

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1220

4
5 By: Representatives Sullivan, Gonzales
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE TELEMEDICINE ACT; TO ENSURE THAT
9 TELEMEDICINE IS THE LEAST RESTRICTIVE METHOD TO
10 DELIVER HEALTHCARE SERVICES REMOTELY; TO EXPAND THE
11 DEFINITION OF "PROFESSIONAL RELATIONSHIP"; TO
12 INCREASE ACCESS TO TELEMEDICINE HEALTHCARE SERVICES;
13 AND FOR OTHER PURPOSES.
14
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Subtitle

16
17 TO AMEND THE TELEMEDICINE ACT; TO ENSURE
18 THAT TELEMEDICINE IS THE LEAST
19 RESTRICTIVE METHOD TO DELIVER HEALTHCARE
20 SERVICES REMOTELY; AND TO EXPAND THE
21 DEFINITION OF "PROFESSIONAL
22 RELATIONSHIP".
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

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

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

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

35 (B) The healthcare professional personally knows the
36 patient and the patient's relevant health status through an ongoing personal



1 or professional relationship and is available to provide appropriate follow-
2 up care, when necessary, at medically necessary intervals;

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

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

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

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

19 (G) A relationship exists through the use of telemedicine
20 if:

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

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

25
26 SECTION 2. Arkansas Code § 17-80-403(c), concerning the establishment
27 of a professional relationship, is amended to read as follows:

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

- 31 (1) An internet questionnaire;
- 32 (2) An email message;
- 33 (3) ~~Patient-generated medical history;~~
- 34 ~~(4) Audio-only communication, including without limitation~~
35 ~~interactive audio without a patient medical history;~~
- 36 ~~(5)-(4)~~ (4) Text messaging;

1 ~~(6)~~(5) A facsimile machine; or
2 ~~(7)~~(6) Any combination thereof.

3
4 SECTION 3. Arkansas Code § 17-80-406 is amended to read as follows:
5 17-80-406. Rules.

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

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