

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.

32
33
34 Referred by Representative Pilkington

35 Prepared by: JMB/JMB