

SECOND REGULAR SESSION

HOUSE BILL NO. 1600

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), CHAPPELLE-NADAL, HARRIS (110),
PORTWOOD, SANDER, DOUGHERTY, FISHER, MOORE, OXFORD, SCHAD, WALTON, EMERY,
NIEVES, LOW (39) AND JONES (117) (Co-sponsors).

Read 1st time January 10, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4230L.01I

AN ACT

To repeal sections 334.010, 334.120, and 334.260, RSMo, and to enact in lieu thereof three new sections relating to midwifery.

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

Section A. Sections 334.010, 334.120, and 334.260, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 334.010, 334.120, and 334.255, to read
3 as follows:

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

334.120. 1. There is hereby created and established a board to be known as "The State
2 Board of Registration for the Healing Arts" for the purpose of registering, licensing and
3 supervising all physicians and surgeons[, and midwives] in this state. The board shall consist
4 of nine members, including one voting public member, to be appointed by the governor by and
5 with the advice and consent of the senate, at least five of whom shall be graduates of professional
6 schools accredited by the Liaison Committee on Medical Education or recognized by the
7 Educational Commission for Foreign Medical Graduates, and at least two of whom shall be
8 graduates of professional schools approved and accredited as reputable by the American
9 Osteopathic Association, and all of whom, except the public member, shall be duly licensed and
10 registered as physicians and surgeons pursuant to the laws of this state. Each member must be
11 a citizen of the United States and must have been a resident of this state for a period of at least
12 one year next preceding his or her appointment and shall have been actively engaged in the
13 lawful and ethical practice of the profession of physician and surgeon for at least five years next
14 preceding his or her appointment. Not more than four members shall be affiliated with the same
15 political party. All members shall be appointed for a term of four years. Each member of the
16 board shall receive as compensation an amount set by the board not to exceed fifty dollars for
17 each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her
18 expenses necessarily incurred in the discharge of his or her official duties. The president of the
19 Missouri State Medical Association, for all medical physician appointments, or the president of
20 the Missouri Association of Osteopathic Physicians and Surgeons, for all osteopathic physician
21 appointments, in office at the time shall, at least ninety days prior to the expiration of the term
22 of the respective board member, other than the public member, or as soon as feasible after the
23 appropriate vacancy on the board otherwise occurs, submit to the director of the division of
24 professional registration a list of five physicians and surgeons qualified and willing to fill the
25 vacancy in question, with the request and recommendation that the governor appoint one of the

26 five persons so listed, and with the list so submitted, the president of the Missouri State Medical
27 Association or the Missouri Association of Osteopathic Physicians and Surgeons, as appropriate,
28 shall include in his or her letter of transmittal a description of the method by which the names
29 were chosen by that association.

30 2. The public member shall be at the time of his or her appointment a citizen of the
31 United States; a resident of this state for a period of one year and a registered voter; a person who
32 is not and never was a member of any profession licensed or regulated pursuant to this chapter
33 or the spouse of such person; and a person who does not have and never has had a material,
34 financial interest in either the providing of the professional services regulated by this chapter,
35 or an activity or organization directly related to any profession licensed or regulated pursuant to
36 this chapter. All members, including public members, shall be chosen from lists submitted by
37 the director of the division of professional registration. The duties of the public member shall
38 not include the determination of the technical requirements to be met for licensure or whether
39 any person meets such technical requirements or of the technical competence or technical
40 judgment of a licensee or a candidate for licensure.

**334.255. A midwife providing nothing other than a service of midwifery shall not
2 be deemed to be engaged in the practice of medicine, osteopathy, nursing, nurse-midwifery,
3 or any other medical or healing practice.**

2 [334.260. On August 29, 1959, all persons licensed under the provisions
3 of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as
midwives under this chapter and subject to all the provisions of this chapter.]

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