

Arkansas

Medicaid Program: Arkansas Medicaid

Program Administrator: Arkansas Department of Human Services

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STATE LAW/REGULATIONS	MEDICAID PROGRAM
Definition of telemedicine/telehealth	
<p>“Telemedicine means the use of electronic information and communication technology to deliver healthcare services, including without limitation the assessment, diagnosis, consultation, treatment, education, care management and self-management of a patient. Telemedicine includes store and forward technology and remote patient monitoring.</p> <p>...</p> <p>Telemedicine does not mean the use of audio-only communication, including without limitation interactive audio; a facsimile machine; text messaging; or electronic mail systems.”</p> <p><i>Source: AR Code Sec. 17-80-402</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 Labe/CRNA/Radiation Therapy Center, p. 32. (Accessed Apr. 2018)</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. Physician interpretation of fetal ultrasound is covered as a telemedicine service if the physician views the echography or echocardiography output in real time while the patient is undergoing the procedure.</p> <p><i>Source: AR Provider Manual, Section II: Rural Health Clinic, p. 6 & Federally Qualified Health Centers, p. 10 (Accessed Apr. 2018).</i></p> <p>“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>

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	<i>Source: AR Code 23-79-1601(5).</i>
Live Video Reimbursement	
<p>A health plan shall cover the telehealth-delivered healthcare services on the same basis it would if the services were delivered in-person.</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 17-80-402. (See Online Prescribing section below).</p> <p>Existence of a professional relationship is not required in the following circumstances:</p> <ul style="list-style-type: none"> • Emergency situations where life or health of the patient is in danger or imminent danger or • Simply providing information in a generic nature not meant to be specific to an individual patient. <p><i>Source: AR Code 17-80-402</i></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"> • Consults; • Fetal echography and echocardiography (must be transmitted in real time); • Non-emergency visits in a physician's office, a clinic or a hospital outpatient department; • Inpatient hospital visits; • Federally Qualified Health Centers (FQHC) encounters. <p>Specific CPT codes apply. See manual for special billing instructions.</p> <p>AR Medicaid covers telemedicine evaluation and management services of an attending physician at the local site only when the physician is physically attending the patient and is presenting the case to a consulting physician at the remote site by means of telemedicine media.</p> <p><i>Source: AR Provider Manual, Section II: Physician/Independent Lab/CRNA/Radiation Therapy Center, p. 68 & 129. (Accessed Apr. 2018)</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 Apr. 2018)</i></p> <p><i>Source (FQHC only): AR Provider Manual, Section II: Federally Qualified Health Center, p. 10. (Accessed Apr. 2018)</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>Note: 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. An employee of the clinic must also be in the same room as the beneficiary.</p> <p><i>Source: AR Provider Manual, Section II: Rehabilitative Services for Persons with Mental Illnesses, p. 15. (Accessed Apr. 2018)</i></p>

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	<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><i>Source: AR Code 23-79-1602.</i></p>
Store and Forward Reimbursement	
<p>Health plans required to reimburse for telemedicine, which includes store and forward.</p> <p><i>Source: AR Code 23-79-1602</i></p>	<p>No reimbursement. Arkansas Medicaid requires telemedicine to occur in real-time.</p> <p><i>Source: AR Provider Manual, Section II: Physician/Independent Labe/CRNA/Radiation Therapy Center, p. 68. (Accessed Apr. 2018)</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> <p>Radiology procedures are reimbursed as telemedicine when billed properly.</p> <p><i>Source: AR Provider Manual, Section II: Physician/Independent Labe/CRNA/Radiation Therapy Center, p. 128. (Accessed Apr. 2018)</i></p>
Remote Patient Monitoring Reimbursement	
<p>Health plans required to reimburse for telemedicine, which includes RPM.</p> <p><i>Source: AR Code 23-79-1602</i></p>	<p>No reference found.</p>
Email/Phone/FAX	
<p>No reference found.</p>	<p>No reference found.</p>
Online Prescribing	
<p>A proper physician or physician assistant/patient relationship can be established via real time audio and video telemedicine.</p> <p><i>Source: AR Rules and Regulation. Sec. 060.00.16.</i></p> <p>A patient completing a medical history online and forwarding it to a physician is not sufficient to establish the relationship, nor does it qualify as store-and-forward technology.</p> <p>A physician may not use telemedicine to issue a prescription for a controlled substance under schedules II through V unless they have seen the patient in-person or a relationship exists through consultation or referral; on-call or cross coverage situations; or through an ongoing personal or professional relationship.</p>	<p>No reference found.</p>

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<p><i>Source: AR Rules and Regulation. Sec. 060.00.16. Reg. 38, codified in ACA Sec. 17-80-117.</i></p> <p>When abortion inducing drugs are used, the initial administration must occur in the same room and in the physical presence of the prescribing physician.</p> <p><i>Source: AR Rules and Regulation. Sec. 060.00.16.</i></p> <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>Under specified circumstances, the standard of care must not require an in-person encounter. A professional relationship cannot be established only through:</p> <ul style="list-style-type: none"> • An internet questionnaire • Email message • Patient generated medical history • Audio only communication, including without limitation interactive audio • Text messaging • Facsimile machine • Any combination thereof <p><i>Source: AR Code 17-80-403</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> <p>A written medical marijuana certification is not allowed when an assessment is performed through telemedicine.</p> <p><i>Source: AR Rules and Regulation. Sec. 060.00.16. Reg. 38.</i></p>	
Consent	
<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>
Location	
<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"> • In-patient or non-emergency hospital • Physician office or clinic • Ambulatory surgical center

