

FIRST REGULAR SESSION

HOUSE BILL NO. 175

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

Read 1st time January 6, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0733L.02I

AN ACT

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

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Section A. Section 334.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 334.010, to read as follows: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. 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 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.

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

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

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 (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.

23 **4. As used in this chapter the term "surgery" shall include the use of lasers, pulsed**
24 **light, radio frequency, or medical microwave devices for the purpose of revision, incision,**
25 **destruction, and structural alteration of human tissue for diagnostic, palliative,**
26 **therapeutic, or cosmetic purposes including, but not limited to, the removal or reduction**
27 **of superfluous hair, wrinkles, scars, moles, and other blemishes. Nothing in this section**
28 **shall prevent other health care practitioners who are licensed in this state to perform**
29 **surgical services from using lasers, pulsed light, radio frequency, or medical microwave**
30 **devices within their scope of practice and consistent with their training and education.**

31 **5. Any physician who delegates a procedure involving the use of lasers, pulsed light,**
32 **radio frequency, or medical microwave devices to a practitioner who is not a licensed**
33 **physician shall be qualified to perform the procedure by virtue of appropriate training in**
34 **the physics, safety, and use of the device in pre and post procedure care, and in the**
35 **management of any emergency that may arise from the use of the device.**

36 **6. Any practitioner who is not a licensed physician and who uses lasers, pulsed**
37 **light, radio frequency, or medical microwave devices during a procedure on another**
38 **human being shall:**

39 **(1) Have appropriate documented training and education in the safe and effective**
40 **use of the device that is being used;**

41 **(2) Be licensed as a medical professional by the state; and**

42 **(3) Perform the procedure only in accordance with written protocols and under the**
43 **supervision of a licensed physician who is immediately available in the same health care**
44 **facility.**