not include fraudulent
37 misrepresentations. Any advertisement in which a health care
38 practitioner refers to himself or herself as "board certified", or uses
39 similar language to infer such practitioner has received any type of
40 board certification, shall include the entire name of the board that
41 issued such certification. It shall be considered fraudulent
42 misrepresentation for any health care practitioner to advertise himself
43 or herself as "board certified" when the practitioner is not currently
44 board certified.

45 4. A health care practitioner shall:

46 (1) Display a copy of such practitioner's license in a prominent
47 place in an office area visible to current and prospective patients. If
48 the health care practitioner sees patients in a setting outside of a
49 licensed health care facility, the copy shall be of sufficient size to be
50 visible and apparent to patients, except that a copy no smaller than the
51 original license is to be deemed sufficient;

52 (2) When seeing patients on a face-to-face basis, wear a name
53 badge or some other form of identification that clearly discloses:

54 (a) The health care practitioner's name;

55 (b) The type of license, registration, or certification such

56 **practitioner holds for the health care practitioner's profession; and**
57 **(c) The health care practitioner's medical staff position, if**
58 **applicable.**

334.010. 1. It shall be unlawful for any person not now a registered
2 physician within the meaning of the law to:

- 3 **(1) Practice medicine or surgery in any of its departments[, to];**
- 4 **(2) Engage in the practice of medicine across state lines [or to];**
- 5 **(3) Profess to cure and attempt to treat the sick and others afflicted with**
6 **bodily or mental infirmities[, or];**
- 7 **(4) Engage in the practice of midwifery in this state, except as herein**
8 **provided; or**
- 9 **(5) Use or imply the use of the words or terms "physician",**
10 **"surgeon", "medical doctor", "doctor of osteopathy", "M.D.", "D.O.",**
11 **"anesthesiologist", "cardiologist", "dermatologist", "endocrinologist",**
12 **"gastroenterologist", "general practitioner", "general surgeon",**
13 **"gynecologist", "hematologist", "hospitalist", "internist", "laryngologist",**
14 **"nephrologist", "neurologist", "neurosurgeon", "obstetrician", "oncologist",**
15 **"ophthalmologist", "orthopedic surgeon", "orthopedist", "orthopod",**
16 **"osteopath", "otologist", "otolaryngologist", "otorhinolaryngologist",**
17 **"pathologist", "pediatrician", "primary care physician", "proctologist",**
18 **"psychiatrist", "radiologist", "rheumatologist", "rhinologist", "urologist",**
19 **or any similar title or description of services with the intent to**
20 **represent that the person practices medicine.**

21 2. For the purposes of this chapter, the "practice of medicine across state
22 lines" shall mean:

- 23 (1) The rendering of a written or otherwise documented medical opinion
24 concerning the diagnosis or treatment of a patient within this state by a
25 physician located outside this state as a result of transmission of individual
26 patient data by electronic or other means from within this state to such physician
27 or physician's agent; or
- 28 (2) The rendering of treatment to a patient within this state by a
29 physician located outside this state as a result of transmission of individual
30 patient data by electronic or other means from within this state to such physician
31 or physician's agent.

32 3. A physician located outside of this state shall not be required to obtain
33 a license when:

34 (1) In consultation with a physician licensed to practice medicine in this
35 state; and

36 (2) The physician licensed in this state retains ultimate authority and
37 responsibility for the diagnosis or diagnoses and treatment in the care of the
38 patient located within this state; or

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

43 (4) Participating in a utilization review pursuant to section 376.1350.

44 4. This section shall not apply to a person who holds a current
45 unrestricted license to practice medicine in another state when the person, under
46 a written agreement with an athletic team located in the state in which the
47 person is licensed, provides sports-related medical services to any of the following
48 individuals if the team is traveling to or from, or participating in, a sporting
49 event in this state:

50 (1) A member of an athletic team;

51 (2) A member of an athletic team's coaching, communications, equipment,
52 or sports medicine staff;

53 (3) A member of a band, dance team, or cheerleading squad accompanying
54 an athletic team; or

55 (4) An athletic team's mascot.

56 5. In providing sports-related medical services under subsection 4 of this
57 section, the person shall not provide medical services at a health care facility,
58 including a hospital, ambulatory surgical center, or any other facility in which
59 medical care, diagnosis, or treatment is provided on an inpatient or outpatient
60 basis.

61 **6. For purposes of this section, "surgery" shall mean a manual or**
62 **operative method that involves the partial or complete excision or**
63 **resection, destruction, incision, or other structural alteration of human**
64 **tissue by any means, performed upon the human body for the purpose**
65 **of preserving health, diagnosing or treating disease, repairing injury,**
66 **correcting deformity or defects, prolonging life, or relieving suffering,**
67 **or for aesthetic, reconstructive, or cosmetic purposes.**

335.076. 1. Any person who holds a license to practice professional
2 nursing in this state may use the title "Registered Professional Nurse" and the

3 abbreviation "R.N.". No other person shall use the title "Registered Professional
4 Nurse" or the abbreviation "R.N.". No other person shall assume any title or use
5 any abbreviation or any other words, letters, signs, or devices to indicate that the
6 person using the same is a registered professional nurse.

7 2. Any person who holds a license to practice practical nursing in this
8 state may use the title "Licensed Practical Nurse" and the abbreviation "L.P.N."
9 No other person shall use the title "Licensed Practical Nurse" or the abbreviation
10 "L.P.N.". No other person shall assume any title or use any abbreviation or any
11 other words, letters, signs, or devices to indicate that the person using the same
12 is a licensed practical nurse.

13 3. Any person who holds a license or recognition to practice advanced
14 practice nursing in this state may **only** use the title "Advanced Practice
15 Registered Nurse", and the abbreviation "APRN", and any [other] **of the**
16 **following** title designations [appearing on his or her license] **as appropriate**
17 **to the nurses education and training: certified advanced practice**
18 **registered nurse, advance practice nurse, nurse anesthetist, certified**
19 **registered nurse anesthetist (CRNA), nurse midwife, certified nurse**
20 **midwife (CNM), nurse practitioner (NP), certified nurse practitioner,**
21 **certified nurse specialist (CNS), doctor of nursing practice (DNP), or**
22 **certified clinical nurse specialist.** No other person shall use the title
23 "Advanced Practice Registered Nurse" or the abbreviation "APRN" **or any of the**
24 **title designations set forth in this subsection.** No other person shall
25 assume any title or use any abbreviation or any other words, letters, signs, or
26 devices to indicate that the person using the same is an advanced practice
27 registered nurse.

28 4. No person shall practice or offer to practice professional nursing,
29 practical nursing, or advanced practice nursing in this state or use any title, sign,
30 abbreviation, card, or device to indicate that such person is a practicing
31 professional nurse, practical nurse, or advanced practice nurse unless he or she
32 has been duly licensed under the provisions of this chapter.

33 5. In the interest of public safety and consumer awareness, it is unlawful
34 for any person to use the title "nurse" in reference to himself or herself in any
35 capacity, except individuals who are or have been licensed as a registered nurse,
36 licensed practical nurse, or advanced practice registered nurse under this chapter.

37 6. Notwithstanding any law to the contrary, nothing in this chapter shall
38 prohibit a Christian Science nurse from using the title "Christian Science nurse",

39 so long as such person provides only religious nonmedical services when offering
40 or providing such services to those who choose to rely upon healing by spiritual
41 means alone and does not hold his or her own religious organization and does not
42 hold himself or herself out as a registered nurse, advanced practice registered
43 nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical nurse
44 specialist, or nurse anesthetist, unless otherwise authorized by law to do so.

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