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**HEALTH PRACTITIONERS (TELEMEDICINE PROHIBITION) REGULATIONS
2019**

SL No. 6 of 2019

Notified: 22nd February 2019

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Cabinet makes the following Regulations under section 16 of the *Health Practitioners Act 1999*:

1. Citation

These Regulations may be cited as the *Health Practitioners (Telemedicine Prohibition) Regulations 2019*.

2. Commencement

These Regulations come into effect on the day they are notified in the Gazette.

3. Interpretation

In these Regulations:

'hospital' means the Republic of Nauru hospital including the public health centres and clinics;

'referral' is the process by which the hospital, a health practitioner or a health service provider acting reasonably and prudently is of the opinion that additional expertise or differently resourced facility may be required to assess or treat a clinical condition of a patient by providing:

- (a) a specialised opinion based on clinical and other diagnostic records or provision of a laboratory specimen;
- (b) a specialised health or medical service;
- (c) admission, management and treatment to seek an expert opinion regarding the patient; or
- (d) other diagnostic or therapeutic treatment;

'resident of Nauru' includes a citizen and any other person residing in Nauru in accordance with the laws of the Republic, but excludes temporary entrants under the Immigration Regulations 2014 for a period not exceeding 30 days;

'telemedicine' means the practice of health and medicine using any form of telecommunications, electronic audio and video communications or any other means of communication between a health practitioner outside the jurisdiction of the Republic and a patient, who is a resident of Nauru.

4. Prohibition on the practice of telemedicine

- (1) Subject to regulation 6, no person shall practice or provide health and medical services by telemedicine to a resident of Nauru.

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(2) A registered health practitioner or a health service provider under the Act shall not:

(a) practice telemedicine; or

(b) aid, collude or abet a person including a resident of Nauru; -

contrary to the provisions of these Regulations;

5. Health practitioners not to be registered for telemedicine practice

(1) The Board shall not register any person to practice as a health practitioner in the Republic remotely from outside the jurisdiction of the Republic.

(2) Where a health practitioner or a health service provider attempts to or conducts the practice of telemedicine in the Republic contrary to these Regulations, the Board may, suspend or cancel the registration or a current annual, special purpose or short term practicing certificate.

6. Exception

(1) These Regulations do not apply to the practice of telemedicine where:

(c) a health practitioner or health service provider is duly registered and has a current practicing certificate under the Act;

(d) the health practitioner or health service provider is practicing health and medicine in the Republic;

(e) the health practitioner or health service provider acting reasonably and prudently is of the opinion that telemedicine referral for the patient is necessary; and

(f) the health practitioner or health service provider practices telemedicine in consultation with and approval of the Director of Medical Services.

(2) These Regulations do not apply to the provision of health and medical services by the Republic of Nauru hospital.

(3) The Minister may in consultation with the Cabinet by an Order grant exceptions under these Regulations.

7. Consequences of breaching Regulations

(1) A registered health practitioner or health service provider who attempts to or practices telemedicine contrary to these Regulations contravenes the Act.

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- (2) A contravention of subregulation (1) may result in the Board suspending or cancelling the health practitioner's or health service provider's registration or current practicing certificate or both.

8. No obligation to act

No person including the hospital, a health practitioner or a health service provider shall act in any manner whatsoever, at the request or opinion of any health and medical service provider from outside the jurisdiction of the Republic, who intends to or renders health and medical services by telemedicine contrary to these Regulations.