

# Arkansas

**Medicaid Program:** Arkansas Medicaid

**Program Administrator:** Arkansas Department of Human Services

**Regional Telehealth Resource Center**  
 South Central Telehealth Resource Center  
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STATE LAW/REGULATIONS	MEDICAID PROGRAM
<b>Definition of telemedicine/telehealth</b>	
<p><b><u>Recently Passed Legislation (Effective Jul. 1, 2016)</u></b>            “Telemedicine” means the medium of delivering clinical healthcare services by means of real-time two-way electronic audio-visual communications, including without limitation the application of secure video conferencing, to provide or support healthcare delivery that facilitates the assessment, diagnosis, consultation, or treatment of a patient’s health care while the patient is at an originating site and the healthcare professional is at a distant site.”</p> <p><i>Source: AR Code 23-79-1601(5).</i></p>	<p>Arkansas Medicaid defines telemedicine services as “medical services performed as electronic transactions in real time. In order for a telemedicine encounter to be covered by Medicaid, the practitioner and the patient must be able to see and hear each other in real time.”</p> <p><i>Source: 016 06 06 Code of AR Rules and Regs. (CARR) 024 (2012).</i></p> <p>The Medicaid manual describes telemedicine as, “Interactive electronic consultations are physician consultations, “face-to-face” in real time, via two-way electronic data exchange.”</p> <p><i>Source: AR Provider Manual, Section II: Physician/Independent Lab/CRNA/Radiation Therapy Center, p. 33. (Accessed Jul. 2015)</i></p> <p><b><u>Recently Passed Legislation (Effective Jul. 1, 2016)</u></b>            “Telemedicine” means the medium of delivering clinical healthcare services by means of real-time two-way electronic audio-visual communications, including without limitation the application of secure video conferencing, to provide or support healthcare delivery that facilitates the assessment, diagnosis, consultation, or treatment of a patient’s health care while the patient is at an originating site and the healthcare professional is at a distant site.</p> <p><i>Source: AR Code 23-79-1601(5).</i></p>
<b>Live Video Reimbursement</b>	
<p>A health plan shall cover the telehealth-delivered services of an Arkansas-licensed physician on the same basis it would if the services were delivered in-person.</p> <p><b><u>Will apply to all health benefit plans delivered, issued for delivery, reissued, or extended in Arkansas on or after Jan. 1, 2016 or at any time when any term of the health benefit plan is changed</u></b></p>	<p>Arkansas Medicaid will reimburse for up to two visits per patient, per year. A benefit extension request may be approved if it is medically necessary.</p> <p>Covered visits:</p> <ul style="list-style-type: none"> <li>• Consults;</li> <li>• Fetal echography and echocardiography;</li> </ul>

