

Nevada

NRS 629.510 and 629.515

Introduction

Medicaid reimbursement? Yes for live video, store-forwarding, and audio only. No on remote patient monitoring. **Private payer law?** Yes, and pay parity. **Requirements?** IMLC, PSY, and no consent requirements. (**See Compact websites for implementation and license issuing status and other related requirements.*)

How is Telehealth Defined

Telehealth means the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. The term includes, without limitation, the delivery of services from a provider of health care to a patient at a different location through the use of:

Synchronous interaction or an asynchronous system of storing and forwarding information; and

Audio-only interaction, whether synchronous or asynchronous.

SOURCE: NV Revised Statutes Sec. 629.515(4)(c),

“Veterinary telemedicine” means the use of medical information exchanged from one site to another via electronic communications regarding the health status of an animal or a group of animals and includes, without limitation, communication via telephone, video, a mobile application or an online platform on an Internet website.

SOURCE: NV Revised Statute Ch. 638.014

Who Can Be a Telehealth Provider

Except as otherwise provided in this subsection, before a provider of health care who is located at a distant site may use telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient, the provider must hold a valid license or certificate to practice his or her profession in this State, including, without limitation, a special purpose license issued pursuant to NRS 630.261. The requirements of this subsection do not apply to a provider of health care who is providing services within the scope of his or her employment by or pursuant to a contract entered into with an urban Indian organization, as defined in 25 U.S.C. § 1603.

“Provider of health care” - NRS 629.031

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS; (b) A physician assistant; (c) A dentist; (d) A licensed nurse; (e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS; (f) A dispensing optician; (g) An optometrist; (h) A speech-language pathologist; (i) An audiologist; (j) A practitioner of respiratory care; (k) A licensed physical therapist; (l) An occupational therapist; (m) A podiatric physician; (n) A licensed psychologist; (o) A licensed marriage and family therapist; (p) A licensed clinical professional counselor; (q) A music therapist; (r) A chiropractor; (s) An athletic trainer; (t) A perfusionist; (u) A doctor of Oriental medicine in any form; (v) A medical laboratory director or technician; (w) A pharmacist; (x) A licensed dietitian; (y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS; (z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS; (aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS; or (bb) A medical facility as the employer of any person specified in this subsection. 2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes: (a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and (b) A person who holds a current license or

certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Scope of Practice/Practice Standards

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

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

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

NRS 629.515(3).

Licensure Required

Locum tenens, special, restricted, temporary and special purpose licenses.

In order to provide telehealth services in Nevada, health care professionals must have a valid Nevada license or certificate, with certain exceptions, though they need not be located in the state to serve Nevada patients. As with all health care services, health professionals must provide telehealth services only within their scope of practice and must meet required standards of care. Nev. Rev. Stat. Ann. § 629.515(1).

The Board may issue a special purpose license to a physician who is licensed in another state by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States.

SOURCE: NV Revised Statutes Sec. 630.261(e).

Accepted Modalities

1. Synchronous: real-time, two-way interaction, with the patient and provider communicating from different locations through video, telephone, or live chat
2. Asynchronous (store-and-forward): the transmission of recorded health information--such as an x-ray or a prerecorded video--through electronic communications systems to a provider (often a specialist) who evaluates the information and provides a service at a later time
3. Remote patient monitoring: using technology to collect personal or health data from a person in one location and transmit it to a health care provider in another location, allowing the provider to track a patient's health status

Excluded Services That Cannot be Provided Via Telehealth

A bona fide prescriber-patient relationship must exist for a prescription for scheduled controlled substances prescribed by a person who is not licensed to practice in Nevada, but is authorized by the laws of another state to prescribe, to be valid. Nev. Rev. Stat. § 639.235(2)

A bona fide relationship exists if the patient was examined in person, electronically, telephonically or by fiber optics by the prescriber within the six months immediately preceding the date the prescription was issued. Nev. Rev. Stat. § 639.235(4)

Advanced practice registered nurses may, if authorized, prescribe controlled substances, poisons, dangerous drugs and devices through the use of equipment that transfers information on a Nevada patient's medical condition electronically, by telephone or by fiber optics, including via telehealth, as defined in Nev. Rev. Stat. § 629.515, from inside or outside of Nevada or the United States. Nev. Rev. Stat. § 632.237(2), (4)

Consent Requirement

Insurers shall not:

Require an enrollee to establish an in-person relationship with a provider or provide any additional consent to or reason for obtaining services through telehealth.

SOURCE: NV Revised Statute Sec. 689A.0463; Sec. 689B.0369; Sec. 689C.195; Sec. 616C.730; Sec. 695A.265; Sec. 695B.1904; Sec. 695C.1708; Sec. 695D.216; & Sec. 695G.162.

Additional Reimbursement-Specific Requirements May Apply

Reimbursement for services provided via telehealth modalities will be considered in the context of individual state's methods of reimbursement.

<https://nvhealthresponse.nv.gov/wp-content/uploads/2020/08/Press-release-Telehealth-Coop-08-17-2020.pdf>

Yes. Assembly Bill 292 required Medicaid and any policy of health/industrial insurance to cover telehealth services to the same extent as services provided in person.