

ASSEMBLY BILL NO. 276—ASSEMBLYMEN DURAN, TORRES, THOMAS, MARZOLA; CONSIDINE, GONZÁLEZ, GORELOW, BRITTNEY MILLER, NEWBY, NGUYEN, ORENTLICHER, PETERS, TAYLOR AND WATTS

MARCH 9, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing telehealth. (BDR 54-831)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to health care; authorizing the use of telehealth for certain communication between providers of health care; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines the term “telehealth” to mean the delivery of services from
2 a provider of health care to a patient at a different location through the use of
3 certain information and audio-visual communication technology. (NRS 629.515)
4 This bill clarifies that “telehealth” includes communication between a provider of
5 health care who is providing in-person services to a patient and another provider of
6 health care at a different location. This bill authorizes a provider of health care who
7 is conducting a forensic medical examination of an apparent victim of sexual
8 assault or strangulation to use telehealth to connect to an appropriately trained
9 physician, physician assistant or registered nurse for the purpose of obtaining
10 instructions and guidance on conducting the examination.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 629.515 is hereby amended to read as follows:
2 629.515 1. Except as otherwise provided in this subsection,
3 before a provider of health care who is located at a distant site may
4 use telehealth to direct or manage the care or render a diagnosis of a
5 patient who is located at an originating site in this State or write a
6 treatment order or prescription for such a patient, the provider must



1 hold a valid license or certificate to practice his or her profession in
2 this State, including, without limitation, a special purpose license
3 issued pursuant to NRS 630.261. The requirements of this
4 subsection do not apply to a provider of health care who is
5 providing services within the scope of his or her employment by or
6 pursuant to a contract entered into with an urban Indian
7 organization, as defined in 25 U.S.C. § 1603.

8 2. The provisions of this section must not be interpreted or
9 construed to:

10 (a) Modify, expand or alter the scope of practice of a provider of
11 health care; or

12 (b) Authorize a provider of health care to provide services in a
13 setting that is not authorized by law or in a manner that violates the
14 standard of care required of the provider of health care.

15 3. A provider of health care who is located at a distant site and
16 uses telehealth to direct or manage the care or render a diagnosis of
17 a patient who is located at an originating site in this State or write a
18 treatment order or prescription for such a patient:

19 (a) Is subject to the laws and jurisdiction of the State of Nevada,
20 including, without limitation, any regulations adopted by an
21 occupational licensing board in this State, regardless of the location
22 from which the provider of health care provides services through
23 telehealth.

24 (b) Shall comply with all federal and state laws that would apply
25 if the provider were located at a distant site in this State.

26 4. A provider of health care may establish a relationship with a
27 patient using telehealth when it is clinically appropriate to establish
28 a relationship with a patient in that manner. The State Board of
29 Health may adopt regulations governing the process by which a
30 provider of health care may establish a relationship with a patient
31 using telehealth.

32 5. *A provider of health care who is located at an originating*
33 *site and is conducting a forensic medical examination of an*
34 *apparent victim of sexual assault or strangulation may use*
35 *telehealth to connect to an appropriately trained physician,*
36 *physician assistant or registered nurse who is located at a distant*
37 *site for the purpose of obtaining instructions and guidance on*
38 *conducting the examination. The provisions of this subsection*
39 *must not be construed to prohibit the use of telehealth for*
40 *communication between providers of health care in other*
41 *circumstances authorized by law.*

42 6. As used in this section:

43 (a) "Distant site" means the location of the site where a
44 telehealth provider of health care is providing telehealth services to
45 a patient located at an originating site.



1 (b) "Originating site" means the location of the site where a
2 patient is receiving telehealth services from a provider of health care
3 located at a distant site.

4 (c) "*Sexual assault*" means a violation of NRS 200.366 or
5 200.368.

6 (d) "*Strangulation*" has the meaning ascribed to it in
7 NRS 200.481.

8 ~~(e)~~ (e) "Telehealth" means the delivery of services from a
9 provider of health care to a patient at a different location through the
10 use of information and audio-visual communication technology, not
11 including facsimile or electronic mail. The term includes, without
12 limitation, *communication between a provider of health care who*
13 *is providing in-person services to a patient and a provider of*
14 *health care at a different location and* the delivery of services from
15 a provider of health care to a patient at a different location through
16 the use of:

17 (1) Synchronous interaction or an asynchronous system of
18 storing and forwarding information; and

19 (2) Audio-only interaction, whether synchronous or
20 asynchronous.

21 **Sec. 2.** This act becomes effective on July 1, 2023.



