

Arkansas

Medicaid Program: Arkansas Medicaid

Program Administrator: Arkansas Department of Human Services

Regional Telehealth Resource Center: South Central Telehealth Resource Center www.learntelehealth.org

Arkansas Policy At-a-Glance

MEDICAID REIMBURSEMENT			PRIVATE PAYER LAW		PROFESSIONAL REQUIREMENTS	
LIVE VIDEO	STORE-AND-FORWARD	REMOTE PATIENT MONITORING	LAW EXISTS	PAYMENT PARITY	LICENSURE COMPACTS	CONSENT REQUIREMENT
✓	✗	✓	✓	✗	NLC, PTC	✓

Arkansas Detailed Policy

Medicaid Telehealth Reimbursement	Summary	<p>Arkansas Medicaid reimburses for live video when the telemedicine service is comparable to an in-person service. Store-and-forward and remote patient monitoring is included in Medicaid's definition of telemedicine, but there was no specific information found regarding reimbursement of the modalities.</p>
	Definitions	<p>Telemedicine is defined as 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>Source: AR Medicaid Provider Manual. Section I General Policy. Rule 105.190. Updated Aug. 1, 2018. (Accessed Sept. 2020) & Section III Billing Documentation. Rule 305.000. Updated Aug. 1, 2018 & PASSE Program (3/1/19) & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).</p> <p>Provider-Led Arkansas Shared Savings Entity (PASSE) Program The following activities will not be considered a reportable encounter when delivered to a member of the PASSE:</p> <ul style="list-style-type: none"> • Audio-only communication including without-limitation, interactive audio; • A facsimile machine; • Text messaging; or • Electronic mail systems <p>Virtual services are telemedicine, telehealth, e-consulting, and provider home visits that are part of a patient care treatment plan and are provided at the individual's home or in a community setting. These services are provided using mobile secure telecommunication devices, electronic monitoring equipment, and include clinical provider care, behavioral health therapies, speech, occupational and physical therapy services, and treatment provided to an individual at their residence.</p> <p>Source: PASSE Program, Sec. II, p. 8-9, (3/1/19). (Accessed Sept. 2020).</p> <p>Arkansas Medicaid defines telemedicine services as medical services performed as electronic transactions in real time.</p> <p>Source: AR Medicaid Provider Manual. Section II Rural Health. Rule 211.300. Updated Oct. 13, 2003. (Accessed Sept. 2020).</p>



Definitions

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 and remote patient monitoring. Telemedicine does not include the use of audio-only communication including without limitation interactive audio; a facsimile machine; text messaging; or electronic mail systems.

Source: AR Code 23-79-1601(7). (Accessed Sept. 2020).

Policy

Arkansas Medicaid provides payment to a licensed or certified healthcare professional or a licensed or certified entity for services provided through telemedicine if the service provided through telemedicine is comparable to the same service provided in-person.

Coverage and reimbursement for services provided through telemedicine will be on the same basis as for services provided in-person. While a distant site facility fee is not authorized under the Telemedicine Act, if reimbursement includes payment to an originating site (as outlined in the above paragraph), the combined amount of reimbursement to the originating and distant sites may not be less than the total amount allowed for healthcare services provided in-person.

Source: AR Medicaid Provider Manual. Section I General Policy. Rule 105.190. Updated Aug. 1, 2018. & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).

Arkansas Medicaid shall provide payment for telemedicine healthcare services to licensed or certified healthcare professionals or entities that are authorized to bill Arkansas Medicaid directly for healthcare services. Coverage and reimbursement for healthcare services provided through telemedicine shall be reimbursed on the same basis as healthcare services provided in-person.

Source: Section III Billing Documentation. Rule 305.000. Updated Aug. 1, 2018. (Accessed Sept. 2020).

Rural Health Centers

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.

Source: AR Medicaid Provider Manual. Section II Rural Health. Rule 211.300. Updated Oct. 13, 2003. (Accessed Sept. 2020).

Live Video

Eligible Services / Specialties

Arkansas Medicaid must provide coverage and reimbursement for healthcare services provided through telemedicine on the same basis as they provide coverage and reimbursement for health services provided in-person.

Source: AR Code 23-79-1602(c). (Accessed Sept. 2020).

Telemedicine is listed as an allowed delivery mode under the Outpatient Behavioral Health Services manual to inpatient hospital patients and to nursing home residents. Certain services can only be provided via telemedicine to patients 21 and above or 18 and above. See the manual for more information.

Source: AR Medicaid Provider Manual. Section II OBHS. Rule 252.100 & 111. Updated Mar. 1, 2019. (Accessed Sept. 2020).

Rural Health Centers

Arkansas Medicaid covers RHC encounters and two ancillary services (fetal echography and echocardiology) as “telemedicine services”. 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.

