
A BILL FOR AN ACT

RELATING TO TELEHEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that telehealth has
2 allowed states to implement innovative health policy reforms
3 that achieve significant cost savings and improve health
4 outcomes. There are many opportunities for improving health
5 care access in Hawaii through the use of telehealth, especially
6 in areas of the State faced with a shortage of health care
7 providers.

8 However, the legislature further finds that restrictions on
9 telehealth, such as geographical limitations on service,
10 limitations on patient setting, and restrictions on applicable
11 technology, act as barriers that prevent health care providers
12 and patients from realizing the full benefits of telehealth.

13 Accordingly, the purpose of this Act is to enhance access
14 to care via telehealth by:

15 (1) Requiring the State's medicaid managed care and fee-
16 for-service programs to cover services provided
17 through telehealth;



- 1 (2) Specifying that any telehealth services provided shall
2 be consistent with all federal and state privacy,
3 security, and confidentiality laws;
- 4 (3) Specifying medical professional liability insurance
5 policy requirements with regard to telehealth
6 coverage;
- 7 (4) Clarifying that reimbursement for services provided
8 through telehealth shall be equivalent to
9 reimbursement for the same services provided via face-
10 to-face contact between a health care provider and a
11 patient;
- 12 (5) Requiring written disclosure of coverages and benefits
13 associated with telehealth services;
- 14 (6) Ensuring telehealth encompasses store and forward
15 technologies, remote monitoring, live consultation,
16 and mobile health;
- 17 (7) Ensuring telehealth is covered when originating in a
18 patient's home and other non-medical environments;
- 19 (8) Clarifying requirements for physicians and out-of-
20 state physicians to establish a physician-patient
21 relationship via telehealth;



1 (9) Ensuring reimbursement requirements for telehealth
2 services apply to all health benefits plans under
3 chapter 87A, Hawaii Revised Statutes; and

4 (10) Making other conforming amendments related to
5 telehealth for clarity.

6 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§346- Coverage for telehealth. (a) The State's
10 medicaid managed care and fee-for-service programs shall not
11 deny coverage for services provided through telehealth; provided
12 that the service would be covered if the service were provided
13 through in-person consultation between a patient and a health
14 care provider.

15 (b) Reimbursement for services provided through telehealth
16 shall be equivalent to reimbursement for the same services
17 provided via face-to-face contact between a health care provider
18 and a patient. Nothing in this section shall require a health
19 care provider to be physically present with the patient at an
20 originating site unless a health care provider at the distant
21 site deems it necessary.



1 (c) There shall be no geographic restrictions or
2 requirements for telehealth coverage or reimbursement under this
3 section.

4 (d) There shall be no restrictions on originating site
5 requirements for telehealth coverage or reimbursement under this
6 section.

7 (e) Services provided by telehealth pursuant to this
8 section shall be consistent with all federal and state privacy,
9 security, and confidentiality laws.

10 (f) For the purposes of this section:

11 "Distant site" means the location of the health care
12 provider delivering services through telehealth at the time the
13 services are provided.

14 "Health care provider" means a provider of services, as
15 defined in title 42 United States Code section 1395x(u), a
16 provider of medical and other health services, as defined in
17 title 42 United States Code section 1395x(s), and any other
18 person or organization who furnishes, bills, or is paid for
19 health care in the normal course of business, including but not
20 limited to primary care providers, mental health providers, oral
21 health providers, physicians and osteopathic physicians licensed



1 under chapter 453, advanced practice registered nurses licensed
2 under chapter 457, psychologists licensed under chapter 465, and
3 dentists licensed under chapter 448.

4 "Originating site" means the location where the patient is
5 located, whether accompanied or not by a health care provider,
6 at the time services are provided by a health care provider
7 through telehealth, including but not limited to a health care
8 provider's office, hospital, critical access hospital, rural
9 health clinic, federally qualified health center, a patient's
10 home, and other non-medical environments such as school-based
11 health centers, university-based health centers, or the work
12 location of a patient.

13 "Telehealth" means the use of telecommunications services,
14 as defined in section 269-1, to encompass four modalities:
15 store and forward technologies, remote monitoring, live
16 consultation, and mobile health; and which shall include but not
17 be limited to real-time video conferencing-based communication,
18 secure interactive and non-interactive web-based communication,
19 and secure asynchronous information exchange, to transmit
20 patient medical information, including diagnostic-quality
21 digital images and laboratory results for medical interpretation



1 and diagnosis, for the purpose of delivering enhanced health
2 care services and information while a patient is at an
3 originating site and the health care provider is at a distant
4 site. Standard telephone contacts, facsimile transmissions, or
5 e-mail text, in combination or by itself, does not constitute a
6 telehealth service for the purposes of this section."

