

SECOND REGULAR SESSION

HOUSE BILL NO. 2382

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PLOCHER.

5226H.031

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 334.010 and 335.076, RSMo, and to enact in lieu thereof three new sections relating to titles of certain health care practitioners.

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Section A. Sections 334.010 and 335.076, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 324.044, 334.010, and 335.076, to read as follows: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 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. "Advertisement" includes business cards, letterhead, patient brochures, email, websites, outdoor displays, audio and video communications, and any other communication used in the course of business;

(2) "Fraudulent misrepresentation", includes, but is not limited to, the use of titles, terms, or other words 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.

2. A health care practitioner shall be limited with respect to the use of titles in advertisements as follows:

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.

15 (1) Physicians licensed under chapter 334 shall only use "doctor of medicine",
16 "physician", "MD", "doctor of osteopathic medicine", "DO", or a specialty designation
17 listed under subdivision (5) of subsection 1 of section 334.010;

18 (2) Registered nurses shall only use "registered nurse" or "RN";

19 (3) Licensed practical nurses shall only use "licensed practical nurse" or "LPN";

20 (4) Advanced practice registered nurses shall only use "advanced practice
21 registered nurse" or "APRN", or the titles listed for advanced practice registered nurses
22 under section 335.076;

23 (5) Physician assistants shall only use "physician assistant" or "PA"; and

24 (6) All other health care practitioners shall only use the appropriate title as
25 permitted by statute.

26 3. Any advertisement for the services of a health care practitioner shall include the
27 practitioner's full name and title, and shall meet the requirements of subsection 2 of this
28 section. The advertisement shall not include any fraudulent misrepresentation. Any
29 advertisement in which a health care practitioner who refers to himself or herself as
30 "board certified", or uses similar language to imply the practitioner has received any type
31 of board certification, shall include the entire name of the board that issued the
32 certification. It shall be a fraudulent misrepresentation for any health care practitioner
33 to advertise himself or herself as "board certified" if the practitioner is not currently board
34 certified.

35 4. A health care practitioner shall:

36 (1) Display a copy of the practitioner's Missouri license, registration, or
37 certification in a prominent place in an office area visible to current and prospective
38 patients. If the health care practitioner sees patients in a setting outside of a licensed
39 health care facility, the copy shall be of sufficient size to be visible and apparent to patients,
40 except that a copy no smaller than the original license is deemed to be sufficient; and

41 (2) A health care practitioner seeing patients on a face-to-face basis shall wear a
42 name badge or some other form of identification that clearly discloses:

43 (a) The health care practitioner's name;

44 (b) The type of license, registration, or certification the health care practitioner
45 holds for the health care practitioner's profession; and

46 (c) The health care practitioner's medical staff position, if applicable.

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

3 (1) Practice medicine or surgery in any of its departments~~[-to]~~ ;

4 (2) Engage in the practice of medicine across state lines ~~[or to]~~ ;

5 (3) Profess to cure and attempt to treat the sick and others afflicted with bodily or
6 mental infirmities~~[, or]~~ ;

7 (4) Engage in the practice of midwifery in this state, except as herein provided[-] ; or

8 (5) Use or imply the use of the following words or terms alone or in combination:
9 "physician", "surgeon", "medical doctor", "doctor of osteopathy", "MD", "DO",
10 "anesthesiologist", "cardiologist", "dermatologist", "endocrinologist",
11 "gastroenterologist", "general practitioner", "general surgeon", "gynecologist",
12 "hematologist", "hospitalist", "internist", "laryngologist", "nephrologist", "neurologist",
13 "neurosurgeon", "obstetrician", "oncologist", "ophthalmologist", "orthopedic surgeon",
14 "orthopedist", "orthopod", "osteopath", "otologist", "otolaryngologist",
15 "otorhinolaryngologist", "pathologist", "pediatrician", "primary care physician",
16 "proctologist", "psychiatrist", "radiologist", "rheumatologist", "rhinologist", "urologist",
17 or any similar title or description of services with the intent to represent that the person
18 practices medicine or is a registered physician.

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

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

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

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

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

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

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

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

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

- 41 (1) A member of an athletic team;
- 42 (2) A member of an athletic team's coaching, communications, equipment, or sports
43 medicine staff;
- 44 (3) A member of a band, dance team, or cheerleading squad accompanying an athletic
45 team; or
- 46 (4) An athletic team's mascot.

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

51 **6. For purposes of this section, "surgery" means a manual or operative method that**
52 **involves the partial or complete excision or resection, destruction, incision, or other**
53 **structural alteration of human tissue by any means, performed upon the human body for**
54 **the purpose of preserving health, diagnosing or treating disease, repairing injury,**
55 **correcting deformity or defects, prolonging life, or relieving suffering, or for aesthetic,**
56 **reconstructive, or cosmetic purposes.**

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

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

11 3. Any person who holds a license or recognition to practice advanced practice nursing
12 in this state may **only** use the title "Advanced Practice Registered Nurse", and the abbreviation
13 "APRN", and any ~~other~~ **of the following** title designations ~~[appearing on his or her license]~~ **as**
14 **appropriate to the advanced practice registered nurse's education and training: "Certified**
15 **Advanced Practice Registered Nurse", "Advanced Practice Nurse", "Nurse Anesthetist",**
16 **"Certified Registered Nurse Anesthetist", "Nurse Midwife", "Certified Nurse Midwife",**
17 **"Nurse Practitioner", "Certified Nurse Practitioner", "Certified Nurse Specialist",**
18 **"Doctor of Nursing Practice", or "Certified Clinical Nurse Specialist", or any abbreviation**
19 **associated with such title designations.** No other person shall use the title "Advanced Practice
20 Registered Nurse" or the abbreviation "APRN", **or any of the title designations listed in this**

21 **subsection.** No other person shall assume any title or use any abbreviation or any other words,
22 letters, signs, or devices to indicate that the person using the same is an advanced practice
23 registered nurse.

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

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

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

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