

AMENDMENT TO REGULATION NO. 2.8

8. ****Requiring minimum standards for establishing ~~physician/physician assistant/patient~~ Patient/Provider relationships. Provider is defined as a person licensed by the Arkansas State Medical Board. A ~~physician/physician assistant~~ Provider exhibits gross negligence if he provides and/or recommends any form of treatment, including prescribing legend drugs, without first establishing a proper ~~physician/physician assistant-patient~~ Patient/Provider relationship.**
 - A. For purposes of this regulation, a proper ~~physician/physician assistant/patient~~ Patient/Provider relationship, at a minimum requires that:
 1. A. The ~~physician/physician assistant~~ Provider performs a history and an “in person” physical examination of the patient adequate to establish a diagnosis and identify underlying conditions and/or contraindications to the treatment recommended/provided, OR
 - B. The ~~physician/physician assistant~~ Provider performs a face to face examination using real time audio and visual telemedicine technology that provides information at least equal to such information as would have been obtained by an in-person examination; OR
 - C. The ~~physician/physician assistant~~ Provider personally knows the patient and the patient’s general health status through an “ongoing” personal or professional relationship;
 2. Appropriate follow-up be provided or arranged, when necessary, at medically necessary intervals.
 - B. For the purposes of this regulation, a proper ~~physician/physician assistant/patient~~ Patient/Provider relationship is deemed to exist in the following situations:
 1. When treatment is provided in consultation with, or upon referral by, another ~~physician/physician assistant~~ Provider who has an ongoing relationship with the patient, and who has agreed to supervise the patient’s treatment, including follow up care and the use of any prescribed medications.
 2. On-call or cross-coverage situations arranged by the patient’s treating ~~physician/physician assistant~~ Provider.
 - C. Exceptions – Recognizing a ~~physician/physician assistant’s~~ Provider’s duty to adhere to the applicable standard of care, the following situations are hereby excluded from the requirement of this regulation:

1. Emergency situations where the life or health of the patient is in danger or imminent danger.
2. Simply providing information of a generic nature not meant to be specific to an individual patient.
3. This Regulation does not apply to prescriptions written or medications issued for use in expedited heterosexual partner therapy for the sexually transmitted diseases of gonorrhea and/or chlamydia.
4. This Regulation does not apply to the administration of vaccines containing tetanus toxoid (e.g., DTaP, DTP, DT, Tdap, Td, or TT) or inactive influenza vaccines.

History: Adopted June 17, 1976; Amended March 13, 1997; Adopted December 3, 1998; Adopted April 6, 2001; Amended February 7, 2002; Amended April 3, 2008; Amended April 12, 2012; Amended December 14, 2015; Amended June 9, 2016, Effective September 6, 2016; Amended April 5, 2018, Effective August 8, 2018.