7 SECTION 3. Chapter 457, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§457- Telehealth; privacy, security, and
11 confidentiality. Services relating to the practice of nursing
12 and provided by telehealth pursuant to this chapter shall be
13 consistent with all federal and state privacy, security, and
14 confidentiality laws."

15 SECTION 4. Chapter 671, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§671- Professional liability insurance; coverage for
19 telehealth. (a) Every insurer providing professional liability
20 insurance for a health care provider shall ensure that every
21 policy that is issued, amended, or renewed in this State on or



1 after the effective date of this Act shall provide malpractice
2 coverage for telehealth that shall be equivalent to coverage for
3 the same services provided via face-to-face contact between a
4 health care provider and a patient.

5 (b) No insurer providing professional liability insurance
6 policies shall require face-to-face contact between a health
7 care provider and a patient as a prerequisite for coverage of
8 services appropriately provided through telehealth in accordance
9 with generally accepted health care practices and standards
10 prevailing in the applicable professional community at the time
11 the services were provided. The coverage required in this
12 section may be subject to all terms and conditions of the policy
13 agreed upon between the health care provider and the insurer.

14 (c) For purposes of this section:

15 "Distant site" means the location of the health care
16 provider delivering services through telehealth at the time the
17 services are provided.

18 "Originating site" means the location where the patient is
19 located, whether accompanied or not by a health care provider,
20 at the time services are provided by a health care provider
21 through telehealth, including but not limited to a health care



1 provider's office, hospital, critical access hospital, rural
2 health clinic, federally qualified health center, a patient's
3 home, and other non-medical environments such as school-based
4 health centers, university-based health centers, or the work
5 location of a patient.

6 "Telehealth" means the use of telecommunications services,
7 as defined in section 269-1, to encompass four modalities:
8 store and forward technologies, remote monitoring, live
9 consultation, and mobile health; and which shall include but not
10 be limited to real-time video conferencing-based communication,
11 secure interactive and non-interactive web-based communication,
12 and secure asynchronous information exchange, to transmit
13 patient medical information, including diagnostic-quality
14 digital images and laboratory results for medical interpretation
15 and diagnosis, for the purpose of delivering enhanced health
16 care services and information while a patient is at an
17 originating site and the health care provider is at a distant
18 site. Standard telephone contacts, facsimile transmissions, or
19 e-mail text, in combination or by itself, does not constitute a
20 telehealth service for the purposes of this section."



1 SECTION 5. Section 209E-2, Hawaii Revised Statutes, is
2 amended by amending the definition of "medical and health care
3 services" to read as follows:

4 "Medical and health care services" means medical
5 research~~[,]~~ and clinical trials, ~~[and telehealth,]~~ but not
6 routine medical treatment or services."

7 SECTION 6. Section 431:10A-116.3, Hawaii Revised Statutes,
8 is amended to read as follows:

9 "§431:10A-116.3 Coverage for telehealth. (a) It is the
10 intent of the legislature to recognize the application of
11 telehealth as a reimbursable service by which an individual
12 shall receive medical services from a health care provider
13 without face-to-face contact with the health care provider.

14 (b) No accident and health or sickness insurance plan that
15 is issued, amended, or renewed shall require face-to-face
16 contact between a health care provider and a patient as a
17 prerequisite for payment for services appropriately provided
18 through telehealth in accordance with generally accepted health
19 care practices and standards prevailing in the applicable
20 professional community at the time the services were provided.
21 The coverage required in this section may be subject to all



1 terms and conditions of the plan agreed upon among the enrollee
2 or subscriber, the insurer, and the health care provider.

3 (c) Reimbursement for services provided through telehealth
4 shall be equivalent to reimbursement for the same services
5 provided via face-to-face contact between a health care provider
6 and a patient. [~~There shall be no reimbursement for a
7 telehealth consultation between health care providers unless a
8 health care provider-patient relationship exists between the
9 patient and one of the health care providers involved in the
10 telehealth interaction and the patient is accompanied by a
11 treating health care provider at the time telehealth services
12 are provided by the consulting health care provider; provided
13 that when behavioral health services are provided, a second
14 health care provider shall not be required to accompany the
15 patient.~~]

16 For the purposes of this section, ~~"health care provider"~~
17 ~~means a provider of services, as defined in 42 U.S.C. 1395x(u),~~
18 ~~a provider of medical and other health services, as defined in~~
19 ~~42 U.S.C. 1395x(s), and any other person or organization who~~
20 ~~furnishes, bills, or is paid for health care in the normal~~
21 ~~course of business, including but not limited to primary care~~



1 ~~providers, mental health providers, oral health providers,~~
2 ~~physicians and osteopathic physicians licensed under chapter~~
3 ~~453, advanced practice registered nurses licensed under chapter~~
4 ~~457, psychologists licensed under chapter 465, and dentists~~
5 ~~licensed under chapter 448.] Nothing in this section shall~~
6 require a health care provider to be physically present with the
7 patient at an originating site unless a health care provider at
8 the distant site deems it necessary.

