Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  As Engrossed: H1/25/21

A Bill

Regular Session, 2021

HOUSE BILL 1063

By: Representative Pilkington

By: Senator Hester

For An Act To Be Entitled

AN ACT TO AMEND THE TELEMEDICINE ACT; TO AUTHORIZE
ADDITIONAL REIMBURSEMENT FOR TELEMEDICINE VIA
TELEPHONE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE TELEMEDICINE ACT; AND TO
AUTHORIZE ADDITIONAL REIMBURSEMENT FOR
TELEMEDICINE VIA TELEPHONE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-80-402(4), concerning the definition of
a "professional relationship" as used under the Telemedicine Act, is amended
to read as follows:

(4) “Professional relationship” means at a minimum a
relationship established between a healthcare professional and a patient
when:

(A) The healthcare professional has previously conducted
an in-person examination of the patient and is available to provide
appropriate follow-up care, when necessary, at medically necessary intervals;

(B) The healthcare professional personally knows the
patient and the patient's relevant health status through an ongoing personal
or professional relationship and is available to provide appropriate follow-
up care, when necessary, at medically necessary intervals;

(C) The treatment is provided by a healthcare professional
in consultation with, or upon referral by, another healthcare professional
who has an ongoing professional relationship with the patient and who has agreed to supervise the patient's treatment, including follow-up care;

(D) An on-call or cross-coverage arrangement exists with the patient's regular treating healthcare professional or another healthcare professional who has established a professional relationship with the patient;

(E) A relationship exists in other circumstances as defined by rule of the Arkansas State Medical Board for healthcare professionals under its jurisdiction and their patients; or

(F) A relationship exists in other circumstances as defined by rule of a licensing or certification board for other healthcare professionals under the jurisdiction of the appropriate board and their patients if the rules are no less restrictive than the rules of the Arkansas State Medical Board; or

(G) A healthcare professional, who is licensed in Arkansas and has access to a patient's personal health record that is maintained by a physician, is allowed to use technology deemed appropriate by the healthcare professional, including without limitation using a telephone to conduct an audio-only consultation, to diagnose, treat, and, if clinically appropriate, prescribe a noncontrolled drug to a patient located in Arkansas; or

(H) Notwithstanding § 17-80-403(c), a healthcare professional, who is licensed in Arkansas utilizes any telemedicine technology sufficient to evaluate and appropriate to treat a patient in the state for the condition as presented if the healthcare professional:

(1) Verifies the identity of the patient receiving healthcare services through telemedicine;
(2) Discloses to the patient the healthcare provider's name, contact information and type of healthcare professional license held by the healthcare professional;
(3) Obtains oral or written consent from the patient or from the patient's parent or guardian if state law requires such consent; and
(4) Meets the same standards of care that are applicable to in-person healthcare settings.

SECTION 2. Arkansas Code § 17-80-403(c), concerning the establishment of a professional relationship, is amended to read as follows:

(c) “Professional relationship” does not include a relationship between a healthcare professional and a patient established only by the following:

(1) An internet questionnaire;
(2) An email message;
(3) Patient-generated medical history;

(4) Audio-only communication, including without limitation interactive audio;

(5) Text messaging;

(6) A facsimile machine; or

(7) Any combination thereof of means listed in subdivisions (c)(1)-(5) of this section.