

By: Senator(s) Wiggins

To: Public Health and Welfare

SENATE BILL NO. 2864

1 AN ACT TO AMEND SECTION 41-121-5, MISSISSIPPI CODE OF 1972,
 2 TO SET CERTAIN ADVERTISING STANDARDS FOR HEALTHCARE PROFESSIONALS;
 3 TO DEFINE COLLABORATING PHYSICIAN; TO INCLUDE CERTAIN TITLES FOR
 4 HEALTHCARE PROFESSIONALS; TO AMEND SECTION 41-121-7, MISSISSIPPI
 5 CODE OF 1972, TO REQUIRE NON-PHYSICIAN HEALTH CARE PRACTITIONERS
 6 THAT PRACTICE UNDER A COLLABORATIVE AGREEMENT TO DISPLAY, DISCLOSE
 7 AND POST A STATEMENT THAT IDENTIFIES THE NAME OF THE COLLABORATING
 8 PHYSICIAN; TO REQUIRE A HEALTH CARE PRACTITIONER WHO PRACTICES
 9 UNDER A COLLABORATION AGREEMENT TO INCLUDE THE NAME OF THE
 10 COLLABORATING PHYSICIAN ON ANY REFERRAL MADE FOR ANY PATIENT; TO
 11 AMEND SECTION 41-121-11, MISSISSIPPI CODE OF 1972, TO EXTEND THE
 12 DATE OF REPEAL ON THE APPLICABLE ARTICLE; AND FOR RELATED
 13 PURPOSES.

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

15 **SECTION 1.** Section 41-121-5, Mississippi Code of 1972, is
 16 amended as follows:

17 41-121-5. For the purposes of this chapter:

18 (a) "Advertisement" means any communication or
 19 statement, whether printed, electronic or oral, that names the
 20 health care practitioner in relation to his or her practice,
 21 profession, or institution in which the individual is employed,
 22 volunteers or otherwise provides health care services. This
 23 includes all media and printed materials produced by the health



24 care practitioner or the health care practitioner's practice, such
25 as business cards, identification badges, letterhead, patient
26 brochures, email, Internet, audio and video, and any other
27 communication or statement used in the course of business or any
28 other definition provided by regulations of the licensing board of
29 proper jurisdiction.

30 (b) "Collaborating physician" means any person licensed
31 to practice medicine or osteopathic medicine in the state of
32 Mississippi who, pursuant to a duly executed protocol and/or
33 collaborative agreement, has agreed to collaborate / consult with
34 a nurse practitioner.

35 (c) "Deceptive" or "misleading" includes, but is not
36 limited to, any advertisement or affirmative communication or
37 representation that misstates, falsely describes, holds out or
38 falsely details the health care practitioner's profession, skills,
39 training, expertise, education, board certification or licensure
40 as determined by each respective licensing board.

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

44 (i) Practitioners of allopathic medicine,
45 signified by the letters "M.D." or the words surgeon, medical
46 doctor, or doctor of medicine by a person licensed to practice
47 medicine and surgery.



48 (ii) Practitioners of osteopathic medicine,
49 signified by the letters "D.O." or the words surgeon, osteopathic
50 surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic
51 medicine.

52 1. Practitioners of allopathic medicine or
53 osteopathic medicine referenced in (d)(i) and (d)(ii) above
54 include the use of any medical or medical specialty title,
55 including "physician," "surgeon," "doctor," "resident," "intern,"
56 "anesthesiologist," "cardiologist," "dermatologist,"
57 "endocrinologist," "gastroenterologist," "general practitioner,"
58 "gynecologist," "hematologist," "internist," "intensivist,"
59 "laryngologist," "nephrologist," "neurologist," "obstetrician,"
60 "oncologist," "ophthalmologist," "orthopedic surgeon,"
61 "orthopedist," "osteopath," "otologist," "otolaryngologist,"
62 "otorhinolaryngologist," "pathologist," "pediatrician," "primary
63 care physician," "proctologist," "psychiatrist," "radiologist,"
64 "rheumatologist," "rhinologist," and "urologist," or any other
65 word or abbreviation to indicate or induce others to believe that
66 one is engaged in the diagnosis or treatment of persons afflicted
67 with disease, injury, defect of the body or mind, or other
68 conditions for which treatment is sought, either alone or in
69 combination with any other title.