9 (d) Notwithstanding chapter 453 or rules adopted pursuant
10 thereto, in the event that a health care provider-patient
11 relationship does not exist between the patient and the health
12 care provider to be involved in a telehealth interaction between
13 the patient and the health care provider, a telehealth mechanism
14 may be used to establish a health care provider-patient
15 relationship.

16 (e) All insurers shall provide current and prospective
17 insureds with written disclosure of coverages and benefits
18 associated with telehealth services, including information on
19 copayments, deductibles, or coinsurance requirements under a
20 policy, contract, plan, or agreement. The information provided
21 shall be current, understandable, and available prior to the



1 issuance of a policy, contract, plan, or agreement, and upon
2 request after the policy, contract, plan, or agreement has been
3 issued.

4 (f) Services provided by telehealth pursuant to this
5 section shall be consistent with all federal and state privacy,
6 security, and confidentiality laws.

7 [~~(e)~~ (g) For the purposes of this section[~~-~~
8 "telehealth"]:

9 "Distant site" means the location of the health care
10 provider delivering services through telehealth at the time the
11 services are provided.

12 "Health care provider" means a provider of services, as
13 defined in title 42 United States Code section 1395x(u), a
14 provider of medical and other health services, as defined in
15 title 42 United States Code section 1395x(s), and any other
16 person or organization who furnishes, bills, or is paid for
17 health care in the normal course of business, including but not
18 limited to primary care providers, mental health providers, oral
19 health providers, physicians and osteopathic physicians licensed
20 under chapter 453, advanced practice registered nurses licensed



1 under chapter 457, psychologists licensed under chapter 465, and
2 dentists licensed under chapter 448.

3 "Originating site" means the location where the patient is
4 located, whether accompanied or not by a health care provider,
5 at the time services are provided by a health care provider
6 through telehealth, including but not limited to a health care
7 provider's office, hospital, health care facility, a patient's
8 home, and other non-medical environments such as school-based
9 health centers, university-based health centers, or the work
10 location of a patient.

11 "Telehealth" means the use of telecommunications services,
12 as defined in section 269-1, [~~including~~] to encompass four
13 modalities: store and forward technologies, remote monitoring,
14 live consultation, and mobile health; and which shall include
15 but not be limited to real-time video conferencing-based
16 communication, secure interactive and non-interactive web-based
17 communication, and secure asynchronous information exchange, to
18 transmit patient medical information, including diagnostic-
19 quality digital images and laboratory results for medical
20 interpretation and diagnosis, for the purpose of delivering
21 enhanced health care services and information [~~to parties~~



1 ~~separated by distance.]~~ while a patient is at an originating
2 site and the health care provider is at a distant site.

3 Standard telephone contacts, facsimile transmissions, or e-mail
4 text, in combination or by itself, does not constitute a
5 telehealth service for the purposes of this chapter."

6 SECTION 7. Section 432:1-601.5, Hawaii Revised Statutes,
7 is amended to read as follows:

8 "§432:1-601.5 Coverage for telehealth. (a) It is the
9 intent of the legislature to recognize the application of
10 telehealth as a reimbursable service by which an individual
11 shall receive medical services from a health care provider
12 without face-to-face contact with the health care provider.

13 (b) No mutual benefit society plan that is issued,
14 amended, or renewed shall require face-to-face contact between a
15 health care provider and a patient as a prerequisite for payment
16 for services appropriately provided through telehealth in
17 accordance with generally accepted health care practices and
18 standards prevailing in the applicable professional community at
19 the time the services were provided. The coverage required in
20 this section may be subject to all terms and conditions of the



1 plan agreed upon among the enrollee or subscriber, the mutual
2 benefit society, and the health care provider.

