

By: Representative Powell

To: Public Health and Human Services

HOUSE BILL NO. 1203

1 AN ACT TO REENACT SECTIONS 41-121-1 THROUGH 41-121-9,
 2 MISSISSIPPI CODE OF 1972, WHICH ARE THE PATIENT'S RIGHT TO
 3 INFORMED HEALTH CARE CHOICES ACT; TO AMEND REENACTED SECTION
 4 41-121-3, MISSISSIPPI CODE OF 1972, TO MAKE A MINOR,
 5 NONSUBSTANTIVE CHANGE; TO AMEND REENACTED SECTION 41-121-5,
 6 MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF
 7 "ADVERTISEMENT" AND DEFINE "COLLABORATING PHYSICIAN;" TO AMEND
 8 REENACTED SECTION 41-121-7, MISSISSIPPI CODE OF 1972, TO REQUIRE
 9 NONPHYSICIAN HEALTH CARE PRACTITIONERS THAT PRACTICE UNDER A
 10 COLLABORATIVE AGREEMENT WITH A COLLABORATING PHYSICIAN TO DISCLOSE
 11 AND DISPLAY IN THEIR OFFICE A WRITING THAT CLEARLY IDENTIFIES THE
 12 NAME AND LICENSE NUMBER OF THE COLLABORATING PHYSICIAN AS WELL AS
 13 THE COLLABORATING PHYSICIAN'S PRACTICE ADDRESS AND CONTACT PHONE
 14 NUMBER SO AS TO BE VISIBLE AND APPARENT TO ALL CURRENT AND
 15 PROSPECTIVE PATIENTS; TO AMEND SECTION 41-121-11, MISSISSIPPI CODE
 16 OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE ACT; AND FOR
 17 RELATED PURPOSES.

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

19 **SECTION 1.** Section 41-121-1, Mississippi Code of 1972, is
 20 reenacted as follows:

21 41-121-1. This chapter shall be known and may be cited as
 22 "The Patient's Right to Informed Health Care Choices Act."

23 **SECTION 2.** Section 41-121-3, Mississippi Code of 1972, is
 24 reenacted and amended as follows:

25 41-121-3. The Legislature finds and declares that:



26 (a) There are a multitude of professional degrees using
27 the term "doctor," including Medical Doctor (M.D.); Doctor of
28 Osteopathic Medicine (D.O.); Doctor of Dental Surgery (D.D.S.);
29 Doctor of Podiatric Medicine (D.P.M.); Doctor of Optometry (O.D.);
30 Doctor of Chiropractic (D.C.); Doctor of Nursing Practice
31 (D.N.P.); Doctor of Pharmacy (Pharm.D.); and other designations
32 which may be used by health care practitioners.

33 (b) Choosing a health care provider is one of the most
34 important decisions a patient makes, which should be supported by
35 full disclosure from their health care provider. There are
36 differences regarding the training and qualifications required to
37 earn the professional degrees described in and subject to this
38 chapter. These differences often concern the training and skills
39 necessary to correctly detect, diagnose, prevent and treat serious
40 health care conditions.

41 (c) There is a compelling state interest in patients
42 being promptly and clearly informed of the actual training and
43 qualifications of their health care practitioners who provide
44 health care services. This chapter aims to provide public
45 protection against potentially misleading and deceptive health
46 care advertising that causes patients to have undue expectations
47 regarding their medical treatments and outcomes.

48 **SECTION 3.** Section 41-121-5, Mississippi Code of 1972, is
49 reenacted and amended as follows:

50 41-121-5. For the purposes of this chapter:



51 (a) "Advertisement" means any communication or
52 statement, whether printed, electronic or oral, that names the
53 health care practitioner in relation to his or her practice,
54 profession, or institution in which the individual is employed,
55 volunteers or otherwise provides health care services. This
56 includes all media and printed materials produced by the health
57 care practitioner or the health care practitioner's practice, such
58 as business cards, identification badges, letterhead, patient
59 brochures, email, Internet, audio and video, and any other
60 communication or statement used in the course of business or any
61 other definition provided by regulations of the licensing board of
62 proper jurisdiction.

63 (b) "Collaborating physician" means any person licensed
64 to practice medicine or osteopathic medicine in the State of
65 Mississippi who, pursuant to a duly executed protocol and/or
66 collaborative agreement, has agreed to collaborate/consult with an
67 advance practice registered nurse as provided under Section
68 73-15-20.