Source: AR Medicaid Provider Manual. Section II Rural Health. Rule 211.300. Updated Oct. 13, 2003. (Accessed Sept. 2020).



Eligible Services / Specialties

Patient-Led Arkansas Shared Savings Entity (PASSE) Program

Virtual services can be provided using mobile secure telecommunication devices, electronic monitoring equipment and include clinical provider care, behavioral health therapies, speech, occupational and physical therapy services, and treatment provided to an individual at their residence. They may include the provision of on-going care management, remote telehealth monitoring and consultation, face to face or through the use secure web-based communication and mobile telemonitoring technologies to remotely monitor and evaluate the patient’s functional and health status.

Source: PASSE Program, p. II-9, (3/1/19). (Accessed Sept. 2020).

Eligible Providers

The professional or entity at the distant site must be an enrolled Arkansas Medicaid Provider.

Source: AR Medicaid Provider Manual. Section I General Policy. Rule 105.190. Updated Aug. 1, 2018. (Accessed Sept. 2020) & Section III Billing Documentation. Rule 305.000. Updated Aug. 1, 2018. (Accessed Sept. 2020) & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).

The distant site provider should use the GT modifier and Place of Service 02 when billing CPT or HCPCS codes.

Source: AR Medicaid Provider Manual. Section III Billing Documentation. Rule 305.000. Updated Aug. 1, 2018. (Accessed Sept. 2020) & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).

Patient-Led Arkansas Shared Savings Entity (PASSE) Program

The provision of virtual care can include an interdisciplinary care team or be provided by individual clinical service provider.

Source: PASSE Program, p. II-9 (3/1/19). (Accessed Sept. 2020).

Medication-Assisted Treatment for Opioid Use Disorder

Providers are encouraged to use telemedicine services when in-person treatment is not readily accessible.

Source: AR Admin. Rule 230.000 (9/1/2020). (Accessed Sept. 2020).

Eligible Sites

Patient-Led Arkansas Shared Savings Entity (PASSE) Program

Virtual and telehealth services can be provided at the individual’s home or in a community setting.

Source: PASSE Program, II-9 (3/1/19). (Accessed Sept. 2020).

Geographic Limits

No reference found.



Live Video

Facility/Transmission Fee

Payment will include a reasonable facility fee to the originating site operated by a licensed or certified healthcare professional or licensed or certified healthcare entity if the professional or entity is authorized to bill Arkansas Medicaid directly for healthcare services. There is no facility fee for the distant site.

Source: AR Medicaid Provider Manual. Section I General Policy. Rule 105.190. Updated Aug. 1, 2018. & Section III Billing Documentation. Rule 305.000. Updated Aug. 1, 2018. (Accessed Sept. 2020). & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).

The originating site submits a telemedicine claim under the billing providers “pay to” information using HCPCS code Q3014. For outpatient services, the distant provider must also use Place of Service code 22 with the originating site billing Q3014. In the case of in-patient services, HCPCS code Q3014 is not separately reimbursable because it is included in the hospital per diem. See manual for further instructions.

Source: AR Medicaid Provider Manual. Section III Billing Documentation. Rule 305.000. Updated Aug. 1, 2018. (Accessed Sept. 2020) & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).

Federally Qualified Health Centers

Use procedure code T1014 and type of service code Y (paper claims only) to indicate telemedicine charges. The charge associated with the procedure code should be an amount attributable to the telemedicine service, such as line (or wireless) charges. Medicaid will deny the charge and capture it in the same manner as with ancillary charges.

Source: AR Medicaid Provider Manual. Section II FQHC. Rule 262.120. Updated Nov. 1, 2017. (Accessed Sept. 2020).

Arkansas Medicaid must provide a reasonable facility fee to an originating site operated by a licensed healthcare entity or healthcare professional.

Source: AR Code 23-79-1602(d) (1). (Accessed Sept. 2020).

Store-and-Forward

Policy

Store-and-forward technology is the transmission of a patient’s medical information from a healthcare provider at an originating site to a healthcare provider at a distant site.

Source: AR Medicaid Provider Manual. Section I General Policy. Rule 105.190. Updated Aug. 1, 2018. & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).

Although store-and-forward is included in Medicaid’s definition of telemedicine, no information was found regarding reimbursement of store-and-forward.

Patient-Led Arkansas Shared Savings Entity (PASSE) Program

Virtual providers can use secure web-based communication to remotely monitor and evaluate the patient’s functional and health status.

Source: PASSE Program. P. II-9, (3/1/19). (Accessed Sept. 2020).

Eligible Services/Specialties

No reference found.