3 (c) Reimbursement for services provided through telehealth
4 shall be equivalent to reimbursement for the same services
5 provided via face-to-face contact between a health care provider
6 and a patient. ~~[There shall be no reimbursement for a
7 telehealth consultation between health care providers unless a
8 health care provider patient relationship exists between the
9 patient and one of the health care providers involved in the
10 telehealth interaction and the patient is accompanied by a
11 treating health care provider at the time telehealth services
12 are provided by the consulting health care provider; provided
13 that when behavioral health services are provided, a second
14 health care provider shall not be required to accompany the
15 patient.~~

16 ~~For the purposes of this section, "health care provider"~~
17 ~~means a provider of services, as defined in 42 U.S.C. 1395x(u),~~
18 ~~a provider of medical or other health services, as defined in 42~~
19 ~~U.S.C. 1395x(s), and any other person or organization who~~
20 ~~furnishes, bills, or is paid for health care in the normal~~
21 ~~course of business, including but not limited to primary care~~



1 ~~providers, mental health providers, oral health providers,~~
2 ~~physicians and osteopathic physicians licensed under chapter~~
3 ~~453, advanced practice registered nurses licensed under chapter~~
4 ~~457, psychologists licensed under chapter 465, and dentists~~
5 ~~licensed under chapter 448.] Nothing in this section shall~~
6 ~~require a health care provider to be physically present with the~~
7 ~~patient at an originating site unless a health care provider at~~
8 ~~the distant site deems it necessary.~~

9 (d) Notwithstanding chapter 453 or rules adopted pursuant
10 thereto, in the event that a health care provider-patient
11 relationship does not exist between the patient and the health
12 care provider to be involved in a telehealth interaction between
13 the patient and health care provider, a telehealth mechanism may
14 be used to establish a health care provider-patient
15 relationship.

16 (e) All insurers shall provide current and prospective
17 enrollees or subscribers with written disclosure of coverages
18 and benefits associated with telehealth services, including
19 information on copayments, deductibles, or coinsurance
20 requirements under a policy, contract, plan, or agreement. The
21 information provided shall be current, understandable, and



1 available prior to the issuance of a policy, contract, plan, or
2 agreement, and upon request after the policy, contract, plan, or
3 agreement has been issued.

4 (f) Services provided by telehealth pursuant to this
5 section shall be consistent with all federal and state privacy,
6 security, and confidentiality laws.

7 [+e)] (g) For the purposes of this section[,
8 "telehealth"]:

9 "Health care provider" means a provider of services, as
10 defined in title 42 United States Code section 1395x(u), a
11 provider of medical and other health services, as defined in
12 title 42 United States Code section 1395x(s), and any other
13 person or organization who furnishes, bills, or is paid for
14 health care in the normal course of business, including but not
15 limited to primary care providers, mental health providers, oral
16 health providers, physicians and osteopathic physicians licensed
17 under chapter 453, advanced practice registered nurses licensed
18 under chapter 457, psychologists licensed under chapter 465, and
19 dentists licensed under chapter 448.

20 "Originating site" means the location where the patient is
21 located, whether accompanied or not by a health care provider,



1 at the time services are provided by a health care provider
2 through telehealth, including but not limited to a health care
3 provider's office, hospital, health care facility, a patient's
4 home, and other non-medical environments such as school-based
5 health centers, university-based health centers, or the work
6 location of a patient.

7 "Telehealth" means the use of telecommunications services,
8 as defined in section 269-1, [including] to encompass four
9 modalities: store and forward technologies, remote monitoring,
10 live consultation, and mobile health; and which shall include
11 but not be limited to real-time video conferencing-based
12 communication, secure interactive and non-interactive web-based
13 communication, and secure asynchronous information exchange, to
14 transmit patient medical information, including diagnostic-
15 quality digital images and laboratory results for medical
16 interpretation and diagnosis, for the purpose of delivering
17 enhanced health care services and information [to parties
18 separated by distance.] while a patient is at an originating
19 site and the health care provider is at a distant site.
20 standard telephone contacts, facsimile transmissions, or e-mail



1 text, in combination or by itself, does not constitute a
2 telehealth service for the purposes of this chapter."

3 SECTION 8. Section 432D-23.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§432D-23.5 Coverage for telehealth. (a) It is the
6 intent of the legislature to recognize the application of
7 telehealth as a reimbursable service by which an individual
8 shall receive medical services from a health care provider
9 without face-to-face contact with the health care provider.

10 (b) No health maintenance organization plan that is
11 issued, amended, or renewed shall require face-to-face contact
12 between a health care provider and a patient as a prerequisite
13 for payment for services appropriately provided through
14 telehealth in accordance with generally accepted health care
15 practices and standards prevailing in the applicable
16 professional community at the time the services were provided.
17 The coverage required in this section may be subject to all
18 terms and conditions of the plan agreed upon among the enrollee
19 or subscriber, the health maintenance organization, and the
20 health care provider.



