



February 19, 2021

The Honorable Bart Hester
Arkansas State Senate
500 Woodlane St., Suite 320 S
Little Rock, AR 72201

RE: ATA Recommendations for Amendments to 1063

Dear Senator Hester,

The American Telehealth Association (ATA) applauds you for your efforts to advance telehealth legislation – thank you for being an advocate of good telehealth policy. As you know, the ATA has been actively engaged with HB 1063 as it moved through the Arkansas House of Representatives and is continuing to work in good faith with the House sponsor. As the ATA understands it, the stated purpose of this legislation is to codify the temporary waivers reflected in the Governor’s Executive Order 20-05 related to the COVID-19 pandemic. While the original bill language does take steps in a positive direction, it does not include critical components of the Governor’s order – most notably, the ability to use any technology to establish a patient-practitioner relationship as long as the technology meets the standard of care. To this end, the ATA respectfully submits the attached amendments.

This evidence-based amendment creating subsection 402(4)(H) is illustrative of the Governor’s Executive Order by making it clear that any appropriate telehealth technology can be used to establish a patient-practitioner relationship as long as the provider:

- Verifies the identity of the patient;
- Provides the patient the license and contact information of the practitioner;
- Obtains consent from the patient; and,
- Meets the same standards of care that are applicable to in-person encounters.

The amendment further clarifies that audio-only communications and patient generated medical histories can be used in the establishment of a relationship. Throughout the COVID-19 pandemic, these tools have been proven to dramatically increase care and provide patients with a convenient and efficacious avenue to receive quality healthcare services. The amendment also strikes subsection 403(c)(7) to permit the use of the technologies found in 403(c) to establish a professional relationship as long as it is done in conjunction with additional data, records, encounter scenarios, or diagnostics. These changes will empower Arkansas-licensed providers to use their education, professional expertise, and discretion in determining which technologies are most appropriate for a given patient without unnecessarily restricting patient options.



By not arbitrarily limiting or pre-empting the type of technology that can be used, and pursuant to the Governor's EO, this amendment will:

- Expand access to needed care for Arkansas patients living in rural areas without reliable broadband by permitting the use of store-and-forward technologies.
- Hold all Arkansas-licensed practitioners to a consistent standard of care regardless of which tools they use.
- Offer a more convenient, patient-centered, and affordable healthcare option for Arkansans who struggle to find an accessible Arkansas-licensed provider.
- Result in logistical, cost, and convenience efficiencies across Arkansas' health care system which benefits all the state's residents.

Please do not hesitate to let us know how we can be helpful to your efforts to advance common sense telehealth policy in Arkansas. What you are doing will have a positive effect on Arkansas families for years to come. If you have any questions or would like to further discuss the telehealth industry's perspective, please contact kzebley@americantelemed.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley".

Kyle Zebley
Public Policy Director
American Telemedicine Association