

SECOND REGULAR SESSION

HOUSE BILL NO. 1622

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (117) (Sponsor) AND FREDERICK (Co-sponsor).

5505L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to advertisements for health care services.

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

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.315, to read as follows:

407.315. 1. As used in this section, the following terms shall mean:

(1) "Advertisement", any communication or statement, whether printed, electronic, or oral, that names a health care provider in relation to such provider's practice, profession, or institution in which the individual is employed, volunteers, or otherwise provides health care services. Advertisement includes but is not limited to business cards, email, internet, audio and video, and any other communication or statement used in the course of business;

(2) "Deceptive" or "misleading", any advertisement or affirmative communication or representation that misstates, falsely describes, falsely holds out or falsely details a health care provider's profession, skills, training, expertise, education, board certification, or licensure;

(3) "Health care provider", any physician, surgeon, dentist, nurse, optometrist, mental health professional, or other practitioner of a health care discipline, the professional practice of which requires licensure or certification under state law or under comparable laws of another state, territory, district, or possession of the United States;

(4) "Licensee", a health care provider who holds an active license with the licensing board governing his or her practice in this state.

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. An advertisement for health care services that names a health care provider shall**
19 **identify the type of license held by the provider. The advertisement shall be free from any**
20 **and all deceptive or misleading information.**

21 **3. A medical doctor or doctor of osteopathic medicine shall not hold himself or**
22 **herself out to the public in any manner as being certified by a public or private specialty**
23 **board, including but not limited to a multidisciplinary board, or as being board certified**
24 **unless all of the following criteria are met:**

25 **(1) The full name of the board from which such doctor is certified and the name of**
26 **the specialty or subspecialty is included in the advertisement;**

27 **(2) The board meets any of the following qualifications:**

28 **(a) The board is an American Board of Medical Specialties (ABMS) member board**
29 **or an American Osteopathic Association (AOA) certifying board;**

30 **(b) The board has been deemed equivalent to the ABMS by the state board of**
31 **registration for the healing arts; or**

32 **(c) The board requires successful completion of a postgraduate residency program**
33 **approved by the Accreditation Council for Graduate Medical Education (ACGME) or**
34 **AOA that provides complete training in the specialty or subspecialty certified, and prior**
35 **certification by the member board of the ABMS or AOA for such residency.**

36 **4. The following shall constitute a violation of this section:**

37 **(1) Failure to comply with any provision of this section;**

38 **(2) Knowingly aiding, assisting, procuring, employing, or advertising any**
39 **unlicensed person or entity to practice or engage in acts contrary to the health care**
40 **provider's degree of licensure; or**

41 **(3) Delegating or contracting for the performance of health care services by a**
42 **health care provider when the licensee delegating or contracting for the performance**
43 **knows or has reason to know the person does not have the required authority under the**
44 **person's licensure.**

45 **5. Any health care provider who violates any provision of this section is subject to**
46 **disciplinary action by such provider's appropriate licensing board.**

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