1 (c) Reimbursement for services provided through telehealth
2 shall be equivalent to reimbursement for the same services
3 provided via face-to-face contact between a health care provider
4 and a patient. ~~[There shall be no reimbursement for a
5 telehealth consultation between health care providers unless an
6 existing health care provider patient relationship exists
7 between the patient and one of the health care providers
8 involved in the telehealth interaction and the patient is
9 accompanied by a treating health care provider at the time
10 telehealth services are provided by the consulting health care
11 provider, provided that when behavioral health services are
12 provided, a second health care provider shall not be required to
13 accompany the patient.]~~

14 ~~For the purposes of this section, "health care provider"~~
15 ~~means a provider of services, as defined in 42 U.S.C. 1395x(u),~~
16 ~~a provider of medical or other health services, as defined in 42~~
17 ~~U.S.C. 1395x(s), and any other person or organization who~~
18 ~~furnishes, bills, or is paid for health care in the normal~~
19 ~~course of business, including but not limited to primary care~~
20 ~~providers, mental health providers, oral health providers,~~
21 ~~physicians and osteopathic physicians licensed under chapter~~



1 ~~453, advanced practice registered nurses licensed under chapter~~
2 ~~457, psychologists licensed under chapter 465, and dentists~~
3 ~~licensed under chapter 448.] Nothing in this section shall~~
4 require a health care provider to be physically present with the
5 patient at an originating site unless a health care provider at
6 the distant site deems it necessary.

7 (d) Notwithstanding chapter 453 or rules adopted pursuant
8 thereto, in the event that a health care provider-patient
9 relationship does not exist between the patient and the health
10 care provider involved in a telehealth interaction between the
11 patient and the health care provider, a telehealth mechanism may
12 be used to establish a health care provider-patient
13 relationship.

14 (e) All health maintenance organizations shall provide
15 current and prospective insureds with written disclosure of
16 coverages and benefits associated with telehealth services,
17 including information on copayments, deductibles, or coinsurance
18 requirements under a policy, contract, plan, or agreement. The
19 information provided shall be current, understandable, and
20 available prior to enrollment in a policy, contract, plan, or



1 agreement and upon request after enrollment in the policy,
2 contract, plan, or agreement.

3 (f) Services provided by telehealth pursuant to this
4 section shall be consistent with all federal and state privacy,
5 security, and confidentiality laws.

6 [~~e~~] (g) For the purposes of this section[~~r~~
7 "telehealth"]:

8 "Distant site" means the location of the health care
9 provider delivering services through telehealth at the time the
10 services are provided.

11 "Health care provider" means a provider of services, as
12 defined in title 42 United States Code section 1395x(u), a
13 provider of medical and other health services, as defined in
14 title 42 United States Code section 1395x(s), and any other
15 person or organization who furnishes, bills, or is paid for
16 health care in the normal course of business, including but not
17 limited to primary care providers, mental health providers, oral
18 health providers, physicians and osteopathic physicians licensed
19 under chapter 453, advanced practice registered nurses licensed
20 under chapter 457, psychologists licensed under chapter 465, and
21 dentists licensed under chapter 448.



1 "Originating site" means the location where the patient is
2 located, whether accompanied or not by a health care provider,
3 at the time services are provided by a health care provider
4 through telehealth, including but not limited to a health care
5 provider's office, hospital, health care facility, a patient's
6 home, and other non-medical environments such as school-based
7 health centers, university-based health centers, or the work
8 location of a patient.

9 "Telehealth" means the use of telecommunications services,
10 as defined in section 269-1, [~~including~~] to encompass four
11 modalities: store and forward technologies, remote monitoring,
12 live consultation, and mobile health; and which shall include
13 but not ~~be~~ limited to real-time video conferencing-based
14 communication, secure interactive and non-interactive web-based
15 communication, and secure asynchronous information exchange, to
16 transmit patient medical information, including diagnostic-
17 quality digital images and laboratory results for medical
18 interpretation and diagnosis, for the purpose of delivering
19 enhanced health care services and information [~~to parties~~
20 ~~separated by distance.~~] while a patient is at an originating
21 site and the health care provider is at a distant site.



1 Standard telephone contacts, facsimile transmissions, or e-mail
2 text, in combination or by itself, does not constitute a
3 telehealth service for the purposes of this chapter."

4 SECTION 9. Section 453-1.3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§453-1.3 Practice of telehealth. (a) Subject to section
7 453-2(b), nothing in this section shall preclude any physician
8 acting within the scope of the physician's license to practice
9 from practicing telehealth as defined in this section.

10 ~~[(b) For the purposes of this section, "telehealth" means~~
11 ~~the use of telecommunications as that term is defined in section~~
12 ~~269-1, including but not limited to real time video~~
13 ~~conferencing based communication, secure interactive and non-~~
14 ~~interactive web based communication, and secure asynchronous~~
15 ~~information exchange, to transmit patient medical information,~~
16 ~~including diagnostic quality digital images and laboratory~~
17 ~~results for medical interpretation and diagnosis, for the~~
18 ~~purposes of delivering enhanced health care services and~~
19 ~~information to parties separated by distance, establishing a~~
20 ~~physician patient relationship, evaluating a patient, or~~
21 ~~treating a patient.~~



1 ~~(e)~~ (b) Telehealth services shall include a documented
2 patient evaluation, including history and a discussion of
3 physical symptoms adequate to establish a diagnosis and to
4 identify underlying conditions or contraindications to the
5 treatment recommended or provided.

