

FIRST REGULAR SESSION

HOUSE BILL NO. 1341

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

2714H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 334.010, RSMo, and to enact in lieu thereof one new section relating to titles of physicians, with penalty provisions.

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

Section A. Section 334.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 334.010, to read as follows:

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.

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.

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.

✓