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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Amy Demboski
Department of Commerce, Community, and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: May 11, 2021

RE: Filed Emergency Regulations: Board of Nursing

Board of Nursing Emergency Regulations re: standards of practice for telehealth (12 AAC 44.925)

Attorney General File:	Emergency Regulations
Regulation Filed:	5/11/2021
Effective Date:	5/11/2021
Expiration Date:	September 7, 2021 unless made permanent by the adopting agency
Print:	238, July 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

FINDING OF EMERGENCY

The Board of Nursing finds that an emergency exists under AS 44.62.250 and that an emergency regulation change is necessary to 12 AAC 44.925, 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 urgent need related to access to care through telehealth to Alaskans during the public health emergency caused by the COVID-19 pandemic.
- To allow APRNs who are licensed in Alaska to have flexibilities to prescribe, dispense, and administer buprenorphine via telehealth without an in-person visit during an urgent situation.

ORDER CERTIFYING ADOPTION

I certify that the Board of Nursing, under the authority of AS 08.68.100, adopted at its May 6, 2021 teleconference meeting the attached two pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: ^{May 6, 2021} Anchorage, Alaska
Anchorage, Alaska

Danette Schloeder
Danette Schloeder, RN, Chair
Alaska Board of Nursing

April Simpson, for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on May 11, 2021 at 10:12 a.m., I filed the attached regulation according to the provisions of AS 44.62.

Kevin Meyer
Kevin Meyer, Lieutenant Governor

Effective: May 11, 2021

Register: 238, July 2021

Expires September 7, 2021
unless made "permanent"
by the adopting agency

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



Kevin Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 238, July 2021 PROFESSIONAL REGULATIONS

Chapter 44. Board of Nursing.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 44.925(d) is amended to read:

12 AAC 44.925. Standards of practice for telehealth.

...

(d) Notwithstanding (c) of this section, during a disaster emergency declared by the governor, **or when the board has determined an urgent situation exists as defined in this section,** an appropriate health care provider need not be present with the patient to assist an APRN with examination, diagnosis, and treatment if the APRN is prescribing, dispensing, or administering buprenorphine to initiate **or continue** treatment for opioid use disorder and the APRN

(1) is a waived practitioner under 21 U.S.C. 823(g)(2) (Drug Addiction Treatment Act (DATA));

(2) documents all attempts to conduct a physical examination under this section, [AND] the reason why the examination cannot be performed, **and the reason why another health care provider cannot be present with the patient;** and

(3) requires urine or oral toxicology screenings as part of the patient's medication adherence plan.

12 AAC 44.925(h) is amended by adding a new paragraph to read:

(h) In this section,

EMERGENCY REGULATION

Register 238, July 2021 PROFESSIONAL REGULATIONS

...

(6) “urgent situation” means a health crisis affecting all or part of the state when circumstances prohibit another licensed health care provider’s presence with the patient. (Eff. 5/7/2020, Register 234; am 5 / 11 / 2021, Register 238)

Authority: AS 08.68.100

Excerpt from the Draft Minutes of the
May 5-6, 2021 Teleconference Meeting of the
Alaska Board of Nursing

Emergency regulations 12 AAC 44.925 – Standards of practice for telehealth

The Board of Nursing finds that an emergency exists under AS 44.62.250 and that an emergency regulation change is necessary to 12 AAC 44.925, dealing with standards of practice for telehealth by APRNs, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

- The urgent need related to access to care through telehealth to Alaskans during the public health emergency caused by the COVID-19 pandemic.
- To allow APRNs who are licensed in Alaska to have flexibilities to prescribe, dispense, and administer buprenorphine via telehealth without an in-person visit during an urgent situation.

Wendy Monrad, motioned to amend 12 AAC 44.925(d) and (h) in order to allow APRNs who are licensed in Alaska to have flexibilities to prescribe, dispense, and administer buprenorphine via telehealth without an in-person visit during an urgent situation, seconded by Lena Lafferty.

It was RESOLVED to adopt 12 AAC 44.925 as presented and amended, and that the board intends to make the emergency regulations permanent.

12 AAC 44.925(d) is amended to read:

(d) Notwithstanding (c) of this section, during a disaster emergency declared by the governor, **or when the board has determined an urgent situation exists as defined in this section,** an appropriate health care provider need not be present with the patient to assist an APRN with examination, diagnosis, and treatment if the APRN is prescribing, dispensing, or administering buprenorphine to initiate **or continue** treatment for opioid use disorder and the APRN

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(3) requires urine or oral toxicology screenings as part of the patient's medication adherence plan.

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(h) In this section,

(6) "urgent situation" means a health crisis affecting all or part of the state when circumstances prohibit another licensed health care provider's presence with the patient.

The motion passed with no further discussion.

AFFIDAVIT OF BOARD ACTION

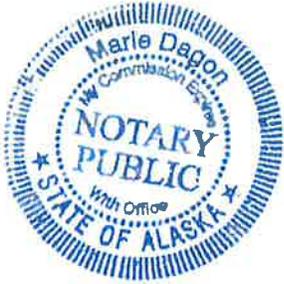
I, Lisa Maroney, Licensing Supervisor for the Board of Nursing, being duly sworn, state the following:

The attached motion dealing with telehealth by APRNs during an urgent situation was passed by the Board of Nursing during its May 6, 2021 teleconference meeting.

Date: May 10, 2021
Anchorage, Alaska

Lisa Maroney
Lisa Maroney, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 10th day of May, 2021.



[Signature]
Notary Public in and for the
State of Alaska
My commission expires: with office