



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 25, 2019

GOV. MSG. NO. 1241

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 25, 2019, the following bill was signed into law:

SB1246 SD2 HD2 CD1

RELATING TO TELEHEALTH.
ACT 139 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

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 adoption
2 in Hawaii is increasing. The report of findings from the 2017
3 Hawaii Physician Workforce Assessment Project estimates that
4 approximately fifteen per cent of providers report a telehealth
5 experience, which is an increase from 2014 of less than five per
6 cent. This rate increase coincides with the enactment of Act
7 159, Session Laws of Hawaii 2014, and Act 226, Session Laws of
8 Hawaii 2016, both of which increased telehealth adoption such as
9 reimbursement parity with face-to-face visits and malpractice
10 coverage reform.

11 However, despite this favorable policy environment,
12 telehealth utilization remains frustratingly low. A continuum
13 of issues across multiple sectors must be addressed, such as
14 incentives for provider adoption, patient comfort with new
15 technology, health care workforce training, technology and
16 telecommunications infrastructure, and administrative
17 simplification between health systems.



1 The purpose of this Act is to establish resources to
2 achieve Hawaii's goal of establishing telehealth as a community
3 standard for health care access.

4 SECTION 2. **Definitions.** As used in this Act, unless the
5 context requires otherwise:

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



1 SECTION 3. State telehealth policy, roles, and
2 responsibilities. (a) It shall be the policy of the State to
3 promote telehealth to deliver health care from a distance as an
4 effective way of overcoming certain barriers to accessing care,
5 particularly for communities located in rural and remote areas.

6 (b) The department of health is authorized to lead
7 statewide efforts to ensure consumer choice, reduce disparities
8 in access to care, enhance health care provider availability,
9 and improve quality of care through telehealth.

10 SECTION 4. State strategic telehealth advisory council.

11 (a) There is established within the department of health for
12 administrative purposes the state strategic telehealth advisory
13 council. The advisory council shall advise the governor in the
14 development and implementation of a comprehensive plan to
15 establish telehealth as high quality, cost-effective, and
16 reliable means of health care access.

17 (b) The membership of the state strategic telehealth
18 advisory council shall be appointed by the governor without
19 regard to section 26-34, Hawaii Revised Statutes. The director
20 of health or a designee shall serve as an ex officio nonvoting
21 member of the advisory council.



1 (c) In establishing the advisory council, the governor
2 shall appoint at least:

3 (1) Two members of organizations that represent health
4 care facilities, one of whom shall be a representative
5 of a hospital;

6 (2) Two members of organizations that represent health
7 insurers, one of whom shall be a representative of an
8 organization that primarily serves medicaid
9 beneficiaries;

10 (3) One member of an organization that represents
11 broadband infrastructure or telecommunications
12 services;

13 (4) One member from the office of the governor;

14 (5) Two members of long-term care service providers, one
15 of whom shall be a representative of a nursing home
16 and one of whom shall be a representative of a home
17 health agency or community-based health services
18 program;

19 (6) Two health care practitioners, each of whom practices
20 primarily in a rural county; and



1 (7) One member of an organization that represents mental
2 health service providers;
3 provided that there shall be at least one state strategic
4 telehealth advisory council member from each county in the
5 State. The advisory council shall select a chairperson from
6 among its members.

7 The members shall serve without compensation but shall be
8 reimbursed for actual expenses, including travel expenses, that
9 are necessary for the performance of their duties.

10 (d) The number of members necessary to constitute a quorum
11 to do business shall consist of a majority of all members who
12 have accepted the nomination to the advisory council. When a
13 quorum is in attendance, the concurrence of a majority of the
14 members in attendance shall make any action of the council
15 valid.

16 (e) Two or more members of the council, but less than the
17 number of members which would constitute a quorum for the
18 council, may discuss between themselves matters relating to
19 official business of the council to enable them to faithfully
20 perform their duties to the council and the organizations they
21 represent, as long as no commitment to vote is made or sought.



1 Such discussions shall be a permitted interaction under section
2 92-2.5, Hawaii Revised Statutes.

3 (f) The state strategic telehealth advisory council shall
4 be dissolved on July 1, 2022.

5 SECTION 5. State telehealth and health care access
6 coordinator. (a) There is established a full-time state
7 telehealth and health care access coordinator to support the
8 state strategic telehealth advisory council. The state
9 telehealth and health care access coordinator shall facilitate
10 the establishment of infrastructure and policies across all
11 agencies of the State and private sector to promote the
12 expansion of telehealth in the State, including:

- 13 (1) Providing administrative support to the state
14 strategic telehealth advisory council;
- 15 (2) Coordinating with the department of commerce and
16 consumer affairs on issues relating to professional
17 and vocational licensing and insurance regulation as
18 related to telehealth;
- 19 (3) Coordinating with the department of commerce and
20 consumer affairs and department of business, economic
21 development, and tourism on broadband connectivity;



- 1 (4) Coordinating with the department of education,
2 department of public safety, department of human
3 services, Hawaii employer-union health benefits trust
4 fund, and other state agencies that finance or provide
5 health care services to promote the use of telehealth;
- 6 (5) Coordinating with the University of Hawaii and other
7 agencies on telehealth research to ensure quality,
8 cost-effectiveness, and efficacy;
- 9 (6) Coordinating with the department of labor and
10 industrial relations, University of Hawaii, department
11 of education, and other agencies to encourage a
12 telehealth-capable workforce;
- 13 (7) Coordinating with the office of enterprise technology
14 services on matters related to cybersecurity; and
- 15 (8) Coordinating with the private sector to ensure
16 alignment and consistency with state goals.
- 17 (b) The state telehealth and health care access
18 coordinator shall be selected by the director of health.

19 SECTION 6. Telehealth administrative simplification
20 working group. The department of health shall establish and
21 convene a telehealth administrative simplification working group



1 to research and make recommendations to reduce administrative
2 barriers to telehealth, which may include health care system
3 credentialing, privileging, and other processes that contribute
4 to delays and inefficiencies for health care providers
5 delivering care to patients. The telehealth administrative
6 simplification working group shall be exempt from part I of
7 chapter 92, Hawaii Revised Statutes.

8 The telehealth administrative simplification working group
9 shall submit a report of its findings and recommendations,
10 including any proposed legislation, to the legislature no later
11 than twenty days before the convening of the regular session of
12 2020.

13 SECTION 7. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$110,000 or so much
15 thereof as may be necessary for fiscal year 2019-2020 and the
16 same sum or so much thereof as may be necessary for fiscal year
17 2020-2021 for the establishment of one full-time equivalent (1.0
18 FTE) permanent state telehealth and health care access
19 coordinator position within the department of health.

20 The sums appropriated shall be expended by the department
21 of health for the purposes of this Act.



1 SECTION 8. This Act shall take effect on July 1, 2019.

APPROVED this 25 day of JUN, 2019

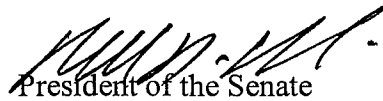


GOVERNOR OF THE STATE OF HAWAII

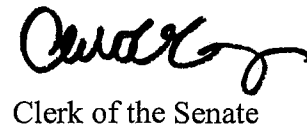
THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.



President of the Senate



Clerk of the Senate

SB No. 1246, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives