
A BILL FOR AN ACT

RELATING TO TELEMEDICINE.

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

1 SECTION 1. Section 453-1.3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) ~~[Nothing]~~ Subject to section 453-2(b), nothing in
4 this section shall preclude any physician acting within the
5 scope of the physician's license to practice from practicing
6 telemedicine as defined in this section."

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

9 "(b) Nothing herein shall:

- 10 (1) Apply to so-called Christian Scientists; provided that
11 the Christian Scientists practice the religious tenets
12 of their church without pretending a knowledge of
13 medicine or surgery;
- 14 (2) Prohibit service in the case of emergency or the
15 domestic administration of family remedies;
- 16 (3) Apply to any commissioned medical officer in the
17 United States armed forces or public health service
18 engaged in the discharge of one's official duty, ~~[not]~~



1 including a commissioned medical officer, a
2 commissioned behavioral health professional, or a
3 civilian behavioral health professional employed by
4 the United States Department of Defense, while
5 providing direct telemedicine support or services to
6 neighbor island beneficiaries within a Hawaii national
7 guard armory on the island of Kauai, Hawaii, Molokai,
8 or Maui; provided that the commissioned medical
9 officer or the commissioned behavioral health
10 professional employed by the United States Department
11 of Defense is credentialed by Tripler Army Medical
12 Center; provided further that the civilian behavioral
13 health professional is otherwise licensed as a
14 marriage and family therapist under chapter 451J, a
15 mental health counselor under chapter 453D, or a
16 psychologist licensed under chapter 465 and is
17 employed by the United States Department of Defense
18 and credentialed by Tripler Army Medical Center;

19 (4) Apply to any practitioner of medicine and surgery from
20 another state when in actual consultation, including
21 in-person, mail, electronic, telephonic, fiber-optic,
22 or other telemedicine consultation with a licensed



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

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

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

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

18 [~~4~~] (5) Prohibit services rendered by any person
19 certified under part II of this chapter to provide
20 emergency medical services, or any physician
21 assistant, when the services are rendered under the
22 direction and control of a physician or osteopathic



1 physician licensed in this State except for final
2 refraction resulting in a prescription for spectacles,
3 contact lenses, or visual training as performed by an
4 oculist or optometrist duly licensed by the State.

5 The direction and control shall not be construed in
6 every case to require the personal presence of the
7 supervising and controlling physician or osteopathic
8 physician. Any physician or osteopathic physician who
9 employs or directs a person certified under part II of
10 this chapter to provide emergency medical services, or
11 a physician assistant, shall retain full professional
12 and personal responsibility for any act that
13 constitutes the practice of medicine when performed by
14 the certified person or physician assistant;

15 [~~5~~] (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

21 (B) Any person acting in accordance with section 663-
22 1.5(e); or



1 [~~6~~] (7) Prohibit a radiologist duly licensed to practice
2 medicine and provide radiology services in another
3 state from using telemedicine while located in this
4 State to provide radiology services to a patient who
5 is located in the state in which the radiologist is
6 licensed. For the purposes of this paragraph:

7 "Radiologist" means a doctor of medicine or a
8 doctor of osteopathy certified in radiology by the
9 American Board of Radiology or the American Board of
10 Osteopathy.

11 "Telemedicine" means the use of
12 telecommunications services, as that term is defined
13 in section 269-1, including real-time video
14 conferencing-based communication, secure interactive
15 and non-interactive web-based communication, and
16 secure asynchronous information exchange, to transmit
17 patient medical information, such as diagnostic-
18 quality digital images and laboratory results for
19 medical interpretation and diagnosis, and deliver
20 health care services and information to parties
21 separated by distance."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

4



Report Title:

Telemedicine; Behavioral Health; License Exemption; Military Patients

Description:

Exempts from licensing requirement to practice medicine in the State any commissioned medical officer or commissioned or civilian behavioral health professional employed by the U.S. Department of Defense, who is credentialed by Tripler Army Medical Center, while providing direct telemedicine support or services to neighbor island beneficiaries within a Hawaii national guard armory on the island of Kauai, Hawaii, Molokai, or Maui. Specifies that those civilian behavioral health professionals employed by the United States Department of Defense and who are credentialed by Tripler Army Medical Center must also be otherwise licensed as marriage and family therapists under chapter 451J, HRS, mental health counselors under chapter 453D, HRS, or psychologists under chapter 465, HRS. (SD1)

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