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What is the definition of “telemedicine” or “telehealth”?

Updated link: [ARK. CODE ANN. § 23-79-1601.](#)

PSYCHIATRISTS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

“A healthcare professional who is treating patients in Arkansas through telemedicine shall be fully licensed or certified to practice in Arkansas and is subject to the rules of the appropriate state licensing or certification board.”

[ARK. CODE ANN. § 17-80-118\(d\)\(1\).](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Updated link: [ARK. CODE ANN. § 17-80-118.](#)

Does a psychiatrist have prescribing authority? If so, under what conditions/limits may a psychiatrist prescribe via telemedicine/telehealth?

Updated link: [ARK. CODE ANN. § 17-80-118.](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of psychiatry via telemedicine/telehealth that meet the standard of care for the state?

None identified.

However, a newly enacted statutory definition of “telemedicine” describes it as “real-time two-way electronic audio-visual communications, including without limitation the application of secure video conferencing.” [ARK. CODE ANN. § 17-80-118\(a\)\(6\).](#)

Separately, the statute provides that “[s]tore and forward technology shall not be considered telemedicine.” [ARK. CODE ANN. § 17-80-118\(b\)\(4\)\(A\).](#)



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PSYCHOLOGISTS

What is the regulatory body in the state that governs the practice of psychology?

Updated link: [Arkansas State Board of Psychology](#)

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Updated link: [ARK. CODE ANN. § 17-80-118.](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

“A healthcare professional at a distant site shall not utilize telemedicine with respect to a patient located in Arkansas unless a professional relationship exists between the healthcare professional and the patient or the healthcare professional otherwise meets the requirements of professional relationship. . . .” [ARK. CODE ANN. § 17-80-118\(e\)\(1\).](#)

“‘Professional relationship’ means at minimum a relationship established between a healthcare professional and a patient when:

- A. 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;
- B. 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;
- C. 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;
- D. An on-call or cross-coverage arrangement exists with the patient’s regular treating healthcare professional;
- E. 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
- F. A relationship exists in other circumstances as defined by rule of a licensing or certification board for other healthcare professionals under the jurisdiction



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of the appropriate board and their patients if the rules are no less restrictive than the rules of the Arkansas State Medical Board.”

[ARK. CODE ANN. § 17-80-118\(a\)\(4\).](#)

Exceptions to this requirement include “[e]mergency situations where the life or health of the patient is in danger or imminent danger; or . . . simply providing information of a generic nature, not meant to be specific to an individual patient.”

[ARK. CODE ANN. § 17-80-118\(e\)\(2\).](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of psychology via telemedicine/telehealth that meet the standard of care for the state?

None identified.

However, a newly enacted statutory definition of “telemedicine” describes it as “real-time two-way electronic audio-visual communications, including without limitation the application of secure video conferencing.” [ARK. CODE ANN. § 17-80-118\(a\)\(6\).](#)

Separately, the statute provides that “[s]tore and forward technology shall not be considered telemedicine.” [ARK. CODE ANN. § 17-80-118\(b\)\(4\)\(A\).](#)

SOCIAL WORKERS

What is the regulatory body in the state that governs the practice of social work?

Updated link: [Arkansas Social Work Licensing Board](#)

What are the restrictions on the scope of practice for social workers practicing via telemedicine/telehealth?

None identified.

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Arkansas defines “healthcare professional” as “a person who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession.” [ARK. CODE ANN. § 17-80-118\(a\)\(2\).](#)



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The same conditions that apply to psychiatrists appear also to apply to all “healthcare professionals,” and the Arkansas Code (Title 17, Subtitle 3) groups social workers in the same “medical professions” category as physicians and other types of healthcare providers.

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

“A healthcare professional at a distant site shall not utilize telemedicine with respect to a patient located in Arkansas unless a professional relationship exists between the healthcare professional and the patient or the healthcare professional otherwise meets the requirements of professional relationship. . . .” [ARK. CODE ANN. § 17-80-118\(e\)\(1\)](#).

“‘Professional relationship’ means at minimum a relationship established between a healthcare professional and a patient when:

- A. 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;
- B. 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;
- C. 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;
- D. An on-call or cross-coverage arrangement exists with the patient’s regular treating healthcare professional;
- E. 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
- F. 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.”

[ARK. CODE ANN. § 17-80-118\(a\)\(4\)](#).

Exceptions to this requirement include “[e]mergency situations where the life or health of the patient is in danger or imminent danger; or . . . simply providing information of a generic nature, not meant to be specific to an individual patient.”



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[ARK. CODE ANN. § 17-80-118\(e\)\(2\).](#)

What are the acceptable modalities (e.g., telephone, video) for the practice of social work via telemedicine/telehealth that meet the standard of care for the state?

None identified.