70 (iii) Practitioners of nursing, signified by the
71 letters "D.N.P.," "N.P.," "R.N.," "L.P.N.," "C.R.N.A.," or any
72 other commonly used signifier to denote a doctorate of nursing



73 practice, nurse practitioner, registered nurse, licensed practical
74 nurse, or certified registered nurse anesthetist, respectively, as
75 appropriate to signify the appropriate degree of licensure and
76 degree earned from a regionally accredited institution of higher
77 education in the appropriate field of learning.

78 (iv) Practitioners of podiatry, signified by the
79 letters "D.P.M." or the words podiatrist, doctor of podiatry,
80 podiatric surgeon, or doctor of podiatric medicine.

81 (v) Practitioners of chiropractic, signified by
82 the letters "D.C." or the words chiropractor, doctor of
83 chiropractic or chiropractic physician.

84 (vi) Practitioners of dentistry, signified by the
85 letters "D.D.S." or "D.M.D.," as appropriate, or the words
86 dentist, doctor of dental surgery, or doctor of dental medicine,
87 as appropriate.

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

90 (viii) Practitioners of pharmacy, signified by the
91 letters "BSc.Pharm" or "Pharm.D." or the words pharmacists or
92 doctor of pharmacy.

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

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



97 (xi) Practitioners of audiology, signified by the
98 letters "Au.D.," "Sc.D." or "Ph.D.," or the words audiologist or
99 doctor of audiology.

100 (xii) Psychologists, therapists, speech-language
101 pathologists, counselors, or any other health care practitioner
102 not covered under this section, including, but not limited to,
103 those signified by the letters "Ph.D.," "Ed.D.," "P.T.," "M.P.T."
104 or "Psy.D.," or "Sc.D.," as appropriate to signify the appropriate
105 degree of licensure and degree earned from a regionally accredited
106 institution of higher education in the appropriate field of
107 learning.

108 (* * *e) "Licensee" means a health care practitioner
109 who holds an active license with the licensing board governing his
110 or her practice in this state.

111 **SECTION 2.** Section 41-121-7, Mississippi Code of 1972, is
112 amended as follows:

113 41-121-7. (1) An advertisement for health care services
114 that names a health care practitioner must identify the type of
115 license held according to the definitions under this chapter. The
116 advertisement shall be free from any and all deceptive or
117 misleading information.

118 (2) A health care practitioner providing health care
119 services in this state must conspicuously post in their office and
120 affirmatively communicate the practitioner's specific licensure as
121 defined under this chapter. This shall consist of the following:



122 The health care practitioner shall display in his or her office a
123 writing that clearly identifies the type of license held by the
124 health care practitioner. The writing must be of sufficient size
125 so as to be visible and apparent to all current and prospective
126 patients.

127 (3) A non-physician health care practitioner that practices
128 under a collaborative agreement with a collaborating physician
129 shall disclose and display in his or her office a writing that
130 clearly identifies the name and license number of the
131 collaborating physician as defined under this chapter as well as
132 the collaborating physician's practice address and contact phone
133 number so as to be visible and apparent to all current and
134 prospective patients.

135 (a) A non-physician health care practitioner practicing
136 under a collaborative agreement with a collaborating physician
137 must post conspicuously in their office the name and specific
138 licensure of the collaborating physician and the regularly
139 scheduled hours that physician intends to be physically present in
140 the office, if applicable. The writing must be of sufficient size
141 so as to be visible and apparent to all current and prospective
142 patients.

143 (b) A non-physician health care practitioner practicing
144 under a collaborative agreement with a collaborating physician
145 must disclose the name and specific licensure of the collaborating



146 physician whenever asked by a patient, prospective patient, or
147 another health care practitioner.

148 (4) A health care practitioner providing health care
149 services in this state who practices under a collaboration
150 agreement with a collaborating physician must include the name of
151 the collaborating physician on any referral made for any patient
152 to any health care practitioner or health care facility, including
153 referrals for any medical service, evaluation, treatment or
154 diagnostic testing.

155 (5) A health care practitioner who practices in more than
156 one (1) office shall be required to comply with these requirements
157 in each practice setting.

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

161 **SECTION 3.** Section 41-121-11, Mississippi Code of 1972, is
162 amended as follows:

163 41-121-11. Sections 41-121-1 through 41-121-9 shall stand
164 repealed on July 1, * * * 2027.

165 **SECTION 4.** This act shall take effect and be in force from
166 and after July 1, 2024.

