

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

As Engrossed: H1/25/21 H2/8/21

A Bill

HOUSE BILL 1063

5 By: Representative Pilkington
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE TELEMEDICINE ACT; TO AUTHORIZE
10 ADDITIONAL REIMBURSEMENT FOR TELEMEDICINE VIA
11 TELEPHONE; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE TELEMEDICINE ACT; AND TO
16 AUTHORIZE ADDITIONAL REIMBURSEMENT FOR
17 TELEMEDICINE VIA TELEPHONE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 17-80-402(4), concerning the definition of
23 a "professional relationship" as used under the Telemedicine Act, is amended
24 to read as follows:

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

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

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

35 (C) The treatment is provided by a healthcare professional
36 in consultation with, or upon referral by, another healthcare professional



1 who has an ongoing professional relationship with the patient and who has
2 agreed to supervise the patient's treatment, including follow-up care;

3 (D) An on-call or cross-coverage arrangement exists with
4 the patient's regular treating healthcare professional or another healthcare
5 professional who has established a professional relationship with the
6 patient;

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

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

15 (G) A healthcare professional, who is licensed in Arkansas
16 and has access to a patient's personal health record that is maintained by a
17 physician or other healthcare professional with a professional relationship
18 with the patient, using real-time interactive audio technology, including the
19 telephone;

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

23 (c) "Professional relationship" does not include a relationship
24 between a healthcare professional and a patient established only by the
25 following:

26 (1) An internet questionnaire;

27 (2) An email message;

28 (3) Patient-generated medical history;

29 (4) ~~Audio-only communication, including without limitation~~
30 ~~interactive audio;~~

31 ~~(5)~~ Text messaging;

32 ~~(6)~~(5) A facsimile machine; or

33 ~~(7)~~(6) Any combination thereof of means listed in subdivisions
34 (c)(1)-(5) of this section.

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1 SECTION 3. Arkansas Code § 23-79-1601(2)(C), concerning the definition
2 of "health benefit plan", is amended to read as follows:

3 (C) "Health benefit plan" does not include:

4 (i) Disability income plans;

5 (ii) Credit insurance plans;

6 (iii) Insurance coverage issued as a supplement to
7 liability insurance;

8 (iv) Medical payments under automobile or homeowners
9 insurance plans;

10 (v) Health benefit plans provided under Arkansas
11 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
12 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

13 (vi) Plans that provide only indemnity for hospital
14 confinement;

15 (vii) Accident-only plans;

16 (viii) Specified disease plans; ~~or~~

17 (ix) Long-term-care-only plans; or

18 (x) Stand-alone dental or vision benefit plans;

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20 SECTION 4. Arkansas Code § 23-79-1601(7), concerning the definition of
21 "telemedicine", is amended to read as follows:

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

26 (B) "Telemedicine" includes store-and-forward technology
27 and remote patient monitoring.

28 (C) For the purposes of this subchapter, "telemedicine"
29 does not include the use of:

30 (i) Audio-only communication, ~~including without~~
31 ~~limitation interactive audio~~ unless the audio-only communication is real-
32 time, interactive, and substantially meets the requirements for a healthcare
33 service that would otherwise be covered by the health benefit plan;

34 (ii) A facsimile machine;

35 (iii) Text messaging; or

36 (iv) ~~Electronic mail systems~~ Email.

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SECTION 5. Arkansas Code § 23-79-1602(e), concerning prohibitions on the coverage for telemedicine services, is amended to read as follows:

(e) A health benefit plan shall not impose on coverage for healthcare services provided through telemedicine:

(1) An annual or lifetime dollar maximum on coverage for services provided through telemedicine other than an annual or lifetime dollar maximum that applies to the aggregate of all items and services covered;

(2) A deductible, copayment, coinsurance, benefit limitation, or maximum benefit that is not equally imposed upon all healthcare services covered under the health benefit plan; ~~or~~

(3) A prior authorization requirement for services provided through telemedicine that exceeds the prior authorization requirement for in-person healthcare services under the health benefit plan; or

(4) A requirement or financial incentive of any kind for a covered person to choose any commercial telemedicine service provider or a restricted network of telemedicine-only providers rather than the covered person's regular doctor or provider of choice.

/s/Pilkington