Medicaid Telehealth Reimbursement

Store-and-Forward	Geographic Limits	No reference found.
	Transmission Fee	No reference found.
Remote Patient Monitoring	Policy	<p>Remote patient monitoring means the use of electronic information and communication technology to collect personal health information and medical data from a patient at an originating site that is transmitted to a healthcare provider at a distant site for use in the treatment and management of medical conditions that require frequent monitoring.</p> <p>Source: AR Medicaid Provider Manual. Section I General Policy. Rule 105.190. Updated Aug. 1, 2018. & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).</p> <p>Although remote patient monitoring is included in Medicaid’s definition of telemedicine, no information was found regarding reimbursement of store-and-forward.</p> <p>Patient-Led Arkansas Shared Savings Entity (PASSE) Program Virtual providers can use mobile telemonitoring technologies to remotely monitor and evaluate the patient’s functional and health status.</p> <p>Source: PASSE Program, p. II-9 (3/1/19). (Accessed Sept. 2020).</p>
	Conditions	No reference found.
	Provider Limitations	No reference found.
	Other Restrictions	No reference found.



Email / Phone / Fax

Once a professional relationship is established, the healthcare provider may provide healthcare services through telemedicine, including interactive audio, if the healthcare services are within the scope of practice for which the healthcare provider is licensed or certified and in accordance with the safeguards established by the healthcare professionals licensing board. The use of interactive audio is not reimbursable under Arkansas Medicaid.

Source: AR Medicaid Provider Manual. Section I General Policy. Rule 105.190. p. I-14 Updated Aug. 1, 2018. (Accessed Sept. 2020) & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).

Provider-Led Arkansas Shared Savings Entity (PASSE) Program

The following activities will not be considered a reportable encounter when delivered to a member of the PASSE:

- Audio-only communication including without-limitation, interactive audio;
- A facsimile machine;
- Text messaging; or
- Electronic mail systems

Source: PASSE Program, p. II-8, (3/1/19). (Accessed Sept. 2020).

Consent

A provider must obtain informed consent, as required by applicable state and federal laws, rules and regulations.

Source: AR Medicaid Provider Manual. Section I General Policy. Rule 105.190. Updated Aug. 1, 2018. (Accessed Sept. 2020) & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).

Provider-Led Arkansas Shared Savings Entity (PASSE) Program

Virtual and telehealth services are provided in lieu of providing the same services at a practice site or provided at the individual's place of residence. Therefore, these services must have patient consent, documented in the patient integrated medical records, and submitted as a claims or encounter from a contracted provider as medically necessary service.

Source: : PASSE Program, p. II-9, (3/1/19). (Accessed Sept. 2020).

Out of State Providers

A healthcare provider 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. This requirement does not apply to the acts of a healthcare provider located in another jurisdiction who provides only episodic consultation services.

Source: AR Medicaid Provider Manual. Section I General Policy. Rule 105.190. Updated Aug. 1, 2018. (Accessed Sept. 2020) & AR Admin. Rule 016.06.18. (Accessed Sept. 2020).

Miscellaneous

The distant site provider is prohibited from utilizing telemedicine with a patient unless a professional relationship exists between the provider and patient. See manual for ways to establish the relationship. A professional relationship is established if the provider performs a face-to-face examination using real time audio and visual telemedicine technology that provides information at least equal to such information as would have been obtained by an in-person examination; or if the establishment of a professional relationship is permitted via telemedicine under the guidelines outlined in ASMB regulations. Telemedicine may be used to establish the professional relationship only for situations in which the standard of care does not require an in-person encounter and only under the safeguards established by the healthcare professional's licensing board (See ASMB Regulation 38 for these safeguards including the standards of care). See manual for full list of requirements on establishing a professional relationship. Special requirements also exist for providing telemedicine services to a minor in a school setting (see manual).



