

Arkansas Medical Board Proposes to Relax State Telemedicine Laws

Article By:

Health Law Practice

Last month, the **Arkansas** State Medical Board's [Telemedicine Advisory Committee](#) indicated that it was in the process of drafting a rule that would allow establishment of a physician-patient relationship through the use of real-time audiovisual communication rather than an in-person visit. This is a significant development given that the Arkansas telemedicine rules are among the most restrictive in the nation and signals that physicians in Arkansas are prepared to embrace telemedicine as a safe and cost-effective way to provide medical services to patients.

The Committee's proposed rule follows on the heels of a telemedicine statute enacted by the Arkansas Legislature in April. The [Telemedicine Act](#) requires that telemedicine providers (i) are licensed in Arkansas (except for episodic consultation services), and (ii) have an existing professional relationship with the patient based on a prior in-person examination (except for certain consultations and cross-coverage arrangements with the patient's regular provider). The Act includes a provision allowing the Arkansas State Medical Board to broaden the definition of telemedicine and the circumstances under which telemedicine can be used.

Relying on this provision in the Act, the Committee has determined that physicians should be allowed to provide medical services, including issuing prescriptions (other than controlled substances), through the use of real-time audiovisual communication – even for an initial visit. The Committee also is considering practice standards governing the use of telemedicine such as requiring physicians to:

1. record a patient's history during the initial contact;
2. provide a record of the encounter to the patient and send a copy to the patient's primary care provider (if agreed to by the patient);
3. refer patients to an appropriate local provider, if necessary; and
4. obtain the consent of a parent or guardian to provide telemedicine services for patients under 18 years of age.

The Committee has not yet issued draft rules for consideration by the full State Medical Board. It will

host a public hearing on November 4, 2015 to solicit input from patients, medical providers, insurance companies, and telemedicine companies prior to issuing draft rules. Telemedicine providers who currently provide services in Arkansas, or who are contemplating expanding into Arkansas, should consider attending the public hearing or submitting a comment in advance of the hearing.

©1994-2025 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. All Rights Reserved.

National Law Review, Volume V, Number 279

Source URL: <https://natlawreview.com/article/arkansas-medical-board-proposes-to-relax-state-telemedicine-laws>