

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 133

TO ENCOURAGE THE USE OF TELEMEDICINE; AND TO DECLARE AN EMERGENCY.

Amendment No. 1 to Senate Bill No. 133

Amend Senate Bill No. 133 as originally introduced:

Page 2, delete lines 22 through 25 and substitute the following:

"(3) "Originating site" means the location of the patient at the time healthcare services are delivered through telemedicine;"

AND

Page 3, delete lines 2 through 4 and substitute the following:

"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;

(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;"

AND

Page 3, line 5, delete "forward telemedicine" and substitute "forward technology"

AND

Page 3, line 11, delete ", including prior"

AND

Page 3, line 12, delete "authorization,"

AND



Page 3, line 13, delete "and self-management" and substitute "or self-management"

AND

Page 3, delete lines 24 and 25 and substitute the following:

"(4)(A) Store and forward technology shall not be considered telemedicine.

(B) This subchapter does not restrict the use of store and forward technology."

AND

Page 3, line 33, delete "licensed" and substitute "licensed or certified"

AND

Page 3, line 34, delete "licensing" and substitute "licensing or certification"

AND

Page 4, delete lines 2 through 5

AND

Page 4, delete line 9 and substitute the following:

"patient or the healthcare professional otherwise meets the requirements of professional relationship as defined in § 17-80-117(a)(4)."

AND

Page 4, line 16, delete "(1)"

AND

Page 4, delete lines 19 through 22

AND

Page 5, delete lines 23 and 24 and substitute the following:

"(vii) Accident only plans;
(viii) Specified disease plans; or
(ix) Long-term care only plans;"

AND

Page 5, delete lines 28 through 31 and substitute the following:

"(4) "Originating site" means the location of the patient at the time healthcare services are delivered through telemedicine; and"

AND

Page 5, line 35, delete ", including prior"

AND

Page 5, line 36, delete "authorization,"

AND

Page 6, line 1, delete "and self-management" and substitute "or self-management"

AND

Page 6, line 6, delete "(a)" and substitute "(a)(1)"

AND

Page 6, delete line 9 and substitute the following:
"any premium adjustment is made thereafter.

(2) Notwithstanding subdivision (a)(1) of this section, this subchapter shall apply to the Arkansas Medicaid Program on and after July 1, 2016."

AND

Page 6, delete lines 14 through 31 and substitute the following:

"(c) A healthcare service provided through telemedicine shall comply with the requirements of § 17-80-117.

(d) Subject to subdivision (e)(1) of this section, a health benefit plan shall reimburse a physician licensed by the Arkansas State Medical Board for healthcare services provided through telemedicine on the same basis as the health benefit plan reimburses a physician for the same healthcare services provided in person.

(e)(1) The combined amount of reimbursement that a health benefit plan allows for the compensation to the distant site physician and the originating site shall not be less than the total amount allowed for healthcare services provided in person.

(2) Payment for healthcare services provided through telemedicine shall be provided to the distant site physician and the originating site upon submission of the appropriate procedure codes.

(3) This section does not:

(A) Prohibit:

(i) Reimbursement by a health benefit plan to other healthcare professionals; or

(ii) A health benefit plan from paying a facility fee to a provider at the distant site in addition to a fee paid to the healthcare professional; or

(B) Require an insurer to pay more for a healthcare service provided through telemedicine than would have been paid if the healthcare service was delivered in person."

AND

Page 6, line 32, delete "(e)" and substitute "(f)"

AND

Page 7, line 8, delete "(f)" and substitute "(g)"

AND

Page 7, line 25, delete "(g)" and substitute "(h)(1)"

AND

Page 7, delete line 28 and substitute the following:

"an in-person service other than the in-person requirement.

(2) If deemed necessary, the State Insurance Department may promulgate rules containing additional standards and procedures for the utilization of telemedicine to provide healthcare service through health benefit plans if the additional standards and procedures do not conflict with this subchapter or § 17-80-117, and are applied uniformly by all health benefit plans.

SECTION 5. Arkansas Code Title 23, Chapter 86, Subchapter 1, is amended to add an additional section to read as follows:

23-86-123. Prior authorization by physician.

(a) As used in this section:

(1) "Prior authorization" means the process by which a health carrier determines the medical necessity or eligibility for coverage of a healthcare service before a covered person receives the healthcare service in order to provide coverage and reimbursement for the healthcare service; and

(2) "Telemedicine" means the medium of delivering clinical healthcare services by means of real-time two-way electronic audiovisual communications, including without limitation the application of secure video conferencing, to provide or support healthcare delivery that facilitates the assessment, diagnosis, consultation, treatment, education, care management, or self-management of a patient's health care while the patient is at an originating site and the healthcare professional is at a distant site.

(b) When conducting prior authorization, whether for healthcare services provided through telemedicine or provided in person, a physician who possess a current and unrestricted license to practice medicine in the State of Arkansas shall make all adverse determinations."

AND

Page 7, line 30, delete "SECTION 5." and substitute "SECTION 6."

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator Bledsoe

