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2 91st General Assembly  
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4

*As Engrossed: H2/10/17*

# A Bill

HOUSE BILL 1437

5 By: Representative D. Ferguson  
6 By: Senator Bledsoe  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAWS CONCERNING TELEMEDICINE; TO  
10 CREATE THE TELEMEDICINE ACT; TO AMEND THE DEFINITION  
11 OF TELEMEDICINE AND ORIGINATING SITE; TO ADDRESS  
12 REQUIREMENTS OF A PROFESSIONAL RELATIONSHIP WHEN  
13 USING TELEMEDICINE; TO ADD STANDARDS FOR THE  
14 APPROPRIATE USE OF TELEMEDICINE; TO AMEND THE  
15 ARKANSAS INTERNET PRESCRIPTION CONSUMER PROTECTION  
16 ACT TO CONFORM WITH THE TELEMEDICINE ACT; TO ADDRESS  
17 INSURANCE COVERAGE OF TELEMEDICINE; AND FOR OTHER  
18 PURPOSES.

## Subtitle

21 TO AMEND THE LAWS CONCERNING  
22 TELEMEDICINE; AND TO CREATE THE  
23 TELEMEDICINE ACT.  
24

25  
26  
27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
28

29 SECTION 1. Arkansas Code § 17-80-118 is repealed.

30 ~~17-80-118. Telemedicine.~~

31 ~~(a) As used in this section:~~

32 ~~(1) "Distant site" means the location of the healthcare~~  
33 ~~professional delivering services through telemedicine at the time the~~  
34 ~~services are provided;~~

35 ~~(2) "Healthcare professional" means a person who is licensed,~~  
36 ~~certified, or otherwise authorized by the laws of this state to administer~~



1 ~~health care in the ordinary course of the practice of his or her profession;~~

2 ~~(3) "Originating site" means:~~

3 ~~(A) The offices of a healthcare professional or a licensed~~  
4 ~~healthcare entity where the patient is located at the time services are~~  
5 ~~provided by a healthcare professional through telemedicine; and~~

6 ~~(B) The home of a patient in connection with treatment for~~  
7 ~~end-stage renal disease;~~

8 ~~(4) "Professional relationship" means at minimum a relationship~~  
9 ~~established between a healthcare professional and a patient when:~~

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

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

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

21 ~~(D) An on-call or cross-coverage arrangement exists with~~  
22 ~~the patient's regular treating healthcare professional;~~

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

26 ~~(F) A relationship exists in other circumstances as~~  
27 ~~defined by rule of a licensing or certification board for other healthcare~~  
28 ~~professionals under the jurisdiction of the appropriate board and their~~  
29 ~~patients if the rules are no less restrictive than the rules of the Arkansas~~  
30 ~~State Medical Board;~~

31 ~~(5) "Store and forward technology" means the transmission of a~~  
32 ~~patient's medical information from an originating site to the provider at the~~  
33 ~~distant site without the patient being present; and~~

34 ~~(6) "Telemedicine" means the medium of delivering clinical~~  
35 ~~healthcare services by means of real-time two-way electronic audio-visual~~  
36 ~~communications, including without limitation the application of secure video~~

1 ~~conferencing, to provide or support healthcare delivery that facilitates the~~  
2 ~~assessment, diagnosis, consultation, or treatment of a patient's health care~~  
3 ~~while the patient is at an originating site and the healthcare professional~~  
4 ~~is at a distant site.~~

5 ~~(b)(1) The standards of appropriate practice in traditional healthcare~~  
6 ~~professional patient settings shall govern the licensed healthcare~~  
7 ~~professional's treatment recommendations made via electronic means, including~~  
8 ~~issuing a prescription via telemedicine.~~

9 ~~(2) This section does not alter existing state law or rules~~  
10 ~~governing a healthcare professional's scope of practice.~~

