

## 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.

**RECEIVED**

FEB 11 2022

BUREAU OF  
LEGISLATIVE RESEARCH

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

# A Bill

SENATE BILL 703

5 By: Senator G. Leding  
6

## For An Act To Be Entitled

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.  
13  
14

## Subtitle

15 TO AMEND THE TELEMEDICINE ACT; TO AMEND  
16 THE DEFINITIONS OF "PROFESSIONAL  
17 RELATIONSHIP" AND "TELEMEDICINE" WITHIN  
18 THE TELEMEDICINE ACT; AND TO ALLOW  
19 TELEHEALTH CERTIFICATION FOR MEDICAL  
20 MARIJUANA.  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

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  
34

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

10  
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".

18  
19  
20 APPROVED: 5/3/21  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36