

FIRST REGULAR SESSION

# HOUSE BILL NO. 36

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor) AND SATER (Co-sponsor).

Pre-filed December 1, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0181L.011

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### AN ACT

To repeal sections 334.010, 334.190, and 334.260, RSMo, and to enact in lieu thereof two new sections relating to rights of pregnant women.

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

Section A. Sections 334.010, 334.190, and 334.260, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.029 and 334.010, to read as follows:

**210.029. Nothing in Missouri law shall encroach on a mother's right to give birth in the setting and with the caregiver or caregivers of her choice. The caregiver or caregivers who assist the mother shall not be subject to prosecution under state law, if such caregiver or caregivers exercise a reasonable degree of care.**

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

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside

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.

13 this state as a result of transmission of individual patient data by electronic or other means from  
14 within this state to such physician or physician's agent.

15 3. A physician located outside of this state shall not be required to obtain a license when:

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

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

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

22 (4) Participating in a utilization review pursuant to section 376.1350, RSMo.

2 [334.190. It is unlawful for any person licensed as a midwife only to  
3 engage in any other branch of medical practice or to advertise herself as doctor,  
4 doctress or physician or to use any letters before or after her name on a sign or  
5 otherwise, indicating that she is authorized to or does engage in any other branch  
6 of medical practice.]

7 [334.260. On August 29, 1959, all persons licensed under the provisions  
8 of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as  
9 midwives under this chapter and subject to all the provisions of this chapter.]