11 ~~(3) This section does not authorize drug-induced, chemical, or~~  
12 ~~surgical abortions performed through telemedicine.~~

13 ~~(4)(A) Store and forward technology shall not be considered~~  
14 ~~telemedicine.~~

15 ~~(B) This subchapter does not restrict the use of store and~~  
16 ~~forward technology.~~

17 ~~(c) A healthcare professional shall follow applicable state and~~  
18 ~~federal law, rules, and regulations for:~~

19 ~~(1) Informed consent;~~

20 ~~(2) Privacy of individually identifiable health information;~~

21 ~~(3) Medical recordkeeping and confidentiality; and~~

22 ~~(4) Fraud and abuse.~~

23 ~~(d)(1) A healthcare professional who is treating patients in Arkansas~~  
24 ~~through telemedicine shall be fully licensed or certified to practice in~~  
25 ~~Arkansas and is subject to the rules of the appropriate state licensing or~~  
26 ~~certification board.~~

27 ~~(2) The requirement in subdivision (d)(1) of this section does~~  
28 ~~not apply to the acts of a healthcare professional located in another~~  
29 ~~jurisdiction who provides only episodic consultation services.~~

30 ~~(e)(1) A healthcare professional at a distant site shall not utilize~~  
31 ~~telemedicine with respect to a patient located in Arkansas unless a~~  
32 ~~professional relationship exists between the healthcare professional and the~~  
33 ~~patient or the healthcare professional otherwise meets the requirements of~~  
34 ~~professional relationship as defined in § 17-80-118(a)(4).~~

35 ~~(2) The existence of a professional relationship is not required~~  
36 ~~in the following circumstances:~~

1                   ~~(A) Emergency situations where the life or health of the~~  
2 ~~patient is in danger or imminent danger; or~~

3                   ~~(B) Simply providing information of a generic nature, not~~  
4 ~~meant to be specific to an individual patient.~~

5                   ~~(f) State licensing and certification boards for a healthcare~~  
6 ~~professional shall amend their rules where necessary to comply with this~~  
7 ~~section.~~

8  
9           SECTION 2. Arkansas Code Title 17, Chapter 80, is amended to add an  
10 additional subchapter to read as follows:

11                               Subchapter 4 – Telemedicine Act

12  
13           17-80-401. Title.

14           This subchapter shall be known and may be cited as the "Telemedicine  
15 Act".

16  
17           17-80-402. Definitions.

18           As used in this subchapter:

19                   (1) "Distant site" means the location of the healthcare  
20 professional delivering services through telemedicine at the time the  
21 services are provided;

22                   (2) "Healthcare professional" means a person who is licensed,  
23 certified, or otherwise authorized by the laws of this state to administer  
24 health care in the ordinary course of the practice of his or her profession;

25                   (3) "Originating site" means a site at which a patient is  
26 located at the time healthcare services are provided to him or her by means  
27 of telemedicine;

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

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

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

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

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

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

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

17           (5) "Remote patient monitoring" means the use of synchronous or  
18 asynchronous electronic information and communication technology to collect  
19 personal health information and medical data from a patient at an originating  
20 site that is transmitted to a healthcare professional at a distant site for  
21 use in the treatment and management of medical conditions that require  
22 frequent monitoring;

23           (6) "Store-and-forward technology" means the asynchronous  
24 transmission of a patient's medical information from a healthcare  
25 professional at an originating site to a healthcare professional at a distant  
26 site; and

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

31           (B) "Telemedicine" includes store-and-forward technology  
32 and remote patient monitoring.

33  
34           17-80-403. Establishment of professional relationship.

35           (a)(1) A healthcare professional at a distant site shall not utilize  
36 telemedicine with respect to a patient located in Arkansas unless a

1 professional relationship exists between the healthcare professional and the  
2 patient or the healthcare professional otherwise meets the requirements of a  
3 professional relationship as defined in § 17-80-402.

