# STATE OF ARKANSAS
## EXECUTIVE DEPARTMENT

# PROCLAMATION

TO ALL TO WHOM THESE PRESENTS COME – GREETINGS: EO 20-05

**EXECUTIVE ORDER TO AMEND EXECUTIVE ORDER 20-03 REGARDING THE PUBLIC HEALTH EMERGENCY CONCERNING COVID-19 FOR THE PURPOSE OF ENCOURAGING TREATMENT AND COMMUNICATION BY TECHNOLOGY.**

WHEREAS: An outbreak of coronavirus disease 2019 (COVID-19) has spread throughout China and to 59 other countries and territories, including the United States; and

WHEREAS: COVID-19 has been detected within the State of Arkansas and adjoining states, threatening the public safety of the citizens of Arkansas; and

WHEREAS: Great hardship has been brought to bear upon the citizens this state as a result of the spread of COVID-19; and

WHEREAS: On March 11, 2020, by Executive Order 20-03, an emergency was declared in the state as a result of COVID-19, and that emergency is on-going; and

WHEREAS: Citizens of the state have been advised to take precautions to prevent the spread of COVID-19, including the advisement to minimize person to person contact, avoid large gatherings, and to stay home if they feel ill; and

WHEREAS: Citizens heeding this advice need access to the care of physicians and other mental health professionals;

NOW, THEREFORE, I, Asa Hutchinson, Governor of the State of Arkansas, acting under the authority vested in me by Ark. Code Ann. §§ 12-75-101, *et seq.*, do hereby amend Executive Order 20-03 declaring an emergency in the State of Arkansas, and order the following for the duration of this emergency:

(1) To fully leverage telehealth in Arkansas and mitigate the spread of COVID-19, I am suspending the provisions the Telemedicine Act at Ark. Code Ann. §17-80-401, et seq., requiring an in-person encounter, or a face to face examination using real time audio and visual means to establish a professional relationship. Physicians licensed in Arkansas who have access to a patient's personal health record maintained by a physician may establish a professional relationship with a patient using any technology deemed appropriate by the provider, including the telephone, with a citizen located in Arkansas to diagnose, treat and if clinically appropriate, prescribe a non-controlled drug to that patient;

(2) I am suspending the Rules and Regulations of the Arkansas Board of Examiners in Counseling regarding the requirement for a Technology-assisted Distance Counseling or Marriage Family Therapy specialization license, so that Licensed Associate Counselors, Licensed Professional Counselors, Licensed Associate Marriage and Family Therapists, and Licensed Marriage and Family Therapists, in good standing with the Arkansas Board of Examiners in Counseling, may provide reasonable mental health

treatment, using any technology deemed appropriate by the provider, including the telephone, to a citizen located in Arkansas.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 13th day of March, in the year of our Lord 2020.

Asa Hutchinson, Governor

Attest: John Thurston

John Thurston, Secretary of State