

## DRAFT TELEMEDICINE PROPOSAL

- A. A patient-physician relationship should ideally be established with an in-person, physical exam; **or**
- B. A patient-physician relationship may be established absent an in-person physical exam by conducting a face-to-face exam using real-time audio and visual telemedicine technology, but only in the follow circumstances:
  - i. Patient or patient’s guardian must provide a detailed explanation of their complaint to the physician;
  - ii. The physician is able to examine the patient using technology and peripherals that are at least equal to an examination done in person by a physician;
  - iii. Prior to treatment; the Patient or patient’s guardian must provide informed consent:
    - 1. to be treated via telemedicine after being provided a description of the potential risks, consequences, and benefits of treatment through telemedicine; and
    - 2. for the physician to provide treatment through non-in person real-time interactive audio & video encounter or the use of audio, visual.
  - iv. If a decision is made to provide treatment, the physician must agree to accept responsibility for the care of the presenting patient, including responsibility for providing and/or arranging appropriate physician follow-up coverage;
- C. If a patient-physician relationship is established via method B, then the following apply to each visit via telemedicine:
  - i. Physician must confirm that informed consent for patient to establish the patient-physician relationship has been obtained;
  - ii. Physicians, absent a prior in-person history and physical, may NOT issue a prescription for;
    - 1. any controlled substances defined as any scheduled medication schedule II through V; or
    - 2. Drugs that are considered lifestyle drugs defined as any drug used to improve the quality of a patient’s life rather than for alleviating pain or curing disease.
  - iii. Physician shall take an appropriate patient history and physical, when necessary using appropriate technology as defined in Sec. B(ii) hereinabove, during initial encounter and keep a documented medical record;
  - iv. Physician shall provide, at minimum, an electronic version or hardcopy version of the patient’s medical record documenting the encounter to the patient via email or regular mail within twenty-four (24) hours of the encounter; Additionally, the record shall be forwarded to a physician designated by the patient or the patient’s primary care physician (PCP)

within twenty-four (24) hours unless the patient specifically requests that it not be sent;

- v. If the patient, at the recommendation of the physician, needs to be seen in person for their current medical issue, the treating physician shall make every reasonable effort to refer the patient to an appropriate medical care provider/facility and such recommendation shall be documented in the patient chart;
- vi. The use of telemedicine to treat a patient establishes a professional relationship in the same manner as a traditional “in-person” visit with the same standard of care;
- vii. Each and every encounter between a physician and patient via telemedicine shall include a documented statement encouraging and directing the patient to establish a relationship with a primary care provider and that the patient is directed to seek follow-up care with a primary care provider after every telemedicine encounter;
- viii. Any and all physicians providing care via telemedicine to a patient located within the state of Arkansas shall be licensed to practice medicine in the State of Arkansas; and
- ix. Any and all physicians who provide care via telemedicine are required to provide complete copy of the patient’s medical record to the Arkansas State Medical Board upon request. Any denial of such a request shall be considered a violation of the Medical Practices Act.