

TELEHEALTH FOR ABORTION CARE & ADVANCED PRACTICE CLINICIANS (APCs): KEY ASPECTS OF EXPANDING ACCESS TO CARE

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Understanding the Critical Role of APCs

Advanced practice clinicians (APCs) are healthcare providers with advanced training and education, encompassing physician assistants/associates (PAs), licensed midwives, and advanced practice registered nurses (APRNs). APCs perform and support abortion care across the spectrum of care, including providing and prescribing medication abortion, supporting and performing procedural abortions, and providing support with non-clinical aspects of both medication abortion and procedural abortion visits.

The main types of Advanced Practice Registered Nurses (APRNs) Practicing Abortion Care are:

- ◆ Nurse Practitioner (NP)
- ◆ Certified Nurse-Midwife (CNM)
- ◆ Clinical Nurse Specialist (CNS)

Did you know?

Most APC licensure types operate within the same scope, with the exception of licensed midwives. For instance, Montana previously restricted physician assistants to providing only medication abortion care; however, following legal action against the state, this is no longer the case.

Telehealth has significantly expanded access to medication abortion, and **Advanced Practice Clinicians (APCs)** play a vital role in providing this safe, effective care, and overcoming barriers and improving patient outcomes.

Through telehealth, clinicians can treat patients virtually, reducing the need for in-person appointments. Patients can connect directly with a clinician from any location using live synchronous methods like video calls and audio-only calls, as well as asynchronous store-and-forward methods, like a secure chat. Telehealth services can be delivered direct-to-patient, site-to-site, or through a hybrid of in-person and virtual care.

Telehealth for Medication Abortion (TMAB) enables patients to receive medication abortion care remotely.

- ◆ **Hybrid Telehealth:** The provision of telehealth for medication abortion care can be provided by telehealth in part, but not in entirety, because of state-mandated policies requiring a patient to have an in-person interaction.
- ◆ **All Virtual Telehealth Care:** The provision of telehealth for medication abortion is provided entirely through virtual care. This can be site-to-site or direct-to-patient.

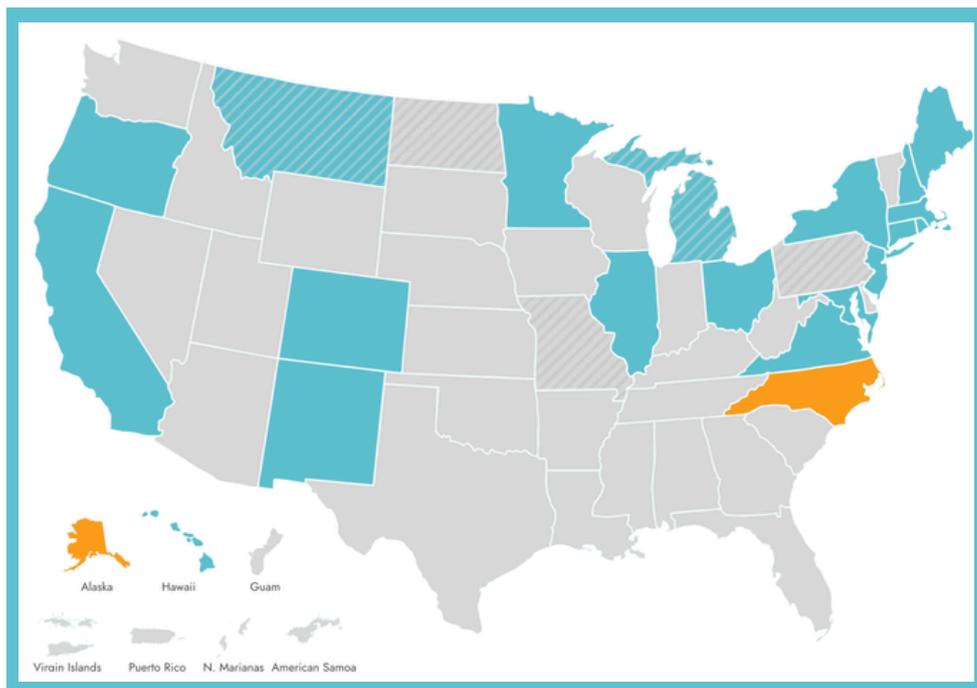
Professional vs. Legal Scope of Practice

While an APC's Professional Scope of Practice describes the services they are medically competent and licensed to perform (and is often extensive), it is the Legal Scope of Practice that ultimately governs their ability to provide TMAB.

- ◆ **Professional Scope:** Services that a qualified health professional is competent and licensed to perform.
- ◆ **Legal Scope:** Legal and regulatory barriers that are matters of policy, not clinical practice, which restrict a professional's capabilities under their license.

