

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State  
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For Office  
Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Health

Department State Medical Board

Contact Amy Embry E-mail amy.embry@armedicalboard.org Phone 501-296-1802

Statutory Authority for Promulgating Rules 17-95-303

Rule Title: Rule 38: Telemedicine

Intended Effective Date  
(Check One)

- Emergency (ACA 25-15-204)
- 10 Days After Filing (ACA 25-15-204)
- Other \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Legal Notice Published .....

Final Date for Public Comment .....

Reviewed by Legislative Council .....

Adopted by State Agency .....

Date

2/14/22, 2/15/22, 2/16/22

3/22/22

8/25/22

4/7/22

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Amy Embry amy.embry@armedicalboard.org 9/30/22  
Contact Person E-mail Address Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

\_\_\_\_\_  
Signature

501-296-1802 amy.embry@armedicalboard.org  
Phone Number E-mail Address

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Title

9/30/22  
Date

## CLEAN COPY

### RULE NO. 38: TELEMEDICINE

#### **Requirement for all services provided by Providers using telemedicine:**

1. A Patient/Provider relationship must be established in accordance with Rule 2.8 before the delivery of services via telemedicine. Provider is defined as a person licensed by the Arkansas State Medical Board. A patient completing a medical history online and forwarding it to a Provider is not sufficient to establish the relationship, nor does it qualify as store-and-forward technology.

2.L. A physician shall not issue a written medical marijuana certification to a patient based on an assessment performed through telemedicine. A Patient/Provider relationship established under Rule 2.8 may be utilized for medical marijuana recertification by telehealth. "Telehealth certification" means the electronic assessment of a patient by a provider in connection with an application for a registry identification card under the Arkansas Medical Marijuana Amendment of 2016.

M. Telemedicine does not include the use of audio-only electronic technology by a provider to renew a written certification that was previously issued to the same patient.