

**NURSING BOARD[655]**

**Adopted and Filed**

**Rule making related to standards of practice for telehealth for registered nurses (RNs) and licensed practical nurses (LPNs)**

The Board of Nursing hereby amends Chapter 6, “Nursing Practice for Registered Nurses/Licensed Practical Nurses,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 147.76.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 152.

*Purpose and Summary*

In light of the proliferation of telehealth services, the Board is adopting new amendments governing minimum standards of practice for registered nurses (RNs) and licensed practical nurses (LPNs) who provide health care services through telehealth. These amendments provide when an Iowa license is required, instruct that the licensee will be held to the same standard of care as is applicable to in-person settings, instruct that RNs and LPNs may only provide services through telehealth that are within the licensee’s scope of practice, require the use of Health Insurance Portability and Accountability Act (HIPAA)-compliant technology, and require adequate recordkeeping of telehealth encounters.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 23, 2022, as **ARC 6208C**. A public hearing was held on March 15, 2022, at 9 a.m. at the Board’s office, 400 S.W. Eighth Street, Suite B, Des Moines, Iowa. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on April 6, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on June 22, 2022.

The following rule-making actions are adopted:

ITEM 1. Adopt the following **new** definitions of “Asynchronous store-and-forward transmission,” “Licensee” and “Telehealth” in rule **655—6.1(152)**:

“*Asynchronous store-and-forward transmission*” means the collection of a patient’s relevant health information and the subsequent transmission of the data from an originating site to a health care provider at a distant site without the presence of the patient.

“*Licensee*” means an individual licensed by the board as a registered nurse or licensed practical nurse.

“*Telehealth*” means the practice of nursing using electronic audiovisual communications and information technologies or other means, including interactive audio with asynchronous store-and-forward transmission, between a licensee in one location and a patient in another location with or without an intervening health care provider. Telehealth includes asynchronous store-and-forward technologies, remote monitoring, and real-time interactive services, including teleradiology and telepathology. Telehealth, for the purposes of this rule, shall not include the provision of nursing services only through an audio-only telephone, email messages, facsimile transmissions, or U.S. mail or other parcel service, or any combination thereof.

ITEM 2. Adopt the following **new** rule 655—6.4(152):

**655—6.4(152) Telehealth.**

**6.4(1) *Telehealth permitted.*** A licensee may, in accordance with all applicable laws and rules, provide health care services to a patient through telehealth.

**6.4(2) *License required.*** A registered nurse or licensed practical nurse who provides services through telehealth to a patient physically located in Iowa must hold an active license issued by the board or have an active privilege to practice in Iowa pursuant to the nurse licensure compact.

**6.4(3) *Standard of care.*** A licensee who provides services through telehealth shall be held to the same standard of care as is applicable to in-person settings. A licensee shall not perform any service via telehealth unless the same standard of care can be achieved as if the service was performed in person.

**6.4(4) *Scope of practice.*** A licensee who provides services through telehealth shall ensure the services provided are consistent with the licensee’s scope of practice, education, training, and experience.

**6.4(5) *Technology.*** A licensee providing services through telehealth shall utilize technology that is secure and compliant with the Health Insurance Portability and Accountability Act (HIPAA). The technology must be of sufficient quality, size, resolution, and clarity such that the licensee can safely and effectively provide the telehealth services and abide by the applicable standard of care.

**6.4(6) *Records.*** A licensee who provides services through telehealth shall maintain a record of the care provided to the patient. Such records shall comply with all applicable laws, rules, and standards of care for recordkeeping, confidentiality, and disclosure of a patient’s medical record.

[Filed 4/20/22, effective 6/22/22]

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