

FIRST REGULAR SESSION

HOUSE BILL NO. 879

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

1886H.011

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, with penalty provisions.

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Section A. Sections 334.010 and 335.076, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 324.044, 334.010, and 335.076, to read as follows: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

(3) "Health care practitioner", the same meaning given to the term "health care professional" in section 376.1350.

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

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 use "doctor of medicine",
16 "physician", "M.D.", "doctor of osteopathic medicine", or "D.O.". A physician may use
17 specialty designations described in section 334.010;

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

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

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

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

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

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

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 mental
6 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 words or terms "physician", "surgeon", "medical
9 doctor", "doctor of osteopathy", "M.D.", "D.O.", "anesthesiologist", "cardiologist",
10 "dermatologist", "endocrinologist", "gastroenterologist", "general practitioner", "general
11 surgeon", "gynecologist", "hematologist", "hospitalist", "internist", "laryngologist",
12 "nephrologist", "neurologist", "neurosurgeon", "obstetrician", "oncologist",
13 "ophthalmologist", "orthopedic surgeon", "orthopedist", "orthopod", "osteopath",
14 "otologist", "otolaryngologist", "otorhinolaryngologist", "pathologist", "pediatrician",

15 **"primary care physician", "proctologist", "psychiatrist", "radiologist", "rheumatologist",**
16 **"rhinologist", "urologist", or any similar title or description of services with the intent to**
17 **represent that the person practices medicine.**

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

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

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

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

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

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

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

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

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

40 (1) A member of an athletic team;

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

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

45 (4) An athletic team's mascot.

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

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 use **only** 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, advanced 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

36 practice registered nurse, nurse practitioner, licensed practical nurse, nurse midwife, clinical
37 nurse specialist, or nurse anesthetist, unless otherwise authorized by law to do so.

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