69 (* * *c) "Deceptive" or "misleading" includes, but is
70 not limited to, any advertisement or affirmative communication or
71 representation that misstates, falsely describes, holds out or
72 falsely details the health care practitioner's profession, skills,
73 training, expertise, education, board certification or licensure
74 as determined by each respective licensing board.



75 (* * *d) "Health care practitioner" means any person
76 who engages in acts that are the subject of licensure or
77 regulation. Categories of health care practitioner include:

78 (i) Practitioners of allopathic medicine,
79 signified by the letters "M.D." or the words surgeon, medical
80 doctor, or doctor of medicine by a person licensed to practice
81 medicine and surgery.

82 (ii) Practitioners of osteopathic medicine,
83 signified by the letters "D.O." or the words surgeon, osteopathic
84 surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic
85 medicine.

86 Practitioners of allopathic medicine or osteopathic medicine
87 referenced in subparagraphs (i) and (ii) of this paragraph (d)
88 include the use of any medical or medical specialty title,
89 including, but not limited to, "physician," "surgeon," "doctor,"
90 "resident", "intern," "anesthesiologist," "cardiologist,"
91 "dermatologist," "endocrinologist," "gastroenterologist," "general
92 practitioner," "gynecologist," "hematologist," "internist,"
93 "intensivist," "laryngologist," "nephrologist," "neurologist,"
94 "obstetrician," "oncologist," "ophthalmologist," "orthopedic
95 surgeon," "orthopedist," "osteopath," "otologist,"
96 "otolaryngologist," "otorhinolaryngologist," "pathologist,"
97 "pediatrician," "primary care physician," "proctologist,"
98 "psychiatrist," "radiologist," "rheumatologist," "rhinologist,"
99 and "urologist," or any other word or abbreviation to indicate or



100 induce others to believe that one is engaged in the diagnosis or
101 treatment of persons afflicted with disease, injury, defect of the
102 body or mind, or other conditions for which treatment is sought,
103 either alone or in combination with any other title.

104 (iii) Practitioners of nursing, signified by the
105 letters "D.N.P.," "N.P.," "R.N.," "L.P.N.," "C.R.N.A.," or any
106 other commonly used signifier to denote a doctorate of nursing
107 practice, nurse practitioner, registered nurse, licensed practical
108 nurse, or certified registered nurse anesthetist, respectively, as
109 appropriate to signify the appropriate degree of licensure and
110 degree earned from a regionally accredited institution of higher
111 education in the appropriate field of learning.

112 (iv) Practitioners of podiatry, signified by the
113 letters "D.P.M." or the words podiatrist, doctor of podiatry,
114 podiatric surgeon, or doctor of podiatric medicine.

115 (v) Practitioners of chiropractic, signified by
116 the letters "D.C." or the words chiropractor, doctor of
117 chiropractic or chiropractic physician.

118 (vi) Practitioners of dentistry, signified by the
119 letters "D.D.S." or "D.M.D.," as appropriate, or the words
120 dentist, doctor of dental surgery, or doctor of dental medicine,
121 as appropriate.

122 (vii) Practitioners of optometry, signified by the
123 letters "O.D." or the words optometrist or doctor of optometry.



124 (viii) Practitioners of pharmacy, signified by the
125 letters "BSc.Pharm" or "Pharm.D." or the words pharmacists or
126 doctor of pharmacy.

127 (ix) Physician assistants, signified by the
128 letters "P.A." or the words physician assistant.

129 (x) Medical assistants, signified by the letters
130 "M.A." or the words medical assistant.

131 (xi) Practitioners of audiology, signified by the
132 letters "Au.D.," "Sc.D." or "Ph.D.," or the words audiologist or
133 doctor of audiology.

134 (xii) Psychologists, therapists, speech-language
135 pathologists, counselors, or any other health care practitioner
136 not covered under this section, including, but not limited to,
137 those signified by the letters "Ph.D.," "Ed.D.," "P.T.," "M.P.T."
138 or "Psy.D.," or "Sc.D.," as appropriate to signify the appropriate
139 degree of licensure and degree earned from a regionally accredited
140 institution of higher education in the appropriate field of
141 learning.

142 (d) "Licensee" means a health care practitioner who
143 holds an active license with the licensing board governing his or
144 her practice in this state.

145 **SECTION 4.** Section 41-121-7, Mississippi Code of 1972, is
146 reenacted and amended as follows:

147 41-121-7. (1) An advertisement for health care services
148 that names a health care practitioner must identify the type of



149 license held according to the definitions under this chapter. The
150 advertisement shall be free from any and all deceptive or
151 misleading information.

