

BME 14-2000 (TEMP)

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form..

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on **July 11, 2008** by the
Date prior to or same as filing date

Oregon Board of Medical Examiners, Licensing Department
Agency and Division

OAR Chapter 847
Administrative Rules Chapter Number

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to become effective **UPON FILING through 01/09/2009.**
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Removes requirement to examine the patient in person prior to practicing medicine across state lines.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.
Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:
Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

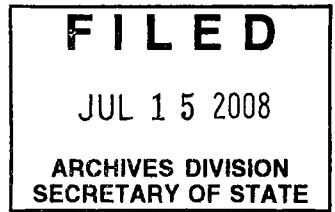
AMEND: OAR 847-025-0000

SUSPEND:

ORS 677.265
Stat. Auth.

Other Authority

ORS 677.135, 677.137, 677.139, 677.141
Stats. Implemented



RULE SUMMARY

Proposed rule removes requirement to examine the patient in person prior to practicing medicine across state lines

Kathleen Haley **Kathleen Haley, Executive Director** 07/15/08
Authorized Signer Printed name Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Board of Medical Examiners, Licensing Services Department
Agency and Division

OAR Chapter 847
Administrative Rules Chapter Number

In the Matter of: OAR 847, Division 025 proposed rule removes requirement to examine the patient in person prior to practicing medicine across state lines

Rule Caption: Removes requirement to examine the patient in person prior to practicing medicine across state lines.
(Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Statutory Authority: ORS 677.265

Other Authority:

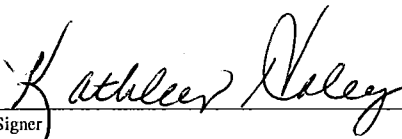
Stats. Implemented: ORS 677.135, 677.137, 677.139, 677.141

Need for the Temporary Rule(s): The nature of telemedicine being practiced with the physician in one state communicating with the patient here in Oregon, with the physician being able to request and see the results of diagnostic tests, and read the patient's file, is the same as meeting the patient face to face. The need for the temporary rule is to allow a group of Oregon licensed out-state physicians who are ready to start practice in Grande Ronde Hospital, La Grande on patients who might need their medical attention at night when there are few Internal Medicine physicians available on call.

Documents Relied Upon, and where they are available:

Correspondence from Douglas Rommer, RN, Executive Director, Patient Care Services, Grande Ronde Hospital; Mary Jo Gorman, MD, MBA, Chief Executive Officer, Advanced ICU Care, St. Louis, Missouri, available at Board office.

Justification of Temporary Rule(s): In the rural areas of Oregon, it is becoming harder and harder for each hospital to keep a full range of specialty physicians available for each patient. Medical services are available from out-of-state physicians for direct patient care and for indirect patient diagnostics, such as radiology and pathology. Patient care by out-of-state physicians through telemedicine is becoming critical to the economic viability of some rural hospitals and the continued well-being of the physicians practicing in these hospitals. Fourteen Oregon licensed out-of-state physicians are ready to start practice on patients in the Grande Ronda Hospital in La Grande.



Authorized Signer

Kathleen Haley, Executive Director
Printed name

7/15/08
Date

847-025-0000

Preamble

(1) A physician granted a license to practice medicine across state lines is subject to all the provisions of the Medical Practice Act (ORS Chapter 677), and to all the administrative rules of the Oregon Medical Board.

(2) A physician granted a license to practice medicine across state lines has the same duties and responsibilities and is subject to the same penalties and sanctions as any other physician licensed under ORS Chapter 677, including but not limited to the following:

- (a) The physician shall establish a physician-patient relationship;
- (b) The physician shall make a judgment based on some type of objective criteria upon which to diagnose, treat, correct or prescribe;
- (c) The physician shall engage in all necessary practices that are in the best interest of the patient; and
- (d) The physician shall refrain from writing prescriptions for medication resulting only from a sale or consultation over the Internet.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.135, 677.137, 677.139, 677.141