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<p><b><u>or any premium adjustment is made thereafter.</u></b></p> <p><i>Source: AR Code 23-79-1602(c) (1).</i></p> <p>A distant site provider will not utilize telemedicine to treat a patient located in Arkansas unless a professional relationship exists between the healthcare provider and the patient or as otherwise meets the definition of a professional relationship as defined in Section 17-80-117(a)(4). (See Comments section below).</p> <p>Existence of a professional relationship is not required in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Emergency situations where life or health of the patient is in danger or imminent danger or</li> <li>• Simply providing information in a generic nature not meant to be specific to an individual patient.</li> </ul> <p><i>Source: AR Code 17-80-117(e) (1).</i></p>	<ul style="list-style-type: none"> <li>• Non-emergency visits in a physician’s office, a clinic or a hospital outpatient department;</li> <li>• Inpatient hospital visits;</li> <li>• Federally Qualified Health Centers (FQHC) encounters.</li> </ul> <p><i>Source: AR Provider Manual, Section II: Physician/Independent Lab/CRNA/Radiation Therapy Center, p. 69. (Accessed Jul. 2015)</i></p> <p><i>Source: (fetal echography and echocardiography): AR Provider Manual, Section II: Hospital/CAH/End Stage Renal Disease, p. 32. and Section II: Rural Health Clinics, p. 6. (Accessed Jul. 2015)</i></p> <p><i>Source (FQHC only): AR Provider Manual, Section II: Federally Qualified Health Center, p. 11. (Accessed Jul. 2015)</i></p> <p>There is reimbursement for live video for “Telepsych” services under the Rehabilitative Services for Persons with Mental Illness (RSPMI) program. See Medicaid manual for list of rehabilitative services that can be provided through telemedicine to beneficiaries under age 21 and above age 21.</p> <p><b>Note:</b> These services are only available when, at a minimum, the Arkansas Telehealth Network (ATN) recommended audio video standards for real-time, two-way interactive audiovisual transmissions are met. Providers also must be able to link or connect to ATN, to ensure HIPAA compliance. Providers must receive prior authorization.</p> <p><i>Source: AR Provider Manual, Section II: Rehabilitative Services for Persons with Mental Illnesses, p. 15. (Accessed Jul. 2015)</i></p> <p>Live video services will be reimbursed the same as if the services were provided in-person if conditions in AR Code 17-80-117 such as provision of services provided by an Arkansas licensed or certified healthcare provider, professional relationship (see Comments section) and eligible originating site.</p> <p><b><u>Will go into effect July 1, 2016.</u></b></p> <p><i>Source: AR Code 23-79-1602.</i></p>
<b>Store and Forward Reimbursement</b>	
<p>Store and forward shall not be considered telemedicine, but the use of it is not prohibited.</p> <p><i>Source: AR Code 17-80-117(b) (4) (A).</i></p>	<p>Arkansas Medicaid defines telemedicine as “Interactive electronic consultations are physician consultations, “face-to-face” in real time, via two-way electronic data exchange.” This would exclude store and forward.</p> <p><i>Source: AR Provider Manual, Section II: Physician/Independent Lab/CRNA/Radiation Therapy Center, p. 33. (Accessed Jul. 2015)</i></p> <p>Store and forward shall not be considered telemedicine, but the use of it is not prohibited.</p> <p><i>Source: AR Code 17-80-117(b) (4) (A).</i></p>

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	<p>Radiology procedures are reimbursed as telemedicine when billed properly.</p> <p><i>Source: AR Provider Manual, Section II: Physician/Independent Lab/CRNA/Radiation Therapy Center, p. 132. (Accessed Jul. 2015)</i></p>
<b>Remote Patient Monitoring Reimbursement</b>	
No reference found.	No reference found.
<b>Email/Phone/FAX</b>	
No reference found.	No reference found.
<b>Online Prescribing</b>	
<p>Without a prior and proper patient-provider relationship, providers are prohibited from issuing prescriptions solely in response to an Internet questionnaire, an Internet consult, or a telephone consult.</p> <p><i>Source: AR Code Annotated Sec. 17-92-1003 (2012).</i></p> <p>The standards of appropriate practice in traditional health care professional-patient settings shall govern the licensed healthcare professional's treatment recommendations made via electronic means, including issuing a prescription via telemedicine.</p> <p><i>Source: AR Code 17-80-117(b).</i></p>	No reference found.
<b>Consent</b>	
<p>The healthcare professional shall follow applicable state and federal laws, rules and regulations for informed consent.</p> <p><i>Source: AR Code 17-80-117(c) (1).</i></p>	<p>The healthcare professional shall follow applicable state and federal laws, rules and regulations for informed consent.</p> <p><i>Source: AR Code 17-80-117(c) (1).</i></p>
<b>Location</b>	
<p>Patients must be in a physician's office or a hospital.</p> <p><i>Source: 016 06 Code of AR Rules and Regs. (CARR) 036 (2012).</i></p>	<p><u>Eligible Originating Site</u></p> <ul style="list-style-type: none"> <li>• In-patient or non-emergency hospital</li> <li>• Physician office or clinic</li> <li>• Ambulatory surgical center</li> <li>• FQHC; or</li> <li>• Emergency department.</li> </ul> <p><i>Source: AR Provider Manual, Section II: Physician/Independent Lab/CRNA/Radiation Therapy Center, p. 132. (Accessed Jul. 2015)</i></p> <p><b>Not to go into effect until July 1, 2016:</b> Eligible Originating site is the offices of a healthcare professional or a licensed health care entity where the patient is located at the time services are provided via telemedicine. The home of a patient in connection with treatment for end-stage renal disease is also an eligible originating site.</p>

