

INTERIM STUDY PROPOSAL 2017-121

State of Arkansas
91st General Assembly
Third Extraordinary Session, 2018

A Bill

JMB/JMB
HOUSE BILL

By: Representatives Sullivan, Gonzales

Filed with: House Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO AMEND THE TELEMEDICINE ACT; TO ENSURE THAT
TELEMEDICINE IS THE LEAST RESTRICTIVE METHOD TO
DELIVER HEALTHCARE SERVICES REMOTELY; TO EXPAND THE
DEFINITION OF "PROFESSIONAL RELATIONSHIP"; TO
INCREASE ACCESS TO TELEMEDICINE HEALTHCARE SERVICES;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE TELEMEDICINE ACT; TO ENSURE
THAT TELEMEDICINE IS THE LEAST
RESTRICTIVE METHOD TO DELIVER HEALTHCARE
SERVICES REMOTELY; AND TO EXPAND THE
DEFINITION OF "PROFESSIONAL
RELATIONSHIP".

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

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

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

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

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

5 (C) The treatment is provided by a healthcare professional
6 in consultation with, or upon referral by, another healthcare professional
7 who has an ongoing relationship with the patient and who has agreed to
8 supervise the patient's treatment, including follow-up care;

9 (D) An on-call or cross-coverage arrangement exists with
10 the patient's regular treating healthcare professional or another healthcare
11 professional who has established a professional relationship with the
12 patient;

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

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

21 (G) A relationship exists through the use of telemedicine
22 if:

23 (i) In the opinion of the healthcare professional,
24 the standard of care can be met; and

25 (ii) The healthcare professional has access to the
26 patient's medical history;

27
28 SECTION 2. Arkansas Code § 17-80-403(c), concerning the establishment
29 of a professional relationship, is amended to read as follows:

30 (c) "Professional relationship" does not include a relationship
31 between a healthcare professional and a patient established only by the
32 following:

- 33 (1) An internet questionnaire;
34 (2) An email message;
35 (3) ~~Patient-generated medical history;~~

1 ~~(4)~~ Audio-only communication, ~~including without limitation~~
2 ~~interactive audio~~ without a patient medical history;

3 ~~(5)~~(4) Text messaging;

4 ~~(6)~~(5) A facsimile machine; or

5 ~~(7)~~(6) Any combination thereof.

6
7 SECTION 3. Arkansas Code § 17-80-406 is amended to read as follows:
8 17-80-406. Rules.

9 (a) State A state licensing and certification ~~boards~~ board for a
10 healthcare professional shall amend ~~their~~ its rules where necessary to comply
11 with this subchapter.

12 (b) However, a state licensing and certification board for a
13 healthcare professional shall not implement rules that are more restrictive
14 than this subchapter.

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17 Referred by Representative Gonzales

18 Prepared by: JMB/JMB
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