4 (2) The existence of a professional relationship is not required  
5 in the following circumstances:

6 (A) Emergency situations where the life or health of the  
7 patient is in danger or imminent danger; or

8 (B) Simply providing information of a generic nature, not  
9 meant to be specific to an individual patient.

10 (b) If the establishment of the professional relationship is permitted  
11 via telemedicine under § 17-80-402(4)(E) or § 17-80-402(4)(F), telemedicine  
12 may be used to establish the professional relationship only for situations in  
13 which the standard of care does not require an in-person encounter.

14 (c) "Professional relationship" does not include a relationship  
15 between a healthcare professional and a patient established only by the  
16 following:

17 (1) An internet questionnaire;

18 (2) An email message;

19 (3) Patient-generated medical history;

20 (4) Audio-only communication, including without limitation  
21 interactive audio;

22 (5) Text messaging;

23 (6) A facsimile machine; or

24 (7) Any combination thereof.

25  
26 17-80-404. Appropriate use of telemedicine.

27 (a)(1) A professional relationship shall be established in compliance  
28 with § 17-80-403 to provide healthcare services through telemedicine.

29 (2) Once a professional relationship is established, a  
30 healthcare professional may provide healthcare services through telemedicine,  
31 including interactive audio, if the healthcare services are within the scope  
32 of practice for which the healthcare professional is licensed or certified  
33 and the healthcare services otherwise meet the requirements of this  
34 subchapter.

35 (3) A licensing or certification board shall not permit the use  
36 of telemedicine in a manner that is less restrictive than the use of

1 telemedicine authorized by the Arkansas State Medical Board.

2 (b)(1) Regardless of whether the healthcare professional is  
3 compensated for the healthcare services, if a healthcare professional seeks  
4 to provide healthcare services to a minor through telemedicine in a school  
5 setting and the minor is enrolled in the Arkansas Medicaid Program, the  
6 healthcare professional shall:

7 (A) Be the designated primary care provider of the minor;

8 (B) Have a cross-coverage arrangement with the designated  
9 primary care provider of the minor; or

10 (C) Have authorization from the designated primary care  
11 provider of the minor.

12 (2) If the minor does not have a designated primary care  
13 provider, subdivision (b)(1) of this section does not apply.

14 (3) If a minor is enrolled in a health benefit plan as defined  
15 in § 23-79-1601 that is not part of the Arkansas Medicaid Program, the terms  
16 and conditions of the health benefit plan shall control.

17 (4) The designation of a primary care provider for a minor  
18 remains the right of a parent or legal guardian in accordance with § 20-9-601  
19 et seq.

20 (c) Healthcare services provided by telemedicine, including without  
21 limitation a prescription through telemedicine, shall be held to the same  
22 standard of care as healthcare services provided in person.

23 (d)(1) A healthcare professional who is treating patients in Arkansas  
24 through telemedicine shall be fully licensed or certified to practice in  
25 Arkansas and is subject to the rules of the appropriate state licensing or  
26 certification board.

27 (2) The requirement in subdivision (d)(1) of this section does  
28 not apply to the acts of a healthcare professional located in another  
29 jurisdiction who provides only episodic consultation services.

30 (e) A healthcare professional shall follow applicable state and  
31 federal law, rules, and regulations for:

32 (1) Informed consent;

33 (2) Privacy of individually identifiable health information;

34 (3) Medical recordkeeping and confidentiality; and

35 (4) Fraud and abuse.

36

1 17-80-405. Liability – Noncompliance.

2 (a) If a decision is made to provide healthcare services through  
3 telemedicine, the healthcare professional accepts responsibility and  
4 liability for the care of the patient.

5 (b) Noncompliance with this subchapter is a violation of the practice  
6 act of the healthcare professional.

7  
8 17-80-406. Rules.

9 State licensing and certification boards for a healthcare professional  
10 shall amend their rules where necessary to comply with this subchapter.

