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# A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 PART I

2 SECTION 1. Section 87A-16, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 "[+]§87A-16[+] **Health benefits plan; carriers.** (a) The  
5 board shall establish the health benefits plan or plans, which  
6 shall be exempt from the minimum group requirements of chapter  
7 431.

8 (b) The board may contract for health benefits plans or  
9 provide health benefits through a noninsured schedule of  
10 benefits.

11 (c) Notwithstanding any law to the contrary, the board  
12 shall during open enrollment and other enrollment periods offer  
13 an employee-beneficiary or dependent-beneficiary eligible for  
14 enrollment and currently enrolled in a health benefits plan  
15 established under this section, coverage for prescription drug  
16 benefits that is identical to the coverage provided under the  
17 employee-beneficiary's or dependent-beneficiary's current plan.

18 For the purposes of the subsection:



1 "Coverage" means the benefits, costs, and requirements for  
2 patient access to medical products and services as enumerated in  
3 the written explanation of benefits document issued by the  
4 health carrier.

5 "Identical" means the exact benefit as provided in the  
6 written explanation of benefits document issued by the health  
7 carrier.

8 "Prescription drug benefits" means the prescription drug  
9 benefits as defined in the explanation of benefits document  
10 issued by the health insurance carrier that describes the cost,  
11 cost-sharing, and available medications, as well as any  
12 utilization management requirements that patients must meet in  
13 order to access the prescribed drug."

14 PART II

15 SECTION 2. The purpose of this part is to improve access  
16 to the full range of health care services to Medicaid and QUEST  
17 members, by ensuring that Medicaid and QUEST health plans have  
18 the flexibility to provide appropriate health services via  
19 technological means such as telehealth.

20 SECTION 3. Chapter 346, Hawaii Revised Statutes, is  
21 amended by adding a new section to be appropriately designated  
22 and to read as follows:



1           "§346-    Telehealth services; Medicaid and QUEST.  The  
2 department shall not require:

3           (1)  The department's approval for a health plan under the  
4           department's Medicaid or QUEST programs to deliver  
5           services using a telehealth service; or

6           (2)  In-person visits to qualify any telehealth service for  
7           coverage under the department's Medicaid or QUEST  
8           programs.

9 For the purposes of this section, "telehealth" means the use of  
10 telecommunications services, as defined in section 269-1,  
11 including but not 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.  A standard telephone contact, facsimile  
19 transmission, or an email text, in combination or by itself,  
20 does not constitute a telehealth service for the purposes of  
21 this section."

1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect on July 1, 2020;  
7 provided that the provisions of section 87A-16(c), Hawaii  
8 Revised Statutes, in section 1 of this Act shall retroactively  
9 apply to prescription drug plans of employee-beneficiaries and  
10 dependent-beneficiaries of the employer-union health benefits  
11 trust fund enrolled in health plans as of the effective date of  
12 this Act, who enrolled during the open enrollment periods ending  
13 on:

14 (1) For active employees, December 7, 2009; and

15 (2) For retirees, November 30, 2009;

16 provided further that notwithstanding the close of these open  
17 enrollment periods, these beneficiaries shall prior to be  
18 offered the coverage for prescription drug benefits required  
19 under section 87A-16(c), Hawaii Revised Statutes, in section 1  
20 of this Act.



**Report Title:**

Health Insurance; Drug Coverage; EUTF; Telehealth; Medicaid;  
QUEST

**Description:**

Requires EUTF health benefits plans to allow enrollees to continue the same prescription drug coverage for current enrollees, and applies this provision retroactively to the 2009 EUTF open enrollment period. Prohibits the Department of Human Services from requiring its approval for a Medicaid or QUEST health plan to deliver services through telehealth, and from requiring in-person health care visits to qualify telehealth services for coverage under these health plans. Effective July 1, 2020. (HB2461 HD2)

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