However, a newly enacted statutory definition of “telemedicine” describes it as “real-time two-way electronic audio-visual communications, including without limitation the application of secure video conferencing.” [ARK. CODE ANN. § 17-80-118\(a\)\(6\).](#)

Separately, the statute provides that “[s]tore and forward technology shall not be considered telemedicine.” [ARK. CODE ANN. § 17-80-118\(b\)\(4\)\(A\).](#)

ADVANCED PRACTICE REGISTERED NURSES (APRNs)

What is the regulatory body in the state that governs the practice of advanced practice nursing?

Updated link: [Arizona State Board of Nursing](#)

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

“A healthcare professional who is treating patients in Arkansas through telemedicine shall be fully licensed or certified to practice in Arkansas and is subject to the rules of the appropriate state licensing or certification board.” [ARK. CODE ANN. § 17-80-118\(d\).](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

“A healthcare professional at a distant site shall not utilize telemedicine with respect to a patient located in Arkansas unless a professional relationship exists between the healthcare professional and the patient or the healthcare professional otherwise meets the requirements of professional relationship. . . .” [ARK. CODE ANN. § 17-80-118\(e\)\(1\).](#)

“‘Professional relationship’ means at minimum a relationship established between a healthcare professional and a patient when:



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- A. 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;
- B. 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;
- C. 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;
- D. An on-call or cross-coverage arrangement exists with the patient's regular treating healthcare professional;
- E. 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
- F. 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."

[ARK. CODE ANN. § 17-80-118\(a\)\(4\).](#)

Exceptions to this requirement include "[e]mergency situations where the life or health of the patient is in danger or imminent danger; or . . . simply providing information of a generic nature, not meant to be specific to an individual patient."

[ARK. CODE ANN. § 17-80-118\(e\)\(2\).](#)

Does an APRN have prescribing authority? If so, under what conditions/limits may an APRN prescribe via telemedicine/telehealth?

"An advanced practice registered nurse with a certificate of prescriptive authority may receive and prescribe drugs, medicines, or therapeutic devices appropriate to the advanced practice registered nurse's area of practice in accordance with rules established by the Arkansas State Board of Nursing." [ARK. CODE ANN. § 17-87-310\(b\)\(1\).](#)

As it relates to telemedicine/telehealth, "[t]he standards of appropriate practice in traditional healthcare professional-patient settings shall govern the licensed healthcare professional's treatment recommendations made via electronic means, including issuing a prescription via telemedicine." [ARK. CODE ANN. § 17-80-118\(b\)\(1\).](#)



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What are the acceptable modalities (e.g., telephone, video) for the practice of advance practice nursing via telemedicine/telehealth that meet the standard of care for the state?

None identified.

However, a newly enacted statutory definition of “telemedicine” describes it as “real-time two-way electronic audio-visual communications, including without limitation the application of secure video conferencing.” [ARK. CODE ANN. § 17-80-118\(a\)\(6\)](#).

Separately, the statute provides that “[s]tore and forward technology shall not be considered telemedicine.” [ARK. CODE ANN. § 17-80-118\(b\)\(4\)\(A\)](#).

FOLLOW-UP CARE

What are the requirements regarding follow-up care for telemental/telebehavioral/telepsychiatric health services?

Updated link: [ARK. CODE ANN. § 17-80-118](#).

COVERAGE & REIMBURSEMENT

Does the state have a parity statute in place mandating coverage by private insurers for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services) on par with those provided in face-to-face/in-person encounters?

“A health benefit plan shall cover the services of a physician who is licensed by the Arkansas State Medical Board for healthcare services through telemedicine on the same basis as the health benefit plan provides coverage for the same healthcare services provided by the physician in person.” [ARK. CODE ANN. § 23-79-1602\(c\)\(1\)](#).

Are there provisions requiring certain reimbursement levels/amounts for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services)?

“The combined amount of reimbursement that a health benefit plan allows for the compensation to the distant site physician and the originating site shall not be less than



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the total amount allowed for healthcare services provided in person.” [ARK. CODE ANN. § 23-79-1602\(d\)\(1\)](#).

Does Medicaid provide coverage for telemental/telebehavioral/telepsychiatric health services? If so, what are the coverage criteria?

“This subchapter shall apply to all health benefit plans delivered, issued for delivery, reissued, or extended in Arkansas on or after January 1, 2016, or at any time when any term of the health benefit plan is changed or any premium adjustment is made thereafter.” [ARK. CODE ANN. § 23-79-1602\(a\)\(1\)](#).

CONTROLLED SUBSTANCES

What are the requirements/laws governing the prescribing of “controlled” substances”?

“Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II may be dispensed without the written prescription of a practitioner or the oral, faxed, or electronic prescription of a practitioner, if issued in compliance with federal law and regulations.” [ARK. CODE ANN. § 5-64-308\(a\)](#).