



POSITION PAPER

Nurse Practitioners Delivering Care via Telehealth

POSITION

Telehealth can provide efficient and effective care for patients. Nurse practitioners (Advanced Practice Registered Nurses or APRNs) play a vital role in the delivery of telehealth in South Carolina, as well as across the nation.

STATUS

It is the joint opinion of the South Carolina Board of Nursing and the South Carolina Board of Medical Examiners that neither the Nurse Practice Act, set forth in Chapter 33 of Title 40, nor the Telemedicine Act authorizes telenursing.

The Nurse Practice Act does not make any provision for the establishment of the practitioner-patient relationship or provide any parameters whatsoever for an APRN to provide care geographically removed from the patient. Specifically, the provision relating to APRNs, Section 40-33-34, is silent. Case law establishes that a statute's silence may not be interpreted as tacit authorization.

PROGRESS

A legislative proviso was established to allow nurse practitioners to deliver services via telehealth: Proviso 117.135 (C). The proviso states "(C) An Advanced Practice Registered Nurse (APRN), as defined in Section 40-33-20(5) of the 1976 Code, working in a telehealth program may provide services pursuant to a written protocol approved by the Joint APRN Committee comprised of members both from the South Carolina Board of Medical Examiners and the South Carolina State Board of Nursing as required by Sections 40-33-34 and 40-47-195 using electronic communications, information technology, or other means to a patient in another location with or without an intervening practitioner. APRNs practicing telehealth will be held to the same standard of care as in-person medical care. Except as provided herein, this shall not be construed to allow an APRN to perform services beyond the scope of what is authorized by Title 40, Chapter 33 and Title 40, Chapter 47.



PENDING RESOLUTION

APRNs wishing to provide care via telehealth must submit an initial request to the Joint APRN Committee for approval to provide services via telehealth. The Board of Nursing will respond to the APRN's request with specific information regarding what needs to be included in the protocol. The APRN will then submit a detailed protocol, inclusive of details about the telehealth model and to the experience of the APRN to the Joint APRN Committee for approval prior to practicing telehealth. The documents are submitted through the Board of Nursing with a letter of intent. After the request is reviewed, the APRN and supervising physician will be invited to appear before the Joint APRN Committee to present the protocol and to answer questions. Once approval is granted, practice may begin immediately. **APRNs are reminded that they are not to provide services via telehealth until expressed authorization is received from the Joint Committee.** Alliance telehealth providers have successfully presented, and had approved, a variety of APRN telehealth protocols. The next step will be legislative measures to further the work of APRNs delivering services via telehealth.