

**Chapter 44. Board of Nursing.**

The introductory language of 12 AAC 44.720(a) is amended to read:

**12 AAC 44.720. Disciplinary guidelines.** (a) The board **may** [WILL, IN ITS DISCRETION,] revoke a license if the licensee

...

12 AAC 44.720(a)(9) is amended to read:

(9) **is** [IF] professionally incompetent, if the incompetence results in risk of injury to a client.

The introductory language of 12 AAC 44.720(b) is amended to read:

(b) The board **may** [WILL, IN ITS DISCRETION,] suspend a license for up to two years, followed by probation of not less than two years, if the licensee

...

The introductory language of 12 AAC 44.720(c) is amended to read:

(c) The board **may** [WILL, IN ITS DISCRETION,] suspend a license for up to one year, followed by probation for not more than one year, if the licensee

...

12 AAC 44.720 is amended by adding a new subsection to read:

(e) The board may impose a civil fine not to exceed the amount of \$5,000 for each

finding the board makes of a cause for discipline under this section. (Eff. 8/6/87, Register 103;

am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.01.075 AS 08.68.100 AS 08.68.275

[AS 08.01.975] AS 08.68.270

12 AAC 44.925 is repealed and readopted to read:

**12 AAC 44.925. Standards of practice for telehealth.** (a) In accordance with the American Association of Nurse Practitioners, *Position Statement: Telehealth*, dated 2022, adopted by reference, an APRN shall, for the purpose of rendering a diagnosis, providing treatment, or prescribing, dispensing, or administering a prescription drug to a person without conducting a physical examination under AS 08.68.710, provide the same standard of care to a patient who is at a different location as would be provided to that patient in person.

(b) An APRN may practice telehealth if

(1) the APRN is licensed by the board; and

(2) the APRN or another licensed health care provider is available to provide

follow-up care.

(c) For a telehealth encounter, an APRN must complete and document

(1) the patient's informed consent to use telehealth technologies;

(2) a clinical history and review of systems establishing diagnoses and identifying

conditions and contraindications to recommended treatment;

(3) a plan of care that lists all recommendations and prescriptions issued by electronic means;

(4) the patient and provider locations at the time of the telehealth visit; and

(5) the provider-patient relationship prior to prescribing.

(d) An APRN practicing telehealth shall comply with P.L. 104 - 191 (Health Insurance Portability and Accountability Act of 1996 (HIPAA)) and medical record retention rules. Transmissions, including patient electronic mail, prescriptions, and laboratory results must be secure within existing technology, including the use of password-protected, encrypted electronic prescriptions or other reliable authentication techniques.

(e) In this section, a “provider-patient relationship” is established when there is an in-person health examination or examination by telehealth technology of the patient by the APRN or another licensed health care provider and the patient record is available to the treating APRN. (Eff. 5/7/2020, Register 234; am 5/11/2021, Register 238; am \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.68.100                    **AS 08.68.710**

**Editor’s note:** A copy of the *Position Statement: Telehealth*, published by the American Association of Nurse Practitioners, dated 2022, adopted by reference under 12 AAC 44.925, may be obtained from the American Association of Nurse Practitioners Internet website at <https://storage.aanp.org/www/documents/advocacy/position-papers/Telehealth.pdf>.