

FIRST REGULAR SESSION

SENATE BILL NO. 8

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

0629S.011

ADRIANE D. CROUSE, Secretary

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
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 324.044, 334.010, and 335.076, to read as
4 follows:

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

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

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

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

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

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

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

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

27 (3) Licensed practical nurses licensed under chapter
28 335 shall only use "licensed practical nurse" or "L.P.N.";

29 (4) Advanced practice registered nurses shall only use
30 the title "advanced practice registered nurse", or "APRN",
31 or the titles reserved for advanced practice registered
32 nurses in section 335.076;

33 (5) Physician assistants licensed under sections
34 334.735 to 334.749 shall use only "physician assistant" or
35 "P.A.";

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

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

49 **practitioner to advertise himself or herself as "board**
50 **certified" when the practitioner is not currently board**
51 **certified.**

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

3 **(1) Practice medicine or surgery in any of its**
4 **departments[, to];**

5 **(2) Engage in the practice of medicine across state**
6 **lines [or to];**

7 **(3) Profess to cure and attempt to treat the sick and**
8 **others afflicted with bodily or mental infirmities[, or];**

9 **(4) Engage in the practice of midwifery in this state,**
10 **except as herein provided; or**

11 **(5) Use or imply the use of the words or terms**
12 **"physician", "surgeon", "medical doctor", "doctor of**
13 **osteopathy", "M.D.", "D.O.", "anesthesiologist",**
14 **"cardiologist", "dermatologist", "endocrinologist",**
15 **"gastroenterologist", "general practitioner", "general**
16 **surgeon", "gynecologist", "hematologist", "hospitalist",**
17 **"internist", "laryngologist", "nephrologist", "neurologist",**
18 **"neurosurgeon", "obstetrician", "oncologist",**
19 **"ophthalmologist", "orthopedic surgeon", "orthopedist",**
20 **"orthopod", "osteopath", "otologist", "otolaryngologist",**
21 **"otorhinolaryngologist", "pathologist", "pediatrician",**
22 **"primary care physician", "proctologist", "psychiatrist",**
23 **"radiologist", "rheumatologist", "rhinologist", "urologist",**
24 **or any similar title or description of services with the**
25 **intent to represent that the person practices medicine.**

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

28 (1) The rendering of a written or otherwise documented
29 medical opinion concerning the diagnosis or treatment of a

30 patient within this state by a physician located outside
31 this state as a result of transmission of individual patient
32 data by electronic or other means from within this state to
33 such physician or physician's agent; or

34 (2) The rendering of treatment to a patient within
35 this state by a physician located outside this state as a
36 result of transmission of individual patient data by
37 electronic or other means from within this state to such
38 physician or physician's agent.

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

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

43 (2) The physician licensed in this state retains
44 ultimate authority and responsibility for the diagnosis or
45 diagnoses and treatment in the care of the patient located
46 within this state; or

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

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

54 4. This section shall not apply to a person who holds
55 a current unrestricted license to practice medicine in
56 another state when the person, under a written agreement
57 with an athletic team located in the state in which the
58 person is licensed, provides sports-related medical services
59 to any of the following individuals if the team is traveling
60 to or from, or participating in, a sporting event in this
61 state:

- 62 (1) A member of an athletic team;
63 (2) A member of an athletic team's coaching,
64 communications, equipment, or sports medicine staff;
65 (3) A member of a band, dance team, or cheerleading
66 squad accompanying an athletic team; or
67 (4) An athletic team's mascot.

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

74 **6. For purposes of this section, "surgery" shall mean**
75 **a manual or operative method that involves the partial or**
76 **complete excision or resection, destruction, incision, or**
77 **other structural alteration of human tissue by any means,**
78 **performed upon the human body for the purpose of preserving**
79 **health, diagnosing or treating disease, repairing injury,**
80 **correcting deformity or defects, prolonging life, or**
81 **relieving suffering, or for aesthetic, reconstructive, or**
82 **cosmetic purposes. Nothing in this section shall be**
83 **construed to prohibit a health care practitioner, as defined**
84 **in section 324.044, from practicing his or her profession**
85 **within the scope of the practitioner's license or**
86 **certificate as otherwise authorized by law on August 28,**
87 **2021.**

335.076. 1. Any person who holds a license to
2 practice professional nursing in this state may use the
3 title "Registered Professional Nurse" and the abbreviation
4 "R.N.". No other person shall use the title "Registered
5 Professional Nurse" or the abbreviation "R.N.". No other
6 person shall assume any title or use any abbreviation or any

7 other words, letters, signs, or devices to indicate that the
8 person using the same is a registered professional nurse.

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

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

36 4. No person shall practice or offer to practice
37 professional nursing, practical nursing, or advanced
38 practice nursing in this state or use any title, sign,

39 abbreviation, card, or device to indicate that such person
40 is a practicing professional nurse, practical nurse, or
41 advanced practice nurse unless he or she has been duly
42 licensed under the provisions of this chapter.

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

49 6. Notwithstanding any law to the contrary, nothing in
50 this chapter shall prohibit a Christian Science nurse from
51 using the title "Christian Science nurse", so long as such
52 person provides only religious nonmedical services when
53 offering or providing such services to those who choose to
54 rely upon healing by spiritual means alone and does not hold
55 his or her own religious organization and does not hold
56 himself or herself out as a registered nurse, advanced
57 practice registered nurse, nurse practitioner, licensed
58 practical nurse, nurse midwife, clinical nurse specialist,
59 or nurse anesthetist, unless otherwise authorized by law to
60 do so.

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