11  
12 17-80-407. Construction.

13 This subchapter does not:

14 (1) Alter existing state law or rules governing a healthcare  
15 professional's scope of practice; or

16 (2) Authorize drug-induced, chemical, or surgical abortions  
17 performed through telemedicine.

18  
19 SECTION 3. Arkansas Code § 17-92-1003(15), concerning the definition  
20 of "proper practitioner-patient relationship" within the Arkansas Internet  
21 Prescription Consumer Protection Act, is amended to read as follows:

22 (15) "Proper practitioner-patient relationship" means that  
23 before the issuance of a prescription, a practitioner, physician, or other  
24 prescribing health professional performs a history and in-person physical  
25 examination of the patient adequate to establish a diagnosis and to identify  
26 underlying conditions or contraindications to the treatment recommended or  
27 provided unless:

28 (A) The prescribing practitioner is consulting at the  
29 specific request of another practitioner who:

30 (i) Maintains an ongoing relationship with the  
31 patient;

32 (ii) Has performed an in-person physical examination  
33 of the patient; and

34 (iii) Has agreed to supervise the patient's ongoing  
35 care and use of prescribed medications; ~~or~~

36 (B) The prescribing practitioner interacts with the



1 patient through an on-call or cross-coverage situation; or  
2 (C) The relationship is established through telemedicine  
3 pursuant to the Telemedicine Act, § 17-80-401 et seq.  
4

5 SECTION 4. Effective January 1, 2018, Arkansas Code §§ 23-79-1601 and  
6 23-79-1602 are amended to read as follows:

7 23-79-1601. Definitions.

8 As used in this subchapter:

9 (1) "Distant site" means the location of the healthcare  
10 professional delivering healthcare services through telemedicine at the time  
11 the services are provided;

12 (2)(A) "Health benefit plan" means:

13 (i) An individual, blanket, or group plan, policy,  
14 or contract for healthcare services issued or delivered by an insurer, health  
15 maintenance organization, hospital medical service corporation, or self-  
16 insured governmental or church plan in this state; and

17 (ii) Any health benefit program receiving state or  
18 federal appropriations from the State of Arkansas, including the Arkansas  
19 Medicaid Program, ~~and~~ the Health Care Independence Program, commonly referred  
20 to as the "Private Option", and the Arkansas Works Program, or any successor  
21 program.

22 (B) "Health benefit plan" includes:

23 (i) Indemnity and managed care plans; and  
24 (ii) Nonfederal governmental plans as defined in 29  
25 U.S.C. § 1002(32), as it existed on January 1, 2015.

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

27 (i) Disability income plans;  
28 (ii) Credit insurance plans;  
29 (iii) Insurance coverage issued as a supplement to  
30 liability insurance;  
31 (iv) Medical payments under automobile or homeowners  
32 insurance plans;  
33 (v) Health benefit plans provided under Arkansas  
34 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et  
35 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;  
36 (vi) Plans that provide only indemnity for hospital

1 confinement;

2 (vii) Accident only plans;

3 (viii) Specified disease plans; or

4 (ix) Long-term care only plans;

5 (3) "Healthcare professional" means a person who is licensed,  
6 certified, or otherwise authorized by the laws of this state to administer  
7 health care in the ordinary course of the practice of his or her profession;

8 ~~(4) "Originating site" means:~~

9 ~~(A) The offices of a healthcare professional or a licensed~~  
10 ~~healthcare entity where the patient is located at the time services are~~  
11 ~~provided by a healthcare professional through telemedicine; and~~

12 ~~(B) The home of a patient in connection with treatment for~~  
13 ~~end-stage renal disease; and~~

14 ~~(5) "Telemedicine" means the medium of delivering clinical~~  
15 ~~healthcare services by means of real-time two-way electronic audio-visual~~  
16 ~~communications, including without limitation the application of secure video~~  
17 ~~conferencing, to provide or support healthcare delivery that facilitates the~~  
18 ~~assessment, diagnosis, consultation, or treatment of a patient's health care~~  
19 ~~while the patient is at an originating site and the healthcare professional~~  
20 ~~is at a distant site.~~

