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# A BILL FOR AN ACT

RELATING TO IMPROVING ACCESS TO PSYCHIATRIC CARE FOR MEDICAID PATIENTS.

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

1           SECTION 1. The legislature finds that the psychiatric  
2 collaborative care model of integrated care is ideal for states  
3 with community populations that are remote from urban centers,  
4 because the model does not require the physical presence of a  
5 psychiatrist when psychiatric services can be delivered  
6 remotely. The psychiatric collaborative care model supports  
7 mental and behavioral health through a team-based, coordinated  
8 approach involving a psychiatric consultant, a behavioral health  
9 care manager, and the primary care clinician extending beyond  
10 the scope of an office visit.

11           The legislature further finds that the Centers for Medicare  
12 and Medicaid Services recently released a medicare fee schedule  
13 that includes healthcare common procedure coding system (HCPC) G  
14 codes and fee for psychiatric collaborative care management  
15 services, which will be used to reimburse primary care



1 physicians for services that psychiatrists provide in the  
2 collaborative care model.

3 The purpose of this Act is to specify that coverage for  
4 telehealth under the State's medicaid managed care and fee-for-  
5 service programs includes psychiatric services provided through  
6 a coordinated care manager who is present in a primary health  
7 care provider's office through telehealth.

8 SECTION 2. Section 346-59.1, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "[+]§346-59.1[+] Coverage for telehealth. (a) The  
11 State's medicaid managed care and fee-for-service programs shall  
12 not deny coverage for any service provided through telehealth  
13 that would be covered if the service were provided through in-  
14 person consultation between a patient and a health care  
15 provider.

16 (b) Required coverage for services under subsection (a)  
17 includes psychiatric services provided to a patient by a  
18 collaborative care team consisting of a primary care provider  
19 and behavioral health care manager, present in the primary care  
20 provider's office, in conjunction with a psychiatric consultant  
21 whose services may be delivered remotely through telehealth.



1       ~~[(b)]~~ (c) Reimbursement for services provided through  
2 telehealth shall be equivalent to reimbursement for the same  
3 services provided via face-to-face contact between a health care  
4 provider and a patient. Nothing in this section shall require a  
5 health care provider to be physically present with the patient  
6 at an originating site unless a health care provider at the  
7 distant site deems it necessary.

8       ~~[(e)]~~ (d) There shall be no geographic restrictions or  
9 requirements for telehealth coverage or reimbursement under this  
10 section.

11       ~~[(d)]~~ (e) There shall be no restrictions on originating  
12 site requirements for telehealth coverage or reimbursement under  
13 this section.

14       ~~[(e)]~~ (f) Services provided by telehealth pursuant to this  
15 section shall be consistent with all federal and state privacy,  
16 security, and confidentiality laws.

17       ~~[(f)]~~ (g) Notwithstanding any other law to the contrary,  
18 the provisions of this section shall comply with the applicable  
19 federal requirements related to utilization, coverage, and  
20 reimbursement for telehealth services.

21       ~~[(g)]~~ (h) For the purposes of this section:



1       "Behavioral health care manager" means a nurse, social  
2 worker, licensed counselor, or psychologist, who coordinates the  
3 overall effort of the group, ensures effective communication  
4 among team members, and provides psychotherapy when that is part  
5 of the treatment plan. The behavioral health care manager is  
6 responsible for coordinating and supporting mental health care  
7 within the clinic and for coordinating referrals to clinically  
8 indicated services outside the clinic.

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), other  
16 practitioners licensed by the State and working within their  
17 scope of practice, 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.

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 "Psychiatric consultation services" means services provided  
14 by a medical physician trained in psychiatry and qualified to  
15 prescribe the full range of medications, who advises and makes  
16 recommendations for psychiatric and other medical care,  
17 including psychiatric and other medical diagnoses, treatment  
18 strategies including appropriate therapies, medication  
19 management, medical management of complications associated with  
20 treatment of psychiatric disorders, and referral for specialty  
21 services, that are communicated to the treating physician or



1 other qualified health care professional, typically through the  
2 behavioral health care manager.

3 "Telehealth" means the use of telecommunications services,  
4 as 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 purpose of delivering enhanced health  
13 care services and information while a patient is at an  
14 originating site and the health care provider is at a distant  
15 site. Standard telephone contacts, facsimile transmissions, or  
16 e-mail text, in combination or by itself, does not constitute a  
17 telehealth service for the purposes of this section."

18 SECTION 3. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun before its effective date.



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

3 SECTION 5. This Act shall take effect on July 1, 2075.



**Report Title:**

Medicaid; Telehealth; Psychiatric Services

**Description:**

Specifies that coverage for telehealth under the State's medicaid managed care and fee-for-service programs includes psychiatric services provided through a coordinated care manager who is present in a primary health care provider's office through telehealth. (HB1272 HD1)

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

