

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

1 State of Arkansas As Engrossed: H1/25/21 H2/8/21 H2/10/21

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

HOUSE BILL 1063

4

5 By: Representative Pilkington

6 By: Senator Hester

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## 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, other licensed healthcare professional, or local educational  
18 agency, using real-time interactive audio technology, including the  
19 telephone;

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

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

- 25 (1) An internet questionnaire;  
26 (2) An email message;  
27 (3) Patient-generated medical history;  
28 (4) ~~Audio-only communication, including without limitation~~  
29 ~~interactive audio;~~  
30 ~~(5)~~ Text messaging;  
31 ~~(6)~~(5) A facsimile machine; or  
32 ~~(7)~~(6) Any combination thereof of means listed in subdivisions  
33 (c)(1)-(5) of this section.

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36 SECTION 3. Arkansas Code § 23-79-1601(2)(C), concerning the definition

1 of "health benefit plan", is amended to read as follows:

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

3 (i) Disability income plans;

4 (ii) Credit insurance plans;

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

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

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

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

14 (vii) Accident-only plans;

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

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

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

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

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

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

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

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

33 (ii) A facsimile machine;

34 (iii) Text messaging; or

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

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

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

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

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

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

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

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21   /s/Pilkington  
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