FIRST REGULAR SESSION

SENATE BILL NO. 8
101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

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Section A. Sections 334.010 and 335.076, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 324.044, 334.010, and 335.076, to read as follows: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

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

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

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

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

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

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

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

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

334.010. 1. It shall be unlawful for any person not
now a registered physician within the meaning of the law to:
(1) Practice medicine or surgery in any of its
departments[, to];
(2) Engage in the practice of medicine across state
lines [or to];
(3) Profess to cure and attempt to treat the sick and
others afflicted with bodily or mental infirmities[, or];
(4) Engage in the practice of midwifery in this state,
except as herein provided; or
(5) Use or imply the use of the words or terms
"physician", "surgeon", "medical doctor", "doctor of
osteopathy", "M.D.", "D.O.", "anesthesiologist",
"cardiologist", "dermatologist", "endocrinologist",
"gastroenterologist", "general practitioner", "general
surgeon", "gynecologist", "hematologist", "hospitalist",
"internist", "laryngologist", "nephrologist", "neurologist",
"neurosurgeon", "obstetrician", "oncologist",
"ophthalmologist", "orthopedic surgeon", "orthopedist",
"orthopod", "osteopath", "otologist", "otolaryngologist",
"otorhinolaryngologist", "pathologist", "pediatrician",
"primary care physician", "proctologist", "psychiatrist",
"radiologist", "rheumatologist", "rhinologist", "urologist",
or any similar title or description of services with the
intent to represent that the person practices medicine.

2. For the purposes of this chapter, the "practice of
medicine across state lines" shall mean:
(1) The rendering of a written or otherwise documented
medical opinion concerning the diagnosis or treatment of a
patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

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

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

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

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

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

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

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

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

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

(4) An athletic team's mascot.

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

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

335.076. 1. Any person who holds a license to practice professional nursing in this state may use the title "Registered Professional Nurse" and the abbreviation "R.N.". No other person shall use the title "Registered Professional Nurse" or the abbreviation "R.N.". No other person shall assume any title or use any abbreviation or any
other words, letters, signs, or devices to indicate that the
person using the same is a registered professional nurse.

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

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

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

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

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