Medicaid Telehealth Reimbursement	Miscellaneous	<p>A healthcare provider providing telemedicine services within Arkansas shall follow applicable state and federal laws, rules and regulations regarding:</p> <ol style="list-style-type: none"> 1. Informed consent; 2. Privacy of individually identifiable health information; 3. Medical record keeping and confidentiality, and 4. Fraud and abuse. <p>Source: AR Medicaid Provider Manual. Section I General Policy. Rule 105.190. Updated Aug. 1, 2018. (Accessed Sept. 2020).</p> <p>Patient-Led Arkansas Shared Savings Entity (PASSE) Program If the PASSE allows the use of telemedicine, the PASSE must document what services the PASSE allows, the settings allowed, and the qualifications for individuals to perform services via telemedicine.</p> <p>Source: PASSE Program, II-26, (3/1/19). (Accessed Sept. 2020).</p>	
	Definitions	<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 and remote patient monitoring. Telemedicine does not include the use of audio-only communication including without limitation interactive audio; a facsimile machine; text messaging; or electronic mail systems.</p> <p>Source: AR Code 23-79-1601(7). (Accessed Sept. 2020).</p>	
Private Payer Laws	Requirements	<p>A health plan shall cover the telehealth-delivered healthcare services on the same basis it would if the services were delivered in-person. A health benefit plan is not required to reimburse for a healthcare service provided through telemedicine that is not comparable to the same service provided in-person. A health benefit plan may voluntarily reimburse for healthcare services provided through means of telephone, facsimile, text message or electronic mail.</p> <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>A health benefit plan cannot prohibit its providers from charging patients directly for services provided by audio-only communication that aren't reimbursed by the plan.</p> <p>A health plan may not impose:</p> <ul style="list-style-type: none"> • An annual or lifetime dollar maximum on coverage for services provided through telemedicine unless it applies to the aggregate of all items and services covered • A deductible, copayment, coinsurance, benefit limitation or maximum benefit that is not equally imposed upon other healthcare services; or • A prior authorization requirement that exceeds the requirements for in-person healthcare services. <p>Source: AR Code Sec. 23-79-1602. (Accessed Sept. 2020).</p>	
	Parity	Service Parity	<p>Health plans must reimburse “on the same basis” if the service were delivered in-person. A health benefit plan is not required to reimburse for a healthcare service provided through telemedicine that is not comparable to the same service provided in-person.</p> <p>Source: AR Code 23-79-1602(c). (Accessed Sept. 2020).</p>
		Payment Parity	<p>The combined amount of reimbursement that a health benefit plan allows for the compensation to the distant site and the originating site shall not be less than the total amount allowed for healthcare services provided in-person.</p> <p>Source: AR Code 23-79-1602(d)(2). (Accessed Sept. 2020).</p>



Definitions

“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.”

Source: AR Code Sec. 17-80-402. (Accessed Sept. 2020).

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.

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.

Source: AR Code Sec. 17-100-103. (Accessed Sept. 2020).

Consent

The healthcare professional shall follow applicable state and federal laws, rules and regulations for informed consent.

Source: AR Code 17-80-404. (Accessed Sept. 2020).

Online Prescribing

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. Existence of a professional relationship is not required in the following circumstances:

- 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.

Source: AR Code 17-80-403. (Accessed Sept. 2020).

A proper physician or physician assistant/patient relationship can be established via real time audio and video telemedicine if it provides information at least equal to such information as would have been obtained by an in-person examination.

Source: AR Rules and Regulation. Sec. 060.00.16. (Accessed Sept. 2020).

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.

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.

Source: AR Rules and Regulation. Sec. 060.00.16. Reg. 38. (Accessed Sept. 2020).

When abortion inducing drugs are used, the initial administration must occur in the same room and in the physical presence of the prescribing physician.

Source: AR Code Annotated Section 20-16-603(b)(1). (Accessed Sept. 2020).

Without a prior and proper patient-provider relationship, providers are prohibited from issuing prescriptions solely in response to an Internet questionnaire, an Internet consultation, or a telephone consultation.

Source: AR Code Annotated Sec. 17-92-1003(14)(B). (Accessed Sept. 2020).



Online Prescribing

A professional relationship cannot be established only through:

- An internet questionnaire
- Email message
- Patient generated medical history
- Audio only communication, including without limitation interactive audio
- Text messaging
- Facsimile machine
- Any combination thereof

Source: AR Code 17-80-403(c). (Accessed Sept. 2020).

A written medical marijuana certification is not allowed when an assessment is performed through telemedicine.

Source: AR Constitution, Amendment 98 Sec. 2(19)(c). (Accessed Sept. 2020).

Cross-State Licensing

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. This section does not apply to:

- The acts of a medical specialist located in another jurisdiction who provides only episodic consultation services;
- The acts of a physician located in another jurisdiction who is providing consultation services to a medical school;
- Decisions regarding the approval of coverage under any insurance or health maintenance organization plan;
- A service to be performed which is not available in the state;
- A physician physically seeing a patient in person in another jurisdiction; or
- Other acts exempted by the board by rule.

Source: AR Code Revised 17-95-206. (Accessed Sept. 2020).

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.

Source: AR Code 17-80-404(d). (Accessed Sept. 2020).

Member of Nurse Licensure Compact.

Source: Nurse Licensure Compact. Current NLC States and Status. (Accessed Sept. 2020).

Member of Physical Therapy Licensure Compact.

Source: PT Compact. Compact Map. HB 1421 (2019). (Accessed Sept. 2020).

Miscellaneous

Professional Telehealth-Specific Regulations

- AR Board of Examiners in Speech-Language Pathology and Audiology
Source: Rules and Regulations Board of Examiners in Speech-Language Pathology and Audiology, Sec. 12. (Accessed Sept. 2020).
- AR Board of Physical Therapy
Source: Rule 007.36.20. (Accessed Sept. 2020).
- AR Board of Nursing: Advanced Practice Registered Nurse
Source: Rule 67.00.17-005, Sec 14. (Accessed Sept. 2020).

