



# Missouri State Medical Association v. State of Missouri, 256 S.W.3d 85 (Mo. 2008)

Topics Covered: Scope of Practice

**Outcome: Very Unfavorable**

## Issue

The issue in this case was whether a Missouri statute allowing for the practice of midwifery, the enactment of which was effected by a one-sentence insertion buried within another bill without proper notice of its contents, is constitutional.

## AMA Interest

The AMA believes that non-physician health care practitioners should provide only that health care that is appropriate to their education, training, and experience.

## Case Summary

Shortly before the Missouri General Assembly was to vote on a lengthy bill relating to health insurance, a state senator slipped in a provision that would allow midwifery practice. The midwifery section of the bill did not include provisions for state licensure or other regulation. The implications of the amendment were not made known to the rest of the legislators, who passed the amendment along with the rest of the bill. The governor signed the bill, which was then to become a law.

The Missouri State Medical Association (MSMA), along with the Missouri Association of Osteopathic Physicians and Surgeons, the Missouri Academy of Family Physicians, and the St. Louis Metropolitan Medical Society, sued the State of Missouri for a declaratory judgment and an injunction against enforcement or implementation of the new law. The complaint asserted that the midwifery law would be unconstitutional because (a) the bill leading up to its passage violated Mo. Const. art. III, § 21, which provides: "[N]o bill shall be so amended in its passage through either house as to change its original purpose," and (b) the bill also violated Mo. Const. art. III, § 23, which provides: "No bill shall contain more than one subject which shall be clearly expressed in its title."

The trial court found the purported law unconstitutional, for the reasons plaintiffs had advocated, and it enjoined its enforcement. The State of Missouri appealed to the Missouri Supreme Court. Unfortunately, on June 24, 2008, the Missouri Supreme Court reversed the trial court on the ground that the plaintiffs-medical societies lacked standing. The Court therefore did not reach the constitutional issue.

### **Litigation Center Involvement**

The Litigation Center contributed toward the MSMA litigation expenses and filed an amicus curiae brief to support the MSMA's position in the Missouri Supreme Court.

Missouri Supreme Court brief