21 (4) "Originating site" means a site at which a patient is  
22 located at the time healthcare services are provided to him or her by means  
23 of telemedicine;

24 (5) "Remote patient monitoring" means the use of synchronous or  
25 asynchronous electronic information and communication technology to collect  
26 personal health information and medical data from a patient at an originating  
27 site that is transmitted to a healthcare professional at a distant site for  
28 use in the treatment and management of medical conditions that require  
29 frequent monitoring;

30 (6) "Store-and-forward technology" means the asynchronous  
31 transmission of a patient's medical information from a healthcare  
32 professional at an originating site to a healthcare professional at the  
33 distant site; and

34 (7)(A) "Telemedicine" means the use of electronic information  
35 and communication technology to deliver healthcare services, including  
36 without limitation the assessment, diagnosis, consultation, treatment,

1 education, care management, and self-management of a patient.

2 (B) "Telemedicine" includes store-and-forward technology  
3 and remote patient monitoring.

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

6 (i) Audio-only communication, including without  
7 limitation interactive audio;

8 (ii) A facsimile machine;

9 (iii) Text messaging; or

10 (iv) Electronic mail systems.

11  
12 23-79-1602. Coverage for telemedicine.

13 (a)(1) This subchapter ~~shall apply~~ applies to all health benefit plans  
14 delivered, issued for delivery, reissued, or extended in Arkansas on or after  
15 January 1, 2016, or at any time when any term of the health benefit plan is  
16 changed or any premium adjustment is made thereafter.

17 (2) Notwithstanding subdivision (a)(1) of this section, this  
18 subchapter ~~shall apply~~ applies to the Arkansas Medicaid Program on and after  
19 January 1, 2016.

20 (b) A healthcare professional providing a healthcare service provided  
21 through telemedicine shall comply with the requirements of the Telemedicine  
22 Act, § 17-80-117 17-80-401 et seq.

23 (c)(1) A health benefit plan shall ~~cover the services of a physician~~  
24 ~~who is licensed by the Arkansas State Medical Board for healthcare services~~  
25 ~~through telemedicine on the same basis as the health benefit plan provides~~  
26 ~~coverage for the same healthcare services provided by the physician in person~~  
27 provide coverage and reimbursement for healthcare services provided through  
28 telemedicine on the same basis as the health benefit plan provides coverage  
29 and reimbursement for health services provided in person, unless this  
30 subchapter specifically provides otherwise.

31 (2) ~~Subject to subdivision (d)(1) of this section, a health~~  
32 ~~benefit plan shall reimburse a physician licensed by the board for healthcare~~  
33 ~~services provided through telemedicine on the same basis as the health~~  
34 ~~benefit plan reimburses a physician for the same healthcare services provided~~  
35 ~~in person. A health benefit plan is not required to reimburse for a~~  
36 healthcare service provided through telemedicine that is not comparable to

1 the same service provided in person.

2 (3) A health benefit plan may voluntarily reimburse for  
3 healthcare services provided through means described in § 23-79-1601(7)(C).

4 (d)(1) A health benefit plan shall provide a reasonable facility fee  
5 to an originating site operated by a healthcare professional or a licensed  
6 healthcare entity if the healthcare professional or licensed healthcare  
7 entity is authorized to bill the health benefit plan directly for healthcare  
8 services.

9 (2) The combined amount of reimbursement that a health benefit  
10 plan allows for the compensation to the distant site ~~physician~~ and the  
11 originating site shall not be less than the total amount allowed for  
12 healthcare services provided in person.

13 ~~(2)~~(3) Payment for healthcare services provided through  
14 telemedicine shall be provided to the distant site ~~physician~~ and the  
15 originating site upon submission of the appropriate procedure codes.

