

Stricken language would be deleted from and underlined language would be added to present law.
Act 624 of the Regular Session

State of Arkansas *As Engrossed: H2/2/21 H2/8/21 S3/4/21*
93rd General Assembly **A Bill**
Regular Session, 2021

HOUSE BILL 1176

By: Representatives L. Johnson, Pilkington

By: Senator B. Davis

For An Act To Be Entitled

AN ACT TO ENSURE THAT REIMBURSEMENT IN THE ARKANSAS
MEDICAID PROGRAM FOR CERTAIN BEHAVIORAL AND MENTAL
HEALTH SERVICES PROVIDED VIA TELEMEDICINE CONTINUES
AFTER THE PUBLIC HEALTH EMERGENCY CAUSED BY
CORONAVIRUS 2019 (COVID-19); TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES.

Subtitle

*TO ENSURE THAT REIMBURSEMENT IN THE
ARKANSAS MEDICAID PROGRAM FOR CERTAIN
BEHAVIORAL AND MENTAL HEALTH SERVICES
PROVIDED VIA TELEMEDICINE CONTINUES AFTER
THE PUBLIC HEALTH EMERGENCY; AND TO
DECLARE AN EMERGENCY.*

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 77, Subchapter 1, is amended to add an additional section to read as follows:

20-77-112. Provision of behavioral and mental health services via telemedicine – Medicaid reimbursement.

(a)(1) The General Assembly finds that during the public health emergency caused by coronavirus 2019 (COVID-19), the Department of Human Services issued several memorandums authorizing certain reimbursement for behavioral and mental health services provided via telemedicine for the time period of the public health emergency.



(2) It is the intent of the General Assembly to make the authorization for certain reimbursement for behavioral and mental health services provided via telemedicine permanent.

(b) The Arkansas Medicaid Program shall reimburse for the following behavioral and mental health services provided via telemedicine:

(1) Counseling and psychoeducation provided by a person licensed as:

(A) A psychologist;

(B) A psychological examiner;

(C) A professional counselor;

(D) An associate counselor;

(E) An associate marriage and family therapist;

(F) A marriage and family therapist;

(G) A clinical social worker; or

(H) A master social worker;

(2) Crisis intervention services;

(3) Substance abuse assessments;

(4) Mental health diagnosis assessments for an individual under twenty-one (21) years of age; and

(5) Group therapy for individuals who are eighteen (18) years of age or older under the current service definition determined by the Arkansas Medicaid Program and when provided via audio-visual technology that is compliant with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and composed of beneficiaries of similar age and clinical presentation to qualified beneficiaries.

(c) The Arkansas Medicaid Program shall reimburse for supplemental support services provided in-person or via audio-visual technology or telephone that is compliant with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, within the managed care program in the same manner as provided by risk-based provider organizations under the Medicaid Provider-Led Organized Care Act, § 20-77-2701 et seq., through the later of:

(1) The end of the public health emergency that began on March 11, 2020, by Executive Order 20-03; or

(2) December 31, 2021.

(d) The department shall apply for any federal waiver, Medicaid state

plan amendment, or other authorization necessary to implement this section.

(e) This section applies to Medicaid beneficiaries in the fee-for-service Arkansas Medicaid Program and the managed care Arkansas Medicaid Program.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that due to the coronavirus 2019 (COVID-19) pandemic, the Department of Human Services has issued several memorandums authorizing certain reimbursements for behavioral and mental health services provided via telemedicine for the time period of the public health emergency to beneficiaries in the Arkansas Medicaid Program; that on February 26, 2021, the Governor announced that the public health emergency was extended but the Governor was going to lift some regulations related to the pandemic; that these reimbursements allowed behavioral and mental health providers to ensure that the beneficiaries of the Arkansas Medicaid Program had the services that they needed, and lifting these reimbursements to the healthcare providers of behavioral and mental health services would greatly disadvantage and harm the beneficiaries of the Arkansas Medicaid Program who need these services; and that this act is immediately necessary to ensure that the beneficiaries of the Arkansas Medicaid Program have access to behavioral and mental health services provided via telemedicine. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/L. Johnson

APPROVED: 4/8/21