

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: H2/2/21 H2/8/21 S3/4/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

HOUSE BILL 1176

4

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); TO DECLARE AN EMERGENCY;  
14 AND FOR OTHER PURPOSES.

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## Subtitle

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

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SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is amended to add an additional section to read as follows:

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

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

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1           (2) It is the intent of the General Assembly to make the  
2 authorization for certain reimbursement for behavioral and mental health  
3 services provided via telemedicine permanent.

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

6           (1) 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           (2) Crisis intervention services;

17           (3) Substance abuse assessments;

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

20           (5) Group therapy for individuals who are eighteen (18) years of  
21 age or older under the current service definition determined by the Arkansas  
22 Medicaid Program and when provided via audio-visual technology that is  
23 compliant with the Health Insurance Portability and Accountability Act of  
24 1996, Pub. L. No. 104-191, and composed of beneficiaries of similar age and  
25 clinical presentation to qualified 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 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
7 General Assembly of the State of Arkansas that due to the coronavirus 2019  
8 (COVID-19) pandemic, the Department of Human Services has issued several  
9 memorandums authorizing certain reimbursements for behavioral and mental  
10 health services provided via telemedicine for the time period of the public  
11 health emergency to beneficiaries in the Arkansas Medicaid Program; that on  
12 February 26, 2021, the Governor announced that the public health emergency  
13 was extended but the Governor was going to lift some regulations related to  
14 the pandemic; that these reimbursements allowed behavioral and mental health  
15 providers to ensure that the beneficiaries of the Arkansas Medicaid Program  
16 had the services that they needed, and lifting these reimbursements to the  
17 healthcare providers of behavioral and mental health services would greatly  
18 disadvantage and harm the beneficiaries of the Arkansas Medicaid Program who  
19 need these services; and that this act is immediately necessary to ensure  
20 that the beneficiaries of the Arkansas Medicaid Program have access to  
21 behavioral and mental health services provided via telemedicine. Therefore,  
22 an emergency is declared to exist, and this act being immediately necessary  
23 for the preservation of the public peace, health, and safety shall become  
24 effective on:

25 (1) The date of its approval by the Governor;

26 (2) If the bill is neither approved nor vetoed by the Governor,  
27 the expiration of the period of time during which the Governor may veto the  
28 bill; or

29 (3) If the bill is vetoed by the Governor and the veto is  
30 overridden, the date the last house overrides the veto.

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32 /s/L. Johnson  
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