

REGULATION RULE NO. 38: TELEMEDICINE

Requirement for all services provided by Providers using telemedicine:

1. A Patient/Provider relationship must be established in accordance with Regulation Rule 2.8 before the delivery of services via telemedicine. Provider is defined as a person licensed by the Arkansas State Medical Board. A patient completing a medical history online and forwarding it to a Provider is not sufficient to establish the relationship, nor does it qualify as store-and-forward technology.

2.L. A physician shall not issue a written medical marijuana certification to a patient based on an assessment performed through telemedicine. A Patient/Provider relationship established under Rule 2.8 may be utilized for medical marijuana recertification by telehealth. "Telehealth certification" means the electronic assessment of a patient by a provider in connection with an application for a registry identification card under the Arkansas Medical Marijuana Amendment of 2016.

M. Telemedicine does not include the use of audio-only electronic technology by a provider to renew a written certification that was previously issued to the same patient.

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

A Bill

SENATE BILL 703

4
5 By: Senator G. Leding

For An Act To Be Entitled

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8 AN ACT TO AMEND THE TELEMEDICINE ACT; TO AMEND THE
9 DEFINITIONS OF "PROFESSIONAL RELATIONSHIP" AND
10 "TELEMEDICINE" WITHIN THE TELEMEDICINE ACT; TO ALLOW
11 TELEHEALTH CERTIFICATION FOR MEDICAL MARIJUANA; AND
12 FOR OTHER PURPOSES.

Subtitle

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16 TO AMEND THE TELEMEDICINE ACT; TO AMEND
17 THE DEFINITIONS OF "PROFESSIONAL
18 RELATIONSHIP" AND "TELEMEDICINE" WITHIN
19 THE TELEMEDICINE ACT; AND TO ALLOW
20 TELEHEALTH CERTIFICATION FOR MEDICAL
21 MARIJUANA.

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

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26 SECTION 1. Arkansas Code § 17-80-402(4)(E), concerning the definition
27 of "professional relationship" in the Telemedicine Act, is amended to read as
28 follows:

29 (E)(i) A relationship exists in other circumstances as
30 defined by rule of the Arkansas State Medical Board for healthcare
31 professionals under its jurisdiction and their patients.

32 (ii) A relationship established under rules of the
33 Arkansas State Medical Board may be utilized for telehealth certification; or
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35 SECTION 2. Arkansas Code § 17-80-402(7), concerning the definition of
36 "telemedicine" in the Telemedicine Act, is amended to read as follows:



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

5 (B) "Telemedicine" includes store-and-forward technology
6 and remote patient monitoring.

7 (C) "Telemedicine" does not include the use of audio-only
8 electronic technology by a physician to renew a written certification that
9 was previously issued to the same patient; or

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11 SECTION 3. Arkansas Code § 17-80-402, concerning the definitions
12 within the Telemedicine Act, is amended to add an additional subdivision to
13 read as follows:

14 (8) "Telehealth certification" means the electronic assessment
15 of a patient by a practitioner in connection with an application for a
16 registry identification card under § 5 of Arkansas Constitution, Amendment
17 98, also known as the "Arkansas Medical Marijuana Amendment of 2016".

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20 APPROVED: 5/3/21
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