16 ~~(3)~~(4) This section does not:

17 (A) ~~Prohibit+~~

18 ~~(i) A health benefit plan from reimbursing other~~  
19 ~~healthcare professionals; or~~

20 ~~(ii) A a health benefit plan from paying a facility~~  
21 ~~fee to a provider at the distant site in addition to a fee paid to the~~  
22 ~~healthcare professional; or~~

23 (B) ~~Require an insurer~~ a health benefit plan to pay more  
24 for a healthcare service provided through telemedicine than would have been  
25 paid if the healthcare service was delivered in person.

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

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

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

35 (3) A prior authorization requirement for services provided  
36 through telemedicine that exceeds the prior authorization requirement for in-

1 person healthcare services under the health benefit plan.

2 (f) This subchapter does not prohibit a health benefit plan from:

3 (1) Limiting coverage of healthcare services provided through  
4 telemedicine to medically necessary services, subject to the same terms and  
5 conditions of the covered person's health benefit plan that apply to services  
6 provided in person; or

7 (2)(A) Undertaking utilization review, including prior  
8 authorization, to determine the appropriateness of healthcare services  
9 provided through telemedicine, provided that:

10 (i) The determination of appropriateness is made in  
11 the same manner as determinations are made for the treatment of any illness,  
12 condition, or disorder covered by the health benefit plan whether the service  
13 was provided in-person or through telemedicine; and

14 (ii) All adverse determinations for healthcare  
15 services, medications, or equipment prescribed by a physician are made by a  
16 physician who possesses a current and valid unrestricted license to practice  
17 medicine in Arkansas.

18 (B) Utilization review shall not require prior  
19 authorization of emergent telemedicine services.

20 (g)(1) A health benefit plan may adopt policies to ensure that  
21 healthcare services provided through telemedicine submitted for payment  
22 comply with the same coding, documentation, and other requirements necessary  
23 for payment as an in-person service other than the in-person requirement.

24 (2) If deemed necessary, the State Insurance Department may  
25 promulgate rules containing additional standards and procedures for the  
26 utilization of telemedicine to provide healthcare ~~service~~ services through  
27 health benefit plans if the additional standards and procedures do not  
28 conflict with this subchapter or § 17-80-117 and are applied uniformly by all  
29 health benefit plans.

30 (h) A health benefit plan shall not prohibit a healthcare professional  
31 from charging a patient enrolled in a health benefit plan for healthcare  
32 services provided by audio-only communication that are not reimbursed under  
33 the health benefit plan.

34  
35 SECTION 5. Arkansas Code § 23-86-123 is amended to read as follows:  
36 23-86-123. Prior authorization by physician - Definitions.

1 (a) As used in this section:

2 (1) "Prior authorization" means the process by which a health  
3 carrier determines the medical necessity or eligibility for coverage of a  
4 healthcare service before a covered person receives the healthcare service in  
5 order to provide coverage and reimbursement for the healthcare service; and

6 (2) "Telemedicine" means ~~the medium of delivering clinical~~  
7 ~~healthcare services by means of real time two way electronic audiovisual~~  
8 ~~communications, including without limitation the application of secure video~~  
9 ~~conferencing, to provide or support healthcare delivery that facilitates the~~  
10 ~~assessment, diagnosis, consultation, treatment, education, care management,~~  
11 ~~or self-management of a patient's health care while the patient is at an~~  
12 ~~originating site and the healthcare professional is at a distant site the~~  
13 same as defined in § 23-79-1601.

14 (b) When conducting prior authorization, whether for healthcare  
15 services provided through telemedicine or provided in person, a physician who  
16 possesses a current and unrestricted license to practice medicine in the  
17 State of Arkansas shall make all adverse determinations for healthcare  
18 services, medications, or equipment prescribed by a physician.

19  
20 /s/D. Ferguson  
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