

Title 17. Professions, Occupations, and Businesses

Chapter XXXIII. Arkansas State Board of Physical Therapy, Department of Health

Subchapter A. Generally

Part 176. Arkansas State Board of Physical Therapy Telehealth Rule

Subpart 1. Generally

17 CAR § 176-101. Applicability.

Pursuant to the Arkansas Telemedicine Act, Arkansas Code § 17-80-401 et seq., this rule applies to the provision of services via telehealth by physical therapists and physical therapist assistants when acting within their respective scopes of practice.

Authority. Arkansas Code § 17-93-202.

17 CAR § 176-102. Definitions.

As used in this part:

(1) "Distant site" means the location of the licensee delivering services through telemedicine at the time the services are provided;

(2) "Healthcare professional" has the same meaning as in Arkansas Code § 17-80-402(2) of the Telemedicine Act, Arkansas Code § 17-80-401 et seq.;

(3) "Licensee" means a physical therapist or physical therapist assistant licensed by the Arkansas State Board of Physical Therapy;

(4)(A) "Originating site" means a site at which a patient is located at the time healthcare services are provided to him or her by means of telehealth.

(B) "Originating site" includes the home of a patient;

(5) "Professional relationship" means at a minimum a relationship established between a licensee and a patient when:

(A) The licensee has previously conducted an in-person examination of the patient and is available to provide appropriate follow-up care, when necessary, at medically necessary intervals;

(B) The licensee personally knows the patient and the patient's relevant health status through an ongoing personal or professional relationship and is available to provide appropriate follow-up care, when necessary, at medically necessary intervals;

(C) The treatment is provided by a licensee in consultation with, or upon referral by, another healthcare professional who has:

(i) An ongoing professional relationship with the patient; and

(ii) Agreed to supervise the patient's treatment, including follow-up care;

(D) An on-call or cross-coverage arrangement exists with the patient's regular treating healthcare professional or another healthcare professional who has established a professional relationship with the patient;

(E) A relationship exists in other circumstances as defined by rule of the Arkansas State Medical Board for healthcare professionals under its jurisdiction and their patients; or

(F)(i) The licensee has access to a patient's personal health record maintained by a licensee and uses any technology deemed appropriate by the licensee, including the telephone, with a patient located in Arkansas to diagnose and treat the patient.

(ii) For purposes of this part, a health record may be created with the use of telehealth and consists of relevant clinical information required to treat a patient, and is reviewed by the licensee who meets the same standard of care for a telehealth visit as an in-person visit;

(6) "Remote patient monitoring" means the use of synchronous or asynchronous 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 licensee at a distant site for use in the treatment and management of medical conditions that require frequent monitoring;

(7) "Store-and-forward technology" means the asynchronous transmission of a patient's medical information from a healthcare professional at an originating site to a healthcare professional at a distant site; and

(8)(A) "Telehealth" 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.

(B) "Telehealth" includes store-and-forward technology and remote patient monitoring.

Authority. Arkansas Code § 17-93-202.

17 CAR § 176-103. Establishment of professional relationship.

(a)(1) A licensee at a distant site shall not utilize telehealth with respect to a patient located in Arkansas unless a professional relationship exists between the licensee and the patient or the licensee otherwise meets the requirements of a professional relationship as defined in 17 CAR § 176-102(5).

(2) The existence of a professional relationship is not required in the following circumstances:

(A) Emergency situations where the life or health of the patient is in danger or imminent danger; or

(B) Simply providing information of a generic nature, not meant to be specific to an individual patient.

(b) If the establishment of the professional relationship is permitted via telemedicine under 17 CAR § 176-102(5)(E), telehealth may be used to establish the professional relationship only for situations in which the standard of care does not require an in-person encounter.

(c) "Professional relationship" does not include a relationship between a licensee and a patient established only by the following:

- (1) An internet questionnaire;
- (2) An email message;
- (3) Patient-generated medical history;
- (4) Text messaging;

- (5) A facsimile machine; or
- (6) Any combination of means listed in subdivisions (c)(1) – (5) of this section.

Authority. Arkansas Code § 17-93-202.

17 CAR § 176-104. Requirement for all services provided by licensees using telehealth.

(a) A professional relationship shall be established in compliance with this part to provide physical therapy services through telehealth.

(b) Once a professional relationship is established, a licensee may provide healthcare services through telehealth, including interactive audio, if the healthcare services are within the physical therapy scope of practice.

(c) The practice of physical therapy via telehealth shall be held to the same standards of care as traditional in-person encounters.

(d) All licensees providing care via telemedicine to a patient located within the State of Arkansas shall be licensed to practice physical therapy in the State of Arkansas.

(e) Licensees utilizing telehealth must follow applicable state/federal laws regarding:

- (1) Informed consent;
- (2) The Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191;
- (3) Medical records and confidentiality; and
- (4) Fraud/waste/abuse.

(f) If a decision is made to provide physical therapy through telehealth, the physical therapist accepts responsibility and liability for the care of the patient.

Authority. Arkansas Code § 17-93-202.