

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H2/2/21 H2/8/21*

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1176

4

5 By: Representatives L. Johnson, Pilkington

6 By: Senator B. Davis

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For An Act To Be Entitled

9 AN ACT TO ENSURE THAT REIMBURSEMENT IN THE ARKANSAS
10 MEDICAID PROGRAM FOR CERTAIN BEHAVIORAL AND MENTAL
11 HEALTH SERVICES PROVIDED VIA TELEMEDICINE CONTINUES
12 AFTER THE PUBLIC HEALTH EMERGENCY CAUSED BY
13 CORONAVIRUS 2019 (COVID-19); AND FOR OTHER PURPOSES.

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Subtitle

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

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27 SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is
28 amended to add an additional section to read as follows:

29 20-77-112. Provision of behavioral and mental health services via
30 telemedicine – Medicaid reimbursement.

31 (a)(1) The General Assembly finds that during the public health
32 emergency caused by coronavirus 2019 (COVID-19), the Department of Human
33 Services issued several memorandums authorizing certain reimbursement for
34 behavioral and mental health services provided via telemedicine for the time
35 period of the public health emergency.

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(2) It is the intent of the General Assembly to make the



1 authorization for certain reimbursement for behavioral and mental health
2 services provided via telemedicine permanent.

3 (b) The Arkansas Medicaid Program shall reimburse for the following
4 behavioral and mental health services provided via telemedicine:

5 (1) Counseling and psychoeducation provided by a person licensed
6 as:

7 (A) A psychologist;

8 (B) A psychological examiner;

9 (C) A professional counselor;

10 (D) An associate counselor;

11 (E) An associate marriage and family therapist;

12 (F) A marriage and family therapist;

13 (G) A clinical social worker; or

14 (H) A master social worker;

15 (2) Crisis intervention services;

16 (3) Substance abuse assessments;

17 (4) Mental health diagnosis assessments for an individual under
18 twenty-one (21) years of age; and

19 (5) Group therapy for individuals who are eighteen (18) years of
20 age or older under the current service definition determined by the Arkansas
21 Medicaid Program and when provided via audio-visual technology that is
22 compliant with the Health Insurance Portability and Accountability Act of
23 1996, Pub. L. No. 104-191, and composed of beneficiaries of similar age and
24 clinical presentation to qualified beneficiaries.

25 (c) The Arkansas Medicaid Program shall reimburse for supplemental
26 support services provided in-person or via audio-visual technology or
27 telephone that is compliant with the Health Insurance Portability and
28 Accountability Act of 1996, Pub. L. No. 104-191, within the managed care
29 program in the same manner as provided by risk-based provider organizations
30 under the Medicaid Provider-Led Organized Care Act, § 20-77-2701 et seq.,
31 through the later of:

32 (1) The end of the public health emergency that began on March
33 11, 2020, by Executive Order 20-03; or

34 (2) December 31, 2021.

35 (d) The department shall apply for any federal waiver, Medicaid state
36 plan amendment, or other authorization necessary to implement this section.

