

EXHIBIT D

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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