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

An Act

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

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

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

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

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

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

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

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

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

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

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