

# EXHIBIT K

INTERIM STUDY PROPOSAL 2013-195

State of Arkansas  
89th General Assembly  
First Extraordinary Session, 2013

## A Bill

DRAFT JMB/JMB  
SENATE BILL

By: Senator Bledsoe

Filed with: Interim Senate Committee on Public Health, Welfare and Labor  
pursuant to A.C.A. §10-3-217.

### For An Act To Be Entitled

AN ACT TO ENCOURAGE THE USE OF TELEMEDICINE SERVICES;  
TO REQUIRE HEALTH BENEFIT PLAN COVERAGE FOR  
TELEMEDICINE SERVICES TO THE EXTENT THAT IN-PERSON  
HEALTHCARE CONSULTATION SERVICES ARE COVERED; TO  
AUTHORIZE HEALTHCARE PROFESSIONALS TO PROVIDE  
TELEMEDICINE SERVICES TO PATIENTS; AND FOR OTHER  
PURPOSES.

### Subtitle

TO ENCOURAGE THE USE OF TELEMEDICINE  
SERVICES; TO REQUIRE HEALTH BENEFIT PLAN  
COVERAGE FOR TELEMEDICINE SERVICES TO THE  
EXTENT THAT IN-PERSON HEALTHCARE  
CONSULTATION SERVICES ARE COVERED.

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

SECTION 1. Arkansas Code Title 23, Chapter 79, is amended to add an  
additional subchapter to read as follows:

#### Subchapter 16 – Coverage for Telemedicine Services

##### 23-79-1601. Definitions.

As used in this subchapter:

1           (1) "Distant site" means the location of the healthcare  
2 professional delivering telemedicine services at the time the telemedicine  
3 services are provided;

4           (2) "Health benefit plan" means an individual, blanket, or group  
5 plan, policy, or contract for healthcare services issued or delivered by an  
6 insurer, health maintenance organization, hospital medical service  
7 corporation, or self-insured governmental or church plan in this state;

8           (3) "Originating site" means the location of the patient at the  
9 time telemedicine services are provided by a healthcare professional; and

10           (4) "Telemedicine services" means medical services delivered  
11 through an interactive telecommunications system that:

12                   (A) Utilizes information technology, audio, video, and  
13 other appropriate elements to perform medical services; and

14                   (B) Delivers medical services such as diagnosis,  
15 consultation, or treatment through the use of interactive audio, video, or  
16 other electronic media in real time.

17  
18           23-79-1602. Coverage for telemedicine services.

19           (a) A health benefit plan that is offered, issued, or renewed in this  
20 state shall provide coverage for telemedicine services to the extent that in-  
21 person consultation healthcare services are covered.

22           (b) A health benefit plan may:

23                   (1) Charge a deductible, copayment, or coinsurance for a  
24 healthcare service provided through telemedicine if the charge does not  
25 exceed the deductible, copayment, or coinsurance charged for an in-person  
26 consultation service; and

27                   (2) Limit coverage of telemedicine services to healthcare  
28 providers within a telemedicine network approved by the health benefit plan.

29           (c) A claim for telemedicine services shall include the appropriate  
30 procedure code for the covered services and the appropriate modifier  
31 indicating that telemedicine services were used.

32                   (d)(1) The originating site is eligible to receive a facility fee.

33                           (2) The distant site is not eligible to receive a facility fee.

34           (e)(1) The distant site is eligible to receive a consultation fee.

35                   (2) The originating site is not eligible to receive a  
36 consultation fee.

1       (f) This subchapter does not prohibit a health benefit plan from  
2 limiting coverage to medically necessary services, subject to the terms and  
3 conditions of the covered person's policy.

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5       23-79-1603. Rules.

6       The State Insurance Department shall promulgate rules to implement this  
7 subchapter.

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9       SECTION 2. Arkansas Code Title 17, Chapter 80, Subchapter 1, is  
10 amended to add an additional section to read as follows:

11       17-80-117. Telemedicine services.

12       (a) As used in this section:

13               (1) "Telemedicine services" means medical services delivered  
14 through an interactive telecommunications system that:

15                       (A) Utilizes information technology, audio, video, and  
16 other appropriate elements to perform medical services; and

17                       (B) Delivers medical services such as diagnosis,  
18 consultation, or treatment through the use of interactive audio, video, or  
19 other electronic media in real time.

20       (b) Subject to limitations of the license under which an individual is  
21 practicing, a healthcare professional may prescribe, dispense, or administer  
22 drugs or medical supplies, or otherwise provide treatment recommendations to  
23 a patient after having performed an appropriate examination of the patient  
24 either in person or by use of telemedicine services.

25       (c) The standards of the appropriate practice in traditional provider-  
26 patient settings shall govern the licensed healthcare professional's  
27 treatment recommendations made via electronic means, including issuing a  
28 prescription via electronic means.

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31 Referral requested by: Senator Cecile Bledsoe

32 Prepared by: JMB/JMB  
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