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	<p><i>Source: AR Code 17-80-117(a) (4).</i></p>
<b>Cross-State Licensing</b>	
<p>An out of state physician utilizing an electronic medium who performs an act that is part of a patient care service that was initiated in Arkansas, including interpretation of an X-ray, that would affect the diagnosis or treatment, is engaged in the practice of medicine and subject to regulation by the Arkansas State Medical Board.</p> <p><i>Source: AR Code Revised 17-95-206 (2012)</i></p> <p>Healthcare providers must be fully licensed or certified in Arkansas to provide services in the state unless the out-of-state provider is only providing episodic consultation services.</p> <p><i>Source: AR Code 17-80-117(d) (1-2).</i></p>	<p>Healthcare providers must be fully licensed or certified in Arkansas to provide services in the state unless the out-of-state provider is only providing episodic consultation services.</p> <p><i>Source: 17-80-117(d) (1-2).</i></p>
<b>Private Payers</b>	
<p><b><u>Recently Passed Legislation (Effective Jan. 1, 2016)</u></b>  A health plan shall cover the telehealth-delivered services of an Arkansas-licensed physician on the same basis it would if the services were delivered in-person.</p> <p><b><u>Will apply to all health benefit plans delivered, issued for delivery, reissued, or extended in Arkansas on or after Jan. 1, 2016 or at any time when any term of the health benefit plan is changed or any premium adjustment is made thereafter.</u></b></p> <p><i>Source: AR Code 23-79-1602(c) (1).</i></p>	<p>No reference found.</p>
<b>Site/Transmission Fee</b>	
<p>A facility fee is not prohibited, but it is not mandated.</p> <p><i>Source: AR Code 23-79-1602(d) (3).</i></p>	<p>A facility fee is not prohibited, but it is not mandated.</p> <p><b><u>Will go into effect July 1, 2016.</u></b></p> <p><i>Source: AR Code 23-79-1602(d) (3).</i></p>
<b>Miscellaneous</b>	
<p>The Board of Examiners in Speech-Language Pathology and Audiology defines “telepractice” as telespeech, teleaudiology, teleSLP, telehealth or telerehabilitation when used separately or together.</p> <p>It defines “telepractice service” as the application of telecommunication technology equivalent in quality to services delivered face-to-face to deliver speech-language pathology or audiology services, or both, at a distance for assessment, intervention or consultation, or both.</p> <p><i>Source: AR Code Sec. 17-100-103.</i></p>	



**COMMENTS:**

## Recently Passed Legislation

Arkansas prohibits the use of telemedicine to administer drugs that provide medical abortions.

*Source: AR Bill SB 53 (2015).*

A “professional relationship” between healthcare provider and patient means at a minimum:

- The healthcare professional has previously conducted an in-person examination and is available to provide appropriate follow-up care, when necessary, at medically necessary intervals;
- The healthcare professional personally knows the patient and the patient’s relevant health status through an ongoing personal or professional relationship, and is available to provide appropriate follow-up care, when necessary, at medically necessary intervals;
- The treatment is provided by a healthcare professional in consultation with, or upon referral by, another healthcare professional who has an ongoing relationship with the patient and who has agreed to supervise the patient’s treatment, including follow-up care;
- An on-call or cross-coverage arrangement exists with the patient’s regular treating healthcare professional;
- A relationship exists in other circumstances as defined by rule of the Arkansas State Medical Board for healthcare professionals under its jurisdiction and their patients; or
- A relationship exists in other circumstances as defined by rule of a licensing or certification board for other healthcare professionals under the jurisdiction of the appropriate board and their patients if the rules are no less restrictive than the rules of the Arkansas State Medical Board.

*Source: 17-80-117(a) (4).*