

SENATE BILL NO. 1672

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

7256S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 334, RSMo, by adding thereto one new section relating to the practice of medicine.

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

Section A. Chapter 334, RSMo, is amended by adding thereto
2 one new section, to be known as section 334.011, to read as
3 follows:

334.011. 1. The "practice of medicine" shall mean the
2 examination, evaluation, diagnosis, treatment, operation,
3 prescription, recommendation, prevention, cure, dispensing,
4 or surgery for any human injury, disease, pain, deformity,
5 defect, wound, fracture, infirmity, ailment, or physical or
6 mental condition, real or imaginary, including the
7 management of pregnancy and parturition or cosmetic surgery,
8 whether for compensation or not, and shall also include:

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

14 (2) The review, oversight, and rendering of decisions
15 on the health care to be provided or not to be provided by a
16 treating physician based upon the treating physician's
17 examination, evaluation, diagnosis, treatment, operation,

18 prescription, recommendation, prevention, or surgery except
19 as may be otherwise authorized pursuant to state law;

20 (3) In the case of a physician who acts as a
21 consulting physician or specialist in an area of medicine
22 and who receives a referral from another physician, the
23 practice of medicine shall specifically include the initial
24 examination, evaluation, diagnosis, and determination of
25 appropriate treatment or surgery by the consulting physician
26 or specialist, and the consulting physician or specialist
27 may not properly delegate this responsibility to any person
28 other than to another consulting physician or specialist;

29 (4) Offering to examine, evaluate, diagnose, treat,
30 operate, prescribe, recommend, prevent, dispense, or perform
31 surgery for any human injury, disease, pain, deformity,
32 ailment, or physical or mental condition;

33 (5) Using the designation "doctor" or "doctor of
34 medicine" or "doctor of osteopathy" or "physician and
35 surgeon" or "Dr.", "M.D.", "D.O.", or any combination
36 indicating or implying that such person is licensed, or
37 willing or able, to practice the healing arts; or

38 (6) Offering, conducting, enrolling, performing, or
39 monitoring research involving human subjects unless approved
40 by an institutional review board.

41 2. Nothing contained in this section shall prohibit a
42 licensed professional from performing some or all of the
43 activities that may fall within the practice of medicine,
44 but only so long as the licensed professional is acting
45 within and not beyond the scope of his or her statutory
46 authority and only so long as the physician remains actively
47 involved in the practice of medicine for each patient and
48 remains the primary and responsible party for the
49 examination, evaluation, diagnosis, and determination of

50 appropriate treatment or surgery, and a physician may not
51 properly delegate this primary responsibility to any other
52 person.

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