190.8 Violation Guidelines. When substantiated by credible evidence, the following acts, practices, and conduct are considered to be violations of the Act. The following shall not be considered an exhaustive or exclusive listing.

(1) Practice Inconsistent with Public Health and Welfare. Failure to practice in an acceptable professional manner consistent with public health and welfare within the meaning of the Act includes, but is not limited to:

\[(A)\] - \[(K)\] no change

\[(L)\] prescription of any dangerous drug or controlled substance without first establishing a \([\text{proper} \, \text{professional}]\) defined \text{physician-patient} relationship\([\text{with the patient}].\)

(i) A \([\text{proper}]\) defined \text{physician-patient} relationship must include, at a minimum\([\text{requires}]:\)

(I) establishing that the person requesting the medication is in fact who the person claims to be;

(II) establishing a diagnosis through the use of acceptable medical practices\([\text{such as}],\) which includes documenting and performing:

(-a-) patient history\([\ldots];\)

(-b-) mental status examination\([\ldots];\)

(-c-) physical examination that must be performed by either a face-to-face visit or in-person evaluation as defined in Section 174.2(3) and (4) of this title\([\ldots].\) The requirement for a face-to-face or in-person evaluation does not apply to mental health services, except in cases of behavioral emergencies, as defined by Texas Health and Safety Code, Section 415.253; and

(-d-) appropriate diagnostic and laboratory testing.

(III) An online questionnaire or questions and answers exchanged through email, electronic text, or chat or telephonic evaluation of
or consultation with a patient are inadequate to establish a defined physician-patient relationship (by questionnaire is inadequate);

([III]IV) discussing with the patient the diagnosis and the evidence for it, the risks and benefits of various treatment options; and

([IV]V) ensuring the availability of the licensee or coverage of the patient for appropriate follow-up care.

Remainder of rule unchanged