

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1883

5 By: Representative L. Johnson  
6

## For An Act To Be Entitled

8 AN ACT TO IMPROVE THE EFFICIENCY OF TELEMEDICINE  
9 CREDENTIALING IN THE STATE OF ARKANSAS; AND FOR OTHER  
10 PURPOSES.  
11

## Subtitle

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14 TO IMPROVE THE EFFICIENCY OF TELEMEDICINE  
15 CREDENTIALING IN THE STATE OF ARKANSAS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 17-95-107(b), concerning credentialing  
21 organization related to physicians, is amended to add an additional  
22 subdivision to read as follows:

23 (6) "Telemedicine physician" means a physician who is physically  
24 located at a distant site as defined by the Telemedicine Act, § 17-80-401 et  
25 seq., but who uses an electronic medium to perform an act that is part of a  
26 patient care service initiated in this state.  
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28 SECTION 2. Arkansas Code § 17-95-107(e)(2), concerning credentialing  
29 organization related to physicians, is amended to read as follows:

30 ~~(2) Subject only to the exceptions recognized in subdivisions~~  
31 ~~(f)(1) and (2) of this section~~ Except as provided in subsections (f) and (h)  
32 of this section, a credentialing organization shall be precluded hereby from  
33 seeking credentialing information from the physician or from sources other  
34 than the board if:

35 (A) The same credentialing information is available from  
36 the board; ~~and~~



1 (B) At the time the credentialing information is  
 2 requested, the board:

3 (i) Holds certification by the National Committee  
 4 for Quality Assurance as a certified credentials verification organization;

5 (ii) Demonstrates compliance with the principles for  
 6 credentials verification organizations set forth by The Joint Commission;

7 (iii) Documents compliance with Department of Health  
 8 rules and regulations applicable to credentialing; and

9 (iv) Maintains evidence of compliance with the  
 10 standards referenced in subdivisions (e)(2)(B)(i)-(iii) of this section; and

11 (C)(i) The board charges fees that comply with subdivision  
 12 (d)(7) of this section.

13 (ii) Until ~~such time as~~ the board satisfies each of  
 14 the foregoing prerequisites, credentialing organizations, in their  
 15 discretion, may utilize credentialing information obtained from the board, or  
 16 they may seek other sources for the same credentialing information.

17 (iii) If at any time the board fails to satisfy any  
 18 of the certification or compliance standards referenced in this subsection,  
 19 ~~no a~~ credentialing organization ~~shall be~~ is not required to utilize the board  
 20 to obtain credentialing information during any period in which the board  
 21 lacks such accreditation or compliance.

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 23 SECTION 3. Arkansas Code § 17-95-107, concerning credentialing  
 24 organization related to physicians, is amended to add an additional  
 25 subsection to read as follows:

26 (h)(1) If the medical staff bylaws of a credentialing organization  
 27 require the use of a primary source verification procedure for a telemedicine  
 28 physician, the credentialing organization may obtain a primary source  
 29 verification by:

30 (A) Seeking credentialing information from the board using  
 31 the process established under this section; or

32 (B) Using a streamlined process for credentialing and  
 33 privileging telemedicine practitioners established by the Centers for  
 34 Medicare and Medicaid Services under 42 C.F.R. § 482.22, as existing on  
 35 January 1, 2019, if the telemedicine physician has been credentialed by  
 36 another Arkansas hospital within the past three (3) years.

1           (2) This section does not require a credentialing organization  
2 to use a primary source verification procedure for credentialing a  
3 telemedicine physician unless the use of a primary source verification  
4 procedure is mandated by the organization's medical staff bylaws.

5           (3) Solely for purposes of determining the fee to be paid under  
6 subdivision (d)(7) of this section, the board shall not classify a physician  
7 as a telemedicine physician, regardless of whether the physician is providing  
8 telemedicine services for organizations in this state or outside of this  
9 state, if:

10                   (A) The physician's practice location is in Arkansas; or

11                   (B) The physician is providing services on-site at the  
12 credentialing organization that is seeking credentialing information about  
13 the physician.

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16                                   **APPROVED: 4/11/19**  
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