



Notice of Adoption of Emergency Regulation on Telehealth in The Regulations of the Board of Nursing

Emergency Regulations – FAQ

May 2020

1. What is the purpose of the emergency regulations? What will this regulation do?

On May 6, 2020, the Alaska Board of Nursing (Board) adopted and finds that an emergency exists under AS 44.62.250 and that an emergency regulation change is necessary to 12 AAC 44.770, 12 AAC 44.925, and 12 AAC 44.990, dealing with standards of practice for telehealth, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The lack of telehealth regulations could negatively impact the health of the public by decreasing access to healthcare during the public health emergency caused by the COVID-19 pandemic.

The telehealth regulation establishes guidelines for advanced practice registered nurse (APRN) practicing telehealth services to provide safe healthcare via distance delivery; and to adopt by reference the guiding principles for telehealth practice in the American Telemedicine Association (ATA), *Core Operational Guidelines for Telehealth Services Involving Provider-Patient Interaction*, and the American Psychiatric Association (APA) and the American Telemedicine Association (ATA), *Best Practices in Videoconferencing-Based Telemental Health*, as the standards of practice when providing treatment, rendering a diagnosis, prescribing, dispensing, or administering a prescription or controlled substance without first conducting an in-person physical examination.

2. What are the costs to comply with the emergency regulations?

None known.

3. When will the emergency regulations be effective?

The emergency regulation took effect on **May 7, 2020**, and will expire **September 3, 2020** (120 days) unless made permanent by the Board. The Board intends to make the emergency regulation permanent.

This emergency regulation is entering a public comment period. The Board encourages all licensees and interested parties to comment on this emergency regulation. Public comment will be accepted in written form. After the public comment deadline, comments received are compiled and presented to the Board for consideration.

After Board action, and if no changes were made to the original emergency regulation, the permanent regulation will go to Dept. of Law (DOL) for final review and be forwarded to the Lt. Governor for filing before the expiration date of the emergency regulation.

However, after Board action, and if changes were made to the original emergency regulation, the adopted amended emergency regulation will go to the DOL for final review/approval. DOL either approves or disapproves the changes made to the original emergency regulation. Once approved by DOL, the regulation will then move to the Lt. Governor for filing. Permanent regulation takes effect on the 30th day after the regulations have been filed by the Lt. Governor.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.