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	<ul style="list-style-type: none"> • FQHC; or • Emergency department. <p><i>Source: AR Provider Manual, Section II: Physician/Independent Lab/CRNA/Radiation Therapy Center, p. 128. (Accessed Apr. 2018)</i></p>
Cross-State Licensing	
<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>AR Medical Board required to perform an analysis of the Interstate Medical Licensure Compact to determine whether the State of AR should participate.</p> <p><i>Source: SB 78 (2017)</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>
Private Payers	
<p>A health plan shall cover the telehealth-delivered healthcare services on the same basis it would if the services were delivered in-person.</p> <p><i>Source: AR Code 23-79-1602.</i></p>	<p>No reference found.</p>
Site/Transmission Fee	
<p>A healthcare plan must provide a reasonable facility fee to an originating site operated by a healthcare professional or licensed healthcare entity if licensed to bill the health benefit plan.</p> <p><i>Source: AR Code Sec. 23-79-1602</i></p>	<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>
Miscellaneous	
<p>The Board of Examiners in Speech-Language Pathology and Audiology defines “telepractice” as tele-speech, 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</p>	

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<p>distance for assessment, intervention or consultation, or both.</p> <p><i>Source: AR Code Sec. 17-100-103.</i></p> <p>A health benefit plan cannot prohibit its providers from charging patients directly for telephone calls that aren't reimbursed by the plan.</p> <p><i>Source: AR Code Sec. 23-79-1602</i></p>	

COMMENTS:

Professional Telehealth-Specific Regulations

- AR Board of Examiners in Speech-Language Pathology and Audiology (*Source: Title 17-100-202, Sec. 12*)
- AR Board of Nursing: Advanced Practice Registered Nurse (*Source: Rule 67.00.17-005, Sec 14*)

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

Source: AR Code 20-16-603.

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 or another healthcare professional who has established a professional relationship with the patient;
- 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: 17-80-402.

The following are requirements for all services provided by physicians or physician assistants using telemedicine:

- The practice of medicine via telemedicine shall be held to the same standards of care as traditional in-person encounters.

- The physician or physician assistant must obtain a detailed explanation of the patient's complaint from the patient or the patient's treating physician or physician assistant.
- If a decision is made to provide treatment, the physician or physician assistant must agree to accept responsibility for the care of the patient.
- If follow-up care is indicated, the physician or physician assistant must agree to provide or arrange for such follow-up care.
- A physician or physician assistant using telemedicine may not issue a prescription for any controlled substances defined as any scheduled medication under schedules II through V unless the physician or physician assistant has seen the patient for an in-person exam or unless a relationship exists through consultation or referral; on-call or cross-coverage situations; or through an ongoing personal or professional relationship.
- The physician or physician assistant must keep a documented medical record, including medical history.
- At the patient's request, the physician or physician assistant must make available to the patient an electronic or hardcopy version of the patient's medical record documenting the encounter. Additionally, unless the patient declines to consent, the physician or physician assistant must forward a copy of the record of the encounter to the patient's regular treating physician or physician assistant if that physician or physician assistant is not the same one delivering the service via telemedicine.
- Services must be delivered in a transparent manner, including providing access to information identifying the physician or physician assistant in advance of the encounter, with licensure and board certifications, as well as patient financial responsibilities.
- If the patient, at the recommendation of the physician or physician assistant, needs to be seen in person for their current medical issue, the physician or physician assistant must arrange to see the patient in person or direct the patient to their regular treating physician or physician assistant or other appropriate provider if the patient does not have a treating physician or physician assistant. Such recommendation shall be documented in the patient's medical record.
- Physicians or physician assistants who deliver services through telemedicine must establish protocols for referrals for emergency services.
- All physicians or physician assistants providing care via telemedicine to a patient located within the State of Arkansas shall be licensed to practice medicine in the State of Arkansas.
- A physician shall not issue a written medical marijuana certification to a patient based on an assessment performed through telemedicine.

Source: AR Medical Board. Regulation 38

The following are requirements for all services provided by APRNs providing care via telemedicine:

- The practice of nursing via telemedicine shall be held to the same standards of care as traditional in-person encounters.
- The APRN shall obtain a detailed explanation of the patient's complaint from the patient or the patient's health care provider.
- If a decision is made to provide treatment, the APRN shall agree to accept responsibility for the care of the patient.
- If follow-up care is indicated, the APRN shall agree to provide or arrange for such follow-up care.

- An APRN using telemedicine may not issue a prescription for any controlled substances defined as any scheduled medication under schedules III through V and only hydrocodone products, unless the APRN has seen the patient for an in-person exam or unless a relationship exists through consultation or referral; or on-call or cross-coverage situations
- The APRN shall keep a documented medical record, including medical history.
- At the patient's request, the APRN shall make available to the patient an electronic or hardcopy version of the patient's medical record documenting the encounter. Additionally, unless the patient declines to consent, the APRN shall forward a copy of the record of the encounter to the patient's regular treating healthcare provider if that health care provider is not the same one delivering the service via telemedicine.
- Services shall be delivered in a transparent manner, including providing access to information identifying the APRN in advance of the encounter, with licensures and board certifications, as well as patient financial responsibilities.
- If the patient, at the recommendation of the APRN, needs to be seen in person for the current medical issue, the APRN shall arrange to see the patient in person or direct the patient to their regular treating health care provider. Such recommendation shall be documented in the patient's medical record.
- APRNs who deliver services through telemedicine shall establish protocols for referrals for emergency services.
- APRNs providing care via telemedicine to a patient located within the State of Arkansas shall be licensed to practice nursing in the State of Arkansas.

Source: AR Board of Nursing. Chapter 4. p. 14. (Accessed Apr. 2018).