

FIRST REGULAR SESSION

SENATE BILL NO. 337

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

1539S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 334.010, RSMo, and to enact in lieu thereof one new section relating to the practice of surgery by registered physicians.

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

Section A. Section 334.010, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 334.010,
3 to read as follows:

334.010. 1. It shall be unlawful for any person not
2 now a registered physician within the meaning of the law to
3 practice medicine or surgery in any of its departments, to
4 engage in the practice of medicine across state lines or to
5 profess to cure and attempt to treat the sick and others
6 afflicted with bodily or mental infirmities, or engage in
7 the practice of midwifery in this state, except as herein
8 provided.

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

11 (1) The rendering of a written or otherwise documented
12 medical opinion concerning the diagnosis or treatment of a
13 patient within this state by a physician located outside
14 this state as a result of transmission of individual patient
15 data by electronic or other means from within this state to
16 such physician or physician's agent; or

17 (2) The rendering of treatment to a patient within
18 this state by a physician located outside this state as a

19 result of transmission of individual patient data by
20 electronic or other means from within this state to such
21 physician or physician's agent.

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

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

26 (2) The physician licensed in this state retains
27 ultimate authority and responsibility for the diagnosis or
28 diagnoses and treatment in the care of the patient located
29 within this state; or

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

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

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

45 (1) A member of an athletic team;

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

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

50 (4) An athletic team's mascot.

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

57 6. For purposes of this section, "surgery" shall mean
58 a manual or operative method that involves the partial or
59 complete excision or resection, destruction, incision, or
60 other structural alteration of human tissue by any means,
61 performed upon the human body for the purpose of preserving
62 health, diagnosing or treating disease, repairing injury,
63 correcting deformity or defects, prolonging life, or
64 relieving suffering, or for aesthetic, reconstructive, or
65 cosmetic purposes. Nothing in this section shall be
66 construed to prohibit a health care practitioner, as defined
67 in section 324.044, from practicing his or her profession
68 within the scope of the practitioner's license or
69 certificate as otherwise authorized by law on August 28,
70 2021.

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