

SECOND REGULAR SESSION

# HOUSE BILL NO. 2534

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE THOMAS.

5124H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 324, RSMo, by adding thereto one new section relating to fraudulent misrepresentations in advertisements of health care practitioners.

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

Section A. Chapter 324, RSMo, is amended by adding thereto one new section, to be known as section 324.019, to read as follows:

**324.019. 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 at which the practitioner is employed, volunteers, or otherwise provides health care services. The term "advertisement" shall include business cards, letterhead, patient brochures, email, internet 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, titles, terms, or other words used in an advertisement that misrepresent a health care practitioner's professional skills, training, expertise, education, board certification, or licensure, with the purpose of misleading the public.

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

(1) Physicians and surgeons licensed under chapter 334 shall use the titles "physician", "surgeon", "medical doctor", "M.D.", "doctor of osteopathy", or "D.O." and may use specialty designations as provided by section 334.021;

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.

17           (2) Physician assistants, as such term is defined in section 334.735, licensed to  
18 practice under chapter 334 shall use only the title "physician assistant" or "licensed  
19 physician assistant" or the abbreviation "P.A.";

20           (3) Assistant physicians, as such term is defined in section 334.036, licensed to  
21 practice under chapter 334 shall use only the title "assistant physician" and the titles  
22 provided by section 334.036;

23           (4) Registered professional nurses or registered nurses, as such terms are defined  
24 in section 335.016, licensed under chapter 335 shall use only the title "registered  
25 professional nurse" or the abbreviation "RN";

26           (5) Licensed practical nurses or practical nurses, as such terms are defined in  
27 section 335.016, licensed under chapter 335 shall use only the title "licensed practical  
28 nurse" or the abbreviation "LPN";

29           (6) Advanced practice registered nurses, as such term is defined in section  
30 335.016, licensed under chapter 335 shall use only the title "advanced practice  
31 registered nurse", the abbreviation "APRN", or the designations and abbreviations  
32 reserved for advanced practice registered nurses as provided in section 335.076; and

33           (7) All other health care practitioners shall use the appropriate titles and  
34 abbreviations as indicated by the applicable provision of law regarding licensure of the  
35 health care practitioner.

36           3. An advertisement for the services of a health care practitioner shall include  
37 the health care practitioner's full name and title as set forth in this section. The  
38 advertisement shall not include fraudulent misrepresentations. Any advertisement in  
39 which a health care practitioner refers to himself or herself as board certified or uses  
40 similar language to infer the practitioner has received any type of board certification  
41 shall include the entire name of the board that issued the certification. It is a fraudulent  
42 misrepresentation for any health care practitioner to advertise as board certified when  
43 the practitioner is not currently board certified.

44           4. (1) A health care practitioner shall display a copy of the health care  
45 practitioner's license in a prominent place in an office area visible to current and  
46 prospective patients. If the health care practitioner sees patients in a setting outside of a  
47 licensed health care facility, a copy of the health care practitioner's license shall be of  
48 sufficient size to be visible and apparent to patients, except that a copy no smaller than  
49 the original license is deemed to be sufficient.

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

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

53           **(b) The type of license, registration, or certification that the health care**  
54 **practitioner holds, as set forth in this section and by the applicable provision of law for**  
55 **the health care practitioner's profession; and**

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

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