152 (2) A health care practitioner providing health care
153 services in this state must conspicuously post in their office and
154 affirmatively communicate the practitioner's specific licensure as
155 defined under this chapter. This shall consist of the following:
156 The health care practitioner shall display in his or her office a
157 writing that clearly identifies the type of license held by the
158 health care practitioner. The writing must be of sufficient size
159 so as to be visible and apparent to all current and prospective
160 patients.

161 (3) A nonphysician health care practitioner that practices
162 under a collaborative agreement with a collaborating physician
163 must disclose and display in his or her office a writing that
164 clearly identifies the name and license number of the
165 collaborating physician as well as the collaborating physician's
166 practice address and contact phone number so as to be visible and
167 apparent to all current and prospective patients.

168 (a) A nonphysician health care practitioner practicing
169 under a collaborative agreement with a collaborating physician
170 must post conspicuously in his or her office the name and specific
171 licensure of the collaborating physician and the regularly
172 scheduled hours that the physician intends to be physically
173 present in the office, if applicable. The writing must be of



174 sufficient size so as to be visible and apparent to all current
175 and prospective patients.

176 (b) A nonphysician health care practitioner practicing
177 under a collaborative agreement with a collaborating physician
178 must disclose the name and specific licensure of the collaborating
179 physician whenever asked by a patient, prospective patient, or
180 another health care practitioner.

181 (4) A health care practitioner providing health care
182 services in this state who practices under a collaborative
183 agreement with a collaborating physician must include the name of
184 the collaborating physician on any referral made for any patient
185 to any health care practitioner or health care facility, including
186 referrals for any medical service, evaluation, treatment, or
187 diagnostic testing.

188 (* * *5) A health care practitioner who practices in more
189 than one (1) office shall be required to comply with these
190 requirements in each practice setting.

191 (* * *6) Health care practitioners working in nonpatient
192 care settings, and who do not have any direct patient care
193 interactions, are not subject to the provisions of this chapter.

194 **SECTION 5.** Section 41-121-9, Mississippi Code of 1972, is
195 reenacted as follows:

196 41-121-9. (1) Failure to comply with any provision under
197 this section shall constitute a violation under this chapter.



198 (2) Knowingly aiding, assisting, procuring, employing or
199 advising any unlicensed person or entity to practice or engage in
200 acts contrary to the health care practitioner's degree of
201 licensure shall constitute a violation under this chapter.

202 (3) Delegating or contracting for the performance of health
203 care services by a health care practitioner when the licensee
204 delegating or contracting for performance knows, or has reason to
205 know, the person does not have the required authority under the
206 person's licensure, shall constitute a violation under this
207 chapter.

208 (4) Violations of this chapter relating to practitioners of
209 pharmacy shall be regulated in accordance with the restrictions on
210 the use of business name for pharmacists in Section 73-21-109.

211 (5) Each day that this chapter is violated shall constitute
212 a separate offense and shall be punishable as such.

213 (6) Any health care practitioner who violates any provision
214 under this chapter is guilty of unprofessional conduct and subject
215 to disciplinary action under the appropriate licensure provisions
216 governing the respective health care practitioner.

217 (7) Any and all fees and other amounts billed to and paid by
218 the patient may be effectively rescinded and refunded. This
219 includes third parties contracted to collect fees on behalf of the
220 health care practitioner, the health care practitioner's employer,
221 or other entity contracting with the health care practitioner as
222 determined by each respective licensing board.



223 (8) The imposition of professional sanctions, administrative
224 fees or other disciplinary actions shall be publicly reported by
225 the governmental administrative body of proper jurisdiction at its
226 discretion.

227 (9) Notwithstanding the imposition of any penalty, a
228 professional licensing board or other administrative agency with
229 jurisdiction may seek an injunction or other legal means as
230 appropriate against a person or entity violating this chapter as
231 determined by each respective licensing board.

232 (10) A licensing board may only enforce violations of this
233 chapter with licensees that are subject to its jurisdiction.

234 **SECTION 6.** Section 41-121-11, Mississippi Code of 1972, is
235 amended as follows:

236 41-121-11. Sections 41-121-1 through 41-121-9 shall stand
237 repealed on July 1, * * * 2027.

238 **SECTION 7.** This act shall take effect and be in force from
239 and after July 1, 2024.

