

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

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

As Engrossed: H1/25/21

A Bill

HOUSE BILL 1063

4
5 By: Representative Pilkington
6 By: Senator Hester

7

8

For An Act To Be Entitled

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

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Subtitle

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

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

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

25 (4) "Professional relationship" means at a minimum a
26 relationship established between a healthcare professional and a patient
27 when:

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

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

35 (C) The treatment is provided by a healthcare professional
36 in consultation with, or upon referral by, another healthcare professional

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1 who has an ongoing professional relationship with the patient and who has
2 agreed to supervise the patient's treatment, including follow-up care;

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

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

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

15 (G) A healthcare professional, who is licensed in Arkansas
16 and has access to a patient's personal health record that is maintained by a
17 physician, is allowed to use technology deemed appropriate by the healthcare
18 professional, including without limitation using a telephone to conduct an
19 audio-only consultation, to diagnose, treat, and, if clinically appropriate,
20 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.

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2021

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

24 (c) "Professional relationship" does not include a relationship
25 between a healthcare professional and a patient established only by the
26 following:

- 27 (1) An internet questionnaire;
- 28 (2) An email message;

- 29 (3) ~~Patient-generated medical history;~~
- 30 (4) ~~Audio-only communication, including without limitation~~
- 31 ~~interactive audio;~~
- 32 ~~(5) Text messaging;~~
- 33 ~~(6)(5) A facsimile machine; or~~
- 34 ~~(7)(6) Any combination thereof of means listed in subdivisions~~
- 35 ~~(c)(1)-(5) of this section.~~

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