

INTERIM STUDY PROPOSAL 2019-151

State of Arkansas

92nd General Assembly

Second Extraordinary Session, 2020

**A Bill**

JMB/JMB

HOUSE BILL

By: Representative Pilkington

Filed with: Arkansas Legislative Council  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO AMEND THE TELEMEDICINE ACT; TO ENSURE THAT  
TELEMEDICINE IS THE LEAST RESTRICTIVE METHOD TO  
DELIVER HEALTHCARE SERVICES REMOTELY; TO EXPAND THE  
DEFINITION OF "PROFESSIONAL RELATIONSHIP" AND THE  
DELIVERY OF HEALTHCARE SERVICES PROVIDED VIA  
TELEMEDICINE; AND FOR OTHER PURPOSES.

**Subtitle**

TO AMEND THE TELEMEDICINE ACT; AND TO  
EXPAND THE DEFINITION OF "PROFESSIONAL  
RELATIONSHIP" AND THE DELIVERY OF  
HEALTHCARE SERVICES PROVIDED VIA  
TELEMEDICINE.

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

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

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

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

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

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

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

13 (E) A relationship exists in other circumstances as  
14 defined by rule of the Arkansas State Medical Board for healthcare  
15 professionals under its jurisdiction and their patients, including a  
16 relationship established with store-and-forward technology in conjunction  
17 with audio interaction and a review of clinical information; or

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

23  
24 SECTION 2. Arkansas Code § 17-80-403, concerning establishing a  
25 professional relationship under the Telemedicine Act, is amended to add an  
26 additional subsection to read as follows:

27 (d) However, a professional relationship may be established between a  
28 healthcare professional and a patient who is located in Arkansas using any  
29 technology deemed appropriate by the healthcare professional, including  
30 telephone, if the healthcare professional has access to the patient's  
31 personal health records.

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34 Referred by Representative Pilkington

35 Prepared by: JMB/JMB

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