Telehealth for abortion care is governed by overlapping state-specific licensing laws and regulations. Assessing an APC's capacity to provide a particular service requires careful consideration of state statutes, regulatory interpretations, and any requirements for a valid patient-provider relationship, as well as any necessary supervision or collaborative agreements. Even in states where an APC cannot provide TMAB directly, they may still be able to counsel pre-abortion or follow-up care via telehealth (ex: monitoring for complications, addressing patient comfort and concerns) in a "hybrid telehealth" visit.

RHITES: TMAB Provision Map



Category	States/ Territories
TMAB Provision Permitted	35
All Virtual TMAB Permitted	27
All Virtual TMAB Permitted for APCs	20
Hybrid TMAB Permitted for APCs	2

Note: the data reflected in this map does not distinguish between different telehealth modalities (asynchronous, synchronous audio-video and audio-only care). APCs may be subject to alternative regulations and requirements that are modality dependent.

The Legal Landscape for Advanced Practice Clinicians in Telehealth Abortion Care

Abortion laws often create hurdles for advanced practice clinicians (APCs) who want to provide medication abortion care via telehealth. These restrictions, often enacted before the expansion of advanced practice nursing roles and expansion of telehealth flexibilities, have become a de facto restrictive legacy.

- Even in states where APRNs, midwives, and PAs have a broad scope of practice, abortion and telehealth are sometimes explicitly carved out, preventing APCs from prescribing medication abortion care.
- Nevertheless, in nearly two-thirds of the states that allow abortion care, and one half of the states overall, APRNs, midwives, and PAs are safely and effectively providing medication abortion care, either because the state does not have a physician-only law or because the law has been narrowly interpreted.
- State-specific abortion laws must be considered within the context of nursing, midwifery, and physician assistant practice acts, which also vary significantly from state to state.

Active Roles for Clinicians in Restrictive States

If a state law prohibits an APC from providing abortion care, they can still play essential roles in reproductive health:

- Comprehensive Counseling:** Provide comprehensive pregnancy options counseling and educate patients on both medication and aspiration abortion.
- Specialized Training:** Train to provide abortion-related care (e.g., ultrasounds, counseling) and miscarriage management that falls within their legal scope.
- Out-of-State Care:** Train to provide abortion care in a state that does not have a "physician-only" law.
- Advocacy & Networking:** Advocate for improved reproductive health services, including early abortion care access.



Analyzing Compliance for Your Practice

In most states, telehealth visits are governed by a combination of state statutes, administrative rules, and federal privacy laws (where services are covered by insurance).

Generally speaking, nursing practice is governed by state law, not by national standards. Some APC/APRN practice is governed by Boards of Medicine, Boards of Health Professions, other groups who are not nurses.

For APCs, these requirements apply whether the visit is prenatal, postpartum, educational, or for urgent consultation. Since there is no federal law governing scope of practice, it is necessary to go to each state licensing board to access the specific practice act and rules and regulations. Fortunately, there are websites which summarize and update these state practice laws and regulations.

1. State Statutes: Look at state telemedicine requirements, abortion requirements and separate statutes as needed for certain types of telehealth modalities.
 - a. Ex: Washington has distinct statutes for audio-video telemedicine and audio-only telemedicine. The Audio-only statute still requires informed consent and documentation of the mode of delivery.
2. Administrative Rules
3. HIPAA Privacy & Security
4. Payer Requirements
5. Licensing Board Requirements



What are the different “Practice Environments” For APCs?

Full Practice: State laws allow all APCs to evaluate, diagnose, order/interpret tests, and manage treatments, including prescribing medications, under state nursing board authority. This model is recommended by the National Academy of Medicine and the National Council of State Boards of Nursing.

Reduced Practice: State laws limit APCs' practice, requiring career-long collaborative agreements with other health providers or restricting care settings.

Restricted Practice: State laws limit APCs' practice, requiring career-long supervision, delegation, or team management by another health provider.



Additional Resources

- ◆ **RHITES:** Refer to the [Map of State Policies Impacting Telehealth for Medication Abortion Care \(TMAB\) & Legal Analysis Framework for Telehealth Abortion Providers: A Guide for Attorneys.](#)
- ◆ **APC Toolkit** [State Practice Map](#)
- ◆ **American Association of Nurse Practitioners (AANP)** [State Practice Environment Map](#)
- ◆ **Guttmacher:** [State Laws & Policies on Medication Abortion](#)
- ◆ **Abortion Defense Network:** If providers are in need of additional pro-bono support, have them reach out to ADN using [this form](#) to be contacted by legal counsel within 24 hours. In limited cases, ADN will also provide funding for attorneys for litigation preparation.
- ◆ **The Abortion Coalition for Telemedicine (ACT):** To understand the steps for providers to become a “shield law” provider click [here](#).