6 ~~(d)~~ (c) Treatment recommendations made via telehealth,
7 including issuing a prescription via electronic means, shall be
8 held to the same standards of appropriate practice as those in
9 traditional physician-patient settings that do not include a
10 face-to-face visit but in which prescribing is appropriate,
11 including on-call telephone encounters and encounters for which
12 a follow-up visit is arranged. Issuing a prescription based
13 solely on an online questionnaire is not treatment for the
14 purposes of this section and does not constitute an acceptable
15 standard of care. For the purposes of prescribing ~~[a controlled~~
16 ~~substance,]~~ opiates or medical marijuana, a physician-patient
17 relationship shall only be established ~~[pursuant to chapter~~
18 ~~329.]~~ after an in-person consultation between the prescribing
19 physician and the patient.

20 ~~(e)~~ (d) All medical reports resulting from telehealth
21 services are part of a patient's health record and shall be made



1 available to the patient. Patient medical records shall be
2 maintained in compliance with all applicable state and federal
3 requirements including privacy requirements.

4 ~~[(f)]~~ (e) A physician shall not use telehealth to
5 establish a physician-patient relationship with a patient in
6 this State without a license to practice medicine in Hawaii. An
7 out-of-state physician shall not use telehealth to establish a
8 physician-patient relationship with a patient in this State
9 unless the out-of-state physician has an unrestricted license to
10 practice medicine in the out-of-state physician's state of
11 residence and a board certification in the specialty or
12 subspecialty in which the out-of-state physician practices.

13 (f) A physician-patient relationship may be established
14 via telehealth if the patient is referred to the telehealth
15 provider by another health care provider who has conducted an
16 in-person consultation and has provided all pertinent patient
17 information to the telehealth provider. Once a provider-patient
18 relationship is established, a patient or physician licensed in
19 this State may use telehealth for any purpose, including
20 consultation with a medical provider licensed in another state,
21 authorized by this section or as otherwise provided by law.



1 (g) The physician-patient relationship prerequisite under
2 this section shall not apply to telehealth consultations for
3 emergency department services.

4 [~~g~~] (h) Reimbursement for behavioral health services
5 provided through telehealth shall be equivalent to reimbursement
6 for the same services provided via face-to-face contact between
7 a health care provider and a patient.

8 (i) Services provided by telehealth pursuant to this
9 chapter shall be consistent with all federal and state privacy,
10 security, and confidentiality laws.

11 (j) For the purposes of this section:

12 "Distant site" means the location of the physician
13 delivering services through telehealth at the time the services
14 are provided.

15 "Originating site" means the location where the patient is
16 located, whether accompanied or not by a health care provider,
17 at the time services are provided by a physician through
18 telehealth, including but not limited to a physician's office,
19 hospital, health care facility, a patient's home, and other non-
20 medical environments such as school-based health centers,



1 university-based health centers, or the work location of a
2 patient.

3 "Telehealth" means the use of telecommunications as that
4 term is defined in section 269-1, to encompass four modalities:
5 store and forward technologies, remote monitoring, live
6 consultation, and mobile health; and which shall include but not
7 be limited to real-time video conferencing-based communication,
8 secure interactive and non-interactive web-based communication,
9 and secure asynchronous information exchange, to transmit
10 patient medical information, including diagnostic-quality
11 digital images and laboratory results for medical interpretation
12 and diagnosis, for the purposes of: delivering enhanced health
13 care services and information while a patient is at an
14 originating site and the physician is at a distant site;
15 establishing a physician-patient relationship; evaluating a
16 patient; or treating a patient."

17 SECTION 10. Section 453-2, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

- 19 "(b) Nothing herein shall:
- 20 (1) Apply to so-called Christian Scientists; provided that
 - 21 the Christian Scientists practice the religious tenets



1 of their church without pretending a knowledge of
2 medicine or surgery;

3 (2) Prohibit service in the case of emergency or the
4 domestic administration of family remedies;

5 (3) Apply to any commissioned medical officer in the
6 United States armed forces or public health service
7 engaged in the discharge of one's official duty,
8 including a commissioned medical officer employed by
9 the United States Department of Defense, while
10 providing direct telehealth support or services to
11 neighbor island beneficiaries within a Hawaii National
12 Guard armory on the island of Kauai, Hawaii, Molokai,
13 or Maui; provided that the commissioned medical
14 officer employed by the United States Department of
15 Defense is credentialed by Tripler Army Medical
16 Center;

