

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H2/2/21

A Bill

HOUSE BILL 1176

5 By: Representatives L. Johnson, Pilkington
6 By: Senator B. Davis
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For An Act To Be Entitled

9 AN ACT TO ENSURE THAT REIMBURSEMENT IN THE ARKANSAS
10 MEDICAID PROGRAM FOR CERTAIN BEHAVIORAL AND MENTAL
11 HEALTH SERVICES PROVIDED VIA TELEMEDICINE CONTINUES
12 AFTER THE PUBLIC HEALTH EMERGENCY CAUSED BY
13 CORONAVIRUS 2019 (COVID-19); AND FOR OTHER PURPOSES.
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Subtitle

16 TO ENSURE THAT REIMBURSEMENT IN THE
17 ARKANSAS MEDICAID PROGRAM FOR CERTAIN
18 BEHAVIORAL AND MENTAL HEALTH SERVICES
19 PROVIDED VIA TELEMEDICINE CONTINUES
20 AFTER THE PUBLIC HEALTH EMERGENCY
21 CAUSED BY CORONAVIRUS 2019 (COVID-19).
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is
28 amended to add an additional section to read as follows:

29 20-77-112. Provision of behavioral and mental health services via
30 telemedicine – Medicaid reimbursement.

31 (a)(1) The General Assembly finds that during the public health
32 emergency caused by coronavirus 2019 (COVID-19), the Department of Human
33 Services issued several memorandums authorizing certain reimbursement for
34 behavioral and mental health services provided via telemedicine for the time
35 period of the public health emergency.

36 (2) It is the intent of the General Assembly to make the



1 authorization for certain reimbursement for behavioral and mental health
2 services provided via telemedicine permanent.

3 (b) The Arkansas Medicaid Program shall reimburse for the following
4 behavioral and mental health services provided via telemedicine:

5 (1) Behavioral health wellness-check services;

6 (2) Counseling and psychoeducation provided by a person licensed

7 as:

8 (A) A psychologist;

9 (B) A psychological examiner;

10 (C) A professional counselor;

11 (D) An associate counselor;

12 (E) An associate marriage and family therapist;

13 (F) A marriage and family therapist;

14 (G) A clinical social worker; or

15 (H) A master social worker;

16 (3) Crisis intervention services;

17 (4) Substance abuse assessments;

18 (5) Mental health diagnosis assessments for an individual under
19 twenty-one (21) years of age; and

20 (6) Group therapy under the current service definition
21 determined by the Arkansas Medicaid Program and when provided via audio-
22 visual technology that is compliant with the Health Insurance Portability and
23 Accountability Act of 1996, Pub. L. No. 104-191, and composed of
24 beneficiaries of similar age and clinical presentation to qualified
25 beneficiaries.

26 (c) The Arkansas Medicaid Program shall reimburse for supplemental
27 support services provided in-person or via audio-visual technology or
28 telephone that is compliant with the Health Insurance Portability and
29 Accountability Act of 1996, Pub. L. No. 104-191, within the managed care
30 program in the same manner as provided by risk-based provider organizations
31 under the Medicaid Provider-Led Organized Care Act, § 20-77-2701 et seq.,
32 through the later of:

33 (1) The end of the public health emergency that began on March
34 11, 2020, by Executive Order 20-03; or

35 (2) December 31, 2021.

36 (d) The department shall apply for any federal waiver, Medicaid state

1 plan amendment, or other authorization necessary to implement this section.

2 (e) This section applies to Medicaid beneficiaries in the fee-for-
3 service Arkansas Medicaid Program and the managed care Arkansas Medicaid
4 Program.

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6 */s/L. Johnson*
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