

Regulation 2.8
Proposed Amendment

8. ** Requiring minimum standards for establishing physician/patient relationships. A physician exhibits gross negligence if he provides and/or recommends any form of treatment, including prescribing legend drugs, without first establishing a proper physician/patient relationship.
- A. For purposes of this regulation, a proper physician/patient relationship, at a minimum requires that:
1. The physician performs a history and physical examination of the patient adequate to establish a diagnosis and identify underlying conditions and/or contraindications to the treatment recommended/provided, OR personally knows the patient and the patient's general health status through an "ongoing" personal or professional relationship, AND THAT
 2. Appropriate followup be provided, when necessary at medically necessary intervals.
- B. For the purposes of this regulation, a proper physician/patient relationship is deemed to exist in the following situations:
1. When treatment is provided in consultation with, or upon referral by, another physician 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.
- C. Exceptions - Recognizing a physician'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.