

State of Arkansas

As Engrossed: H1/25/21 H2/8/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1063

By: Representative Pilkington

By: Senator Hester

For An Act To Be Entitled

AN ACT TO AMEND THE TELEMEDICINE ACT; TO AUTHORIZE
ADDITIONAL REIMBURSEMENT FOR TELEMEDICINE VIA
TELEPHONE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE TELEMEDICINE ACT; AND TO
AUTHORIZE ADDITIONAL REIMBURSEMENT FOR
TELEMEDICINE VIA TELEPHONE.

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

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

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

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

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

(C) The treatment is provided by a healthcare professional
in consultation with, or upon referral by, another healthcare professional



1 who has an ongoing professional relationship with the patient and who has
 2 agreed to supervise the patient's treatment, including follow-up care;

3 (D) An on-call or cross-coverage arrangement exists with
 4 the patient's regular treating healthcare professional or another healthcare
 5 professional who has established a professional relationship with the
 6 patient;

7 (E) A relationship exists in other circumstances as
 8 defined by rule of the Arkansas State Medical Board for healthcare
 9 professionals under its jurisdiction and their patients; ~~or~~

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

15 (G) A healthcare professional, who is licensed in Arkansas
 16 and has access to a patient's personal health record that is maintained by a
 17 physician or other healthcare professional with a professional relationship
 18 with the patient, using real-time interactive audio technology, including the
 19 telephone;

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 21 SECTION 2. Arkansas Code § 17-80-403(c), concerning the establishment
 22 of a professional relationship, is amended to read as follows:

23 (c) "Professional relationship" does not include a relationship
 24 between a healthcare professional and a patient established only by the
 25 following:

- 26 (1) An internet questionnaire;
- 27 (2) An email message;
- 28 (3) Patient-generated medical history;
- 29 (4) ~~Audio-only communication, including without limitation~~
 30 ~~interactive audio;~~
- 31 ~~(5)~~ Text messaging;
- 32 ~~(6)~~ (5) A facsimile machine; or
- 33 ~~(7)~~ (6) Any combination thereof of means listed in subdivisions
 34 (c)(1)-(5) of this section.

1 SECTION 3. Arkansas Code § 23-79-1601(2)(C), concerning the definition
2 of "health benefit plan", is amended to read as follows:

3 (C) "Health benefit plan" does not include:

- 4 (i) Disability income plans;
5 (ii) Credit insurance plans;
6 (iii) Insurance coverage issued as a supplement to
7 liability insurance;
8 (iv) Medical payments under automobile or homeowners
9 insurance plans;
10 (v) Health benefit plans provided under Arkansas
11 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
12 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;
13 (vi) Plans that provide only indemnity for hospital
14 confinement;
15 (vii) Accident-only plans;
16 (viii) Specified disease plans; ~~or~~
17 (ix) Long-term-care-only plans; or
18 (x) Stand-alone dental or vision benefit plans;
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20 SECTION 4. Arkansas Code § 23-79-1601(7), concerning the definition of
21 "telemedicine", is amended to read as follows:

22 (7)(A) "Telemedicine" means the use of electronic information
23 and communication technology to deliver healthcare services, including
24 without limitation the assessment, diagnosis, consultation, treatment,
25 education, care management, and self-management of a patient.

26 (B) "Telemedicine" includes store-and-forward technology
27 and remote patient monitoring.

28 (C) For the purposes of this subchapter, "telemedicine"
29 does not include the use of:

- 30 (i) Audio-only communication, ~~including without~~
31 ~~limitation interactive audio~~ unless the audio-only communication is real-
32 time, interactive, and substantially meets the requirements for a healthcare
33 service that would otherwise be covered by the health benefit plan;
34 (ii) A facsimile machine;
35 (iii) Text messaging; or
36 (iv) ~~Electronic mail systems~~ Email.

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2 SECTION 5. Arkansas Code § 23-79-1602(e), concerning prohibitions on
3 the coverage for telemedicine services, is amended to read as follows:

4 (e) A health benefit plan shall not impose on coverage for healthcare
5 services provided through telemedicine:

6 (1) An annual or lifetime dollar maximum on coverage for
7 services provided through telemedicine other than an annual or lifetime
8 dollar maximum that applies to the aggregate of all items and services
9 covered;

10 (2) A deductible, copayment, coinsurance, benefit limitation, or
11 maximum benefit that is not equally imposed upon all healthcare services
12 covered under the health benefit plan; ~~or~~

13 (3) A prior authorization requirement for services provided
14 through telemedicine that exceeds the prior authorization requirement for in-
15 person healthcare services under the health benefit plan; or

16 (4) A requirement or financial incentive of any kind for a
17 covered person to choose any commercial telemedicine service provider or a
18 restricted network of telemedicine-only providers rather than the covered
19 person's regular doctor or provider of choice.

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22 /s/Pilkington
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