

**PROPOSED REGULATION OF THE
STATE BOARD OF OSTEOPATHIC MEDICINE**

LCB File No. R094-11

September 1, 2011

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 633.291.

A REGULATION relating to the practice of telemedicine by an osteopathic physician and matters properly related thereto.

Section 1. NAC 633.255 is hereby amended to add the following new language:

1. An osteopathic physician who desires to engage in telemedicine pursuant to Section 2 of SB 273 of the 2011 Legislative Session with a patient who is physically located in Nevada may establish a bona fide relationship between the osteopathic physician and the patient as required by subparagraph (a) of subsection 2 of Section 2 of SB 273 by:

(a) Gathering the patient's history and physically examining the patient himself or herself within six months of the engagement in telemedicine; or

(b) Obtaining records from another osteopathic physician, allopathic physician, physicians assistant, or advanced nurse practitioner who is licensed in Nevada and who gathered the patient's history and physically examined the patient himself or herself in a location in Nevada within six months of the engagement in telemedicine.

↪ If at the time of the engagement in telemedicine the patient is not physically located in Nevada but a bona fide relationship between the osteopathic physician and the patient was established pursuant to this section, then the osteopathic physician may engage in telemedicine with the patient.

2. An osteopathic physician who desires to engage in telemedicine pursuant to Section 2

of SB 273 of the 2011 Legislative Session with a patient who is physically located outside of Nevada may establish a bona fide relationship between the osteopathic physician and the patient as required by subparagraph (a) of subsection 2 of Section 2 of SB 273 by obtaining records from an osteopathic physician, allopathic physician, physicians assistant, or advanced nurse practitioner who is licensed in state in which the patient is located and who gathered the patient's history and physically examined the patient himself or herself within six months of the engagement in telemedicine.

3. An osteopathic physician engaged in telemedicine may not prescribe controlled substances or dangerous drugs for a patient except that an osteopathic physician may prescribe controlled substances or dangerous drugs as an adjunct to or necessary part of a diagnostic procedure that the osteopathic physician has ordered for the patient as part of the telemedicine being practiced upon the patient. The amount of the controlled substance or dangerous drug shall be limited to the quantity necessary for the patient to undergo and complete the diagnostic procedure. An osteopathic physician engaged in telemedicine may issue a chart order for controlled substances or dangerous drugs for a patient.