

# HOUSE BILL NO. 3484

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COLEMAN.

7407H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 334.010, RSMo, and to enact in lieu thereof one new section relating to the unauthorized practice of medicine and surgery, with penalty provisions.

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*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Section A. Section 334.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 334.010, to read as follows: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 practice medicine or surgery in any of its departments, to engage in the practice of medicine across state lines or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, or engage in the practice of midwifery in this state, except as herein provided.

2. As used in this section, the term "surgery" means any:

- (1) **Structural alteration of the human body by the incision or destruction of tissues;**
- (2) **Localized alteration or transposition of live human tissue that:**
  - (a) **Is a diagnostic or therapeutic treatment of a condition or disease process;**
  - (b) **Is accomplished through the use of any instrument including, but not limited to, lasers, ultrasound, ionizing radiation, scalpels, probes, and needles; and**
  - (c) **Involves cutting, burning, vaporizing, freezing, suturing, or probing the tissue; manipulating the tissue by closed reductions for major dislocations or fractures; or otherwise altering the tissue by mechanical, thermal, light-based, electromagnetic, or chemical means; or**

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           **(3) Injection of diagnostic or therapeutic substances into body cavities, internal**  
18 **organs, joints, sensory organs, and the central nervous system. This paragraph shall not**  
19 **include the administration of subcutaneous, intramuscular, and intravenous injections**  
20 **by a licensed nurse when ordered by a physician and within the scope of practice of the**  
21 **nurse.**

22           **3.** For the purposes of this chapter, the "practice of medicine across state lines" shall  
23 mean:

24           (1) The rendering of a written or otherwise documented medical opinion concerning  
25 the diagnosis or treatment of a patient within this state by a physician located outside this  
26 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; or

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

31           ~~[3-]~~ **4.** A physician located outside of this state shall not be required to obtain a  
32 license when:

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

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

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

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

42           ~~[4-]~~ **5.** This section shall not apply to a person who holds a current unrestricted license  
43 to practice medicine in another state when the person, under a written agreement with an  
44 athletic team located in the state in which the person is licensed, provides sports-related  
45 medical services to any of the following individuals if the team is traveling to or from, or  
46 participating in, a sporting event in this state:

47           (1) A member of an athletic team;

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

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

52           (4) An athletic team's mascot.

53           ~~[5-]~~ **6.** In providing sports-related medical services under subsection ~~[4]~~ **5** of this  
54 section, the person shall not provide medical services at a health care facility, including a  
55 hospital, ambulatory surgical center, or any other facility in which medical care, diagnosis, or  
56 treatment is provided on an inpatient or outpatient basis.

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