17 (4) Apply to any practitioner of medicine and surgery from
18 another state when in actual consultation, including
19 in-person, mail, electronic, telephonic, fiber-optic,
20 or other telehealth consultation with a licensed
21 physician or osteopathic physician of this State, if



1 the physician or osteopathic physician from another
2 state at the time of consultation is licensed to
3 practice in the state in which the physician or
4 osteopathic physician resides; provided that:

5 (A) The physician or osteopathic physician from
6 another state shall not open an office, or
7 appoint a place to meet patients in this State,
8 or receive calls within the limits of the State
9 for the provision of care for a patient who is
10 located in this State;

11 (B) The licensed physician or osteopathic physician
12 of this State retains control and remains
13 responsible for the provision of care for the
14 patient who is located in this State; and

15 (C) The laws and rules relating to contagious
16 diseases are not violated;

17 (5) Prohibit services rendered by any person certified
18 under part II of this chapter to provide emergency
19 medical services, or any physician assistant, when the
20 services are rendered under the direction and control
21 of a physician or osteopathic physician licensed in



1 this State except for final refraction resulting in a
2 prescription for spectacles, contact lenses, or visual
3 training as performed by an oculist or optometrist
4 duly licensed by the State. The direction and control
5 shall not be construed in every case to require the
6 personal presence of the supervising and controlling
7 physician or osteopathic physician. Any physician or
8 osteopathic physician who employs or directs a person
9 certified under part II of this chapter to provide
10 emergency medical services, or a physician assistant,
11 shall retain full professional and personal
12 responsibility for any act that constitutes the
13 practice of medicine when performed by the certified
14 person or physician assistant;

- 15 (6) Prohibit automated external defibrillation by:
 - 16 (A) Any first responder personnel certified by the
 - 17 department of health to provide automated
 - 18 external defibrillation when it is rendered under
 - 19 the medical oversight of a physician or
 - 20 osteopathic physician licensed in this State; or



1 (B) Any person acting in accordance with section
2 663-1.5(e); or
3 (7) Prohibit a radiologist duly licensed to practice
4 medicine and provide radiology services in another
5 state from using telehealth while located in this
6 State to provide radiology services to a patient who
7 is located in the state in which the radiologist is
8 licensed. For the purposes of this paragraph:

9 "Distant site" means the location of the
10 radiologist delivering services through telehealth at
11 the time the services are provided.

12 "Originating site" means the location where the
13 patient is located, whether accompanied or not by a
14 health care provider, at the time services are
15 provided by a radiologist through telehealth,
16 including but not limited to a radiologist's or health
17 care provider's office, hospital, health care
18 facility, a patient's home, and other non-medical
19 environments such as school-based health centers,
20 university-based health centers, or the work location
21 of a patient.



1 "Radiologist" means a doctor of medicine or a
2 doctor of osteopathy certified in radiology by the
3 American Board of Radiology or the American Board of
4 Osteopathy.

5 "Telehealth" means the use of telecommunications,
6 as that term is defined in section 269-1, [~~including~~]
7 to encompass four modalities: store and forward
8 technologies, remote monitoring, live consultation,
9 and mobile health; and which shall include but not be
10 limited to real-time video conferencing-based
11 communication, secure interactive and non-interactive
12 web-based communication, and secure asynchronous
13 information exchange, to transmit patient medical
14 information, including diagnostic-quality digital
15 images and laboratory results for medical
16 interpretation and diagnosis, for the purpose of
17 delivering enhanced health care services and
18 information [~~to parties separated by distance.~~] while
19 a patient is at an originating site and the
20 radiologist is at a distant site. Standard telephone
21 contacts, facsimile transmissions, or e-mail texts, in



1 combination or by themselves, do not constitute a
2 telehealth service for the purposes of this
3 paragraph."

4 SECTION 11. Section 457-2, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By adding two new definitions to be appropriately
7 inserted and to read:

8 "Distant site" means the location of the nurse delivering
9 services through telehealth at the time the services are
10 provided.

11 "Originating site" means the location where the patient is
12 located, whether accompanied or not by a health care provider,
13 at the time services are provided by a nurse through telehealth,
14 including but not limited to a nurse's or health care provider's
15 office, hospital, health care facility, a patient's home, and
16 other non-medical environments such as school-based health
17 centers, university-based health centers, or the work location
18 of a patient."

