

SENATE BILL NO. 1313

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

5079S.01I

KRISTINA MARTIN, Secretary

AN ACT

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

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

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

**324.019. 1. As used in this section, the following
2 terms mean:**

3 (1) "Advertisement", a communication, whether printed,
4 electronic, or oral, that names a health care practitioner
5 and the practice, profession, or institution at which the
6 practitioner is employed, volunteers, or otherwise provides
7 health care services. The term "advertisement" shall
8 include business cards, letterhead, patient brochures, e-
9 mail, internet websites, outdoor displays, audio and video
10 communications, and any other communication used in the
11 course of business;

12 (2) "Fraudulent misrepresentation", includes, but is
13 not limited to, the use of titles, terms, or other words
14 used in an advertisement that misrepresents a health care
15 practitioner's professional skills, training, expertise,
16 education, board certification, or licensure, with the
17 purpose of misleading the public.

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

20 (1) Physicians and surgeons licensed pursuant to
21 chapter 334 shall use the titles "physician", "surgeon",
22 "medical doctor", "M.D.", "doctor of osteopathy", or "D.O."
23 and may use specialty designations as provided by section
24 334.021;

25 (2) Physician assistants, as such term is defined in
26 section 334.735, licensed to practice pursuant to chapter
27 334 shall use only the title "physician assistant" or
28 "licensed physician assistant" or the abbreviation "P.A.";

29 (3) Assistant physicians, as such term is defined in
30 section 334.036, licensed to practice pursuant to chapter
31 334 shall use only the title "assistant physician" and the
32 titles provided by section 334.036;

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

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

41 (6) Advanced practice registered nurses, as such term
42 is defined in section 335.016, licensed pursuant to chapter
43 335 shall only use the title "advanced practice registered
44 nurse", the abbreviation "APRN", or the designations and
45 abbreviations reserved for advanced practice registered
46 nurses as provided in section 335.076; and

47 (7) All other health care practitioners shall use the
48 appropriate titles and abbreviations as indicated by the

49 applicable provision of law regarding licensure of the
50 health care practitioner.

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

63 4. A health care practitioner shall:

64 (1) Display a copy of the health care practitioner's
65 license in a prominent place in an office area visible to
66 current and prospective patients. If the health care
67 practitioner sees patients in a setting outside of a
68 licensed health care facility, a copy of the health care
69 practitioner's license shall be of sufficient size to be
70 visible and apparent to patients, except that a copy no
71 smaller than the original license is deemed to be
72 sufficient; and

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

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

77 (b) The type of license, registration, or

78 certification which the health care practitioner holds, as
79 set forth in this section and by the applicable provision of
80 law for the health care practitioner's profession; and

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

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