19 2. By amending the definition of "telehealth" to read:

20 "Telehealth" means the use of [electronic information and
21 telecommunication technologies] telecommunications as that term



1 is defined in section 269-1, to encompass four modalities:
2 store and forward technologies, remote monitoring, live
3 consultation, and mobile health; and which shall include but not
4 be limited to real-time video conferencing-based communication,
5 secure interactive and non-interactive web-based communication,
6 and secure asynchronous information exchange, to transmit
7 patient medical information, including diagnostic-quality
8 digital images and laboratory results for medical interpretation
9 and diagnosis, to support long-distance clinical health care[7]
10 while a patient is at an originating site and the nurse is at a
11 distant site, patient and professional health-related education,
12 public health and health administration, to the extent that it
13 relates to nursing."

14 SECTION 12. Section 466J-6, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Any provision in this chapter to the contrary
17 notwithstanding, a license shall not be required for:

- 18 (1) A licensed medical practitioner in radiology;
19 (2) A licensed practitioner of nuclear medicine;
20 (3) A licensed physician assistant;
21 (4) A licensed doctor of dentistry;



- 1 (5) A licensed dental technician;
- 2 (6) A licensed dental hygienist;
- 3 (7) A student in an approved school for radiographers,
4 radiation therapists, or nuclear medicine
5 technologists, or in a school of medicine, podiatry,
6 dentistry, or a chiropractic school; provided that the
7 student is operating x-ray machines under the direct
8 supervision of a licensed radiographer, licensed
9 radiation therapist, licensed nuclear medicine
10 technologist, or a qualified person pursuant to this
11 chapter; and
- 12 (8) A radiologist duly licensed to practice medicine and
13 radiology services in another state who uses
14 telehealth while located in this State to provide
15 radiology services to a patient who is located in the
16 state in which the radiologist is licensed[-];
17 provided that services provided by telehealth pursuant
18 to this paragraph shall be consistent with all federal
19 and state privacy, security, and confidentiality laws.
20 For the purposes of this paragraph:



1 "Distant site" means the location of the
2 radiologist delivering services through telehealth at
3 the time the services are provided.

4 "Originating site" means the location where the
5 patient is located, whether accompanied or not by a
6 health care provider, at the time services are
7 provided by a radiologist through telehealth,
8 including but not limited to a radiologist's or health
9 care provider's office, hospital, health care
10 facility, a patient's home, and other non-medical
11 environments such as school-based health centers,
12 university-based health centers, or the work location
13 of a patient.

14 "Radiologist" means a doctor of medicine or a
15 doctor of osteopathy certified in radiology by the
16 American Board of Radiology or the American Board of
17 Osteopathy.

18 "Telehealth" means the use of telecommunications,
19 as that term is defined in section 269-1, [~~including~~]
20 to encompass four modalities: store and forward
21 technologies, remote monitoring, live consultation,



1 and mobile health; and which shall include but not be
2 limited to real-time video conferencing-based
3 communication, secure interactive and non-interactive
4 web-based communication, and secure asynchronous
5 information exchange, to transmit patient medical
6 information, including diagnostic-quality digital
7 images and laboratory results for medical
8 interpretation and diagnosis, for the purpose of
9 delivering enhanced health care services and
10 information [~~to parties separated by distance.~~] while
11 a patient is at an originating site and the
12 radiologist is at a distant site. Standard telephone
13 contacts, facsimile transmissions, or e-mail texts, in
14 combination or by themselves, do not constitute a
15 telehealth service for the purposes of this
16 paragraph. "

17 SECTION 13. Notwithstanding any other law to the contrary,
18 the reimbursement for telehealth services required under
19 sections 6, 7, and 8 of this Act shall apply to all health
20 benefits plans under chapter 87A, Hawaii Revised Statutes,



1 issued, renewed, modified, altered, or amended on or after the
2 effective date of this Act.

3 SECTION 14. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 15. This Act shall take effect on July 1, 2050.

6



Report Title:

Telehealth; Insurance; Medicaid; Covered Services; Liability Insurance; Reimbursement; Disclosure; Requirements; EUTF

Description:

Requires the State's medicaid managed care and fee-for-service programs to cover services provided through telehealth. Specifies that any telehealth services provided shall be consistent with all federal and state privacy, security, and confidentiality laws. Specifies medical professional liability insurance policy requirements with regard to telehealth coverage. Clarifies that reimbursement for services provided through telehealth shall be equivalent to reimbursement for the same services provided via face-to-face contact between a health care provider and a patient. Requires written disclosure of coverages and benefits associated with telehealth services. Ensures telehealth encompasses store and forward technologies, remote monitoring, live consultation, and mobile health. Ensures telehealth is covered when originating in a patient's home and other non-medical environments. Clarifies requirements for physicians and out-of-state physicians to establish a physician-patient relationship via telehealth. Ensures reimbursement requirements for telehealth services apply to all health benefits plans under chapter 87A, Hawaii Revised Statutes. Makes other conforming amendments related to telehealth. Effective 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

