

JAN 24 2019

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 15 per cent of providers report a telehealth
5 experience, which is an increase from 2014 of less than 5 per
6 cent. This rate increase coincides with enactment Act 159,
7 Session Laws of Hawaii (SLH) 2014, and Act 226, SLH 2016, both
8 of which diminished several long-standing barriers to increased
9 telehealth adoption such as reimbursement parity with face-to-
10 face visits and malpractice 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.

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

4 SECTION 2. Chapter 321 is amended by adding a new part to
5 be appropriately designated and to read as follows:

6 "PART . TELEHEALTH

7 "§321- Definitions. As used in this part, unless the
8 context requires otherwise:

9 "Telehealth" means the use of telecommunications as that
10 term is defined in section 269-1, 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 purposes of: delivering
19 enhanced health care services and information while a patient is
20 at an originating site and the physician is at a distant site;
21 establishing a physician-patient relationship; evaluating a
22 patient; or treating a patient.

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1 **§321- State telehealth policy, roles and**
2 **responsibilities.** (a) It shall be the policy of the State,
3 through its programs, authorities, and resources to promote
4 telehealth to deliver health care from a distance as an
5 effective way of overcoming certain barriers to accessing care,
6 particularly for communities located in rural and remote areas.

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

11 **§321- Telehealth advisory council.** (a) There is
12 established within the department of health for administrative
13 purposes the state strategic telehealth advisory council. The
14 advisory council shall advise the governor in the development
15 and implementation of a comprehensive plan to establish
16 telehealth as high quality, cost-effective, and reliable means
17 of health care access.

18 (b) The advisory board shall consist of at least nine
19 members who shall be appointed by the governor without regard to
20 section 26-35. The governor shall designate a member to be the
21 chairperson of the advisory board. The director of health or a

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1 designee shall serve as an ex officio nonvoting member of the
2 advisory board.

3 (c) In establishing the advisory board, the governor shall
4 appoint at least:

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

8 (2) Two members of organizations that represent health
9 insurers; one of whom shall primarily serve medicaid
10 beneficiaries;

11 (3) One member of organizations that represent broadband
12 infrastructure or telecommunications services;

13 (4) One member from the office of the governor or a
14 designee;

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

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

21 (7) One member of organizations that represents mental
22 health providers;

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1 provided that there shall be at least one state strategic
2 telehealth advisory council member from each county in the
3 State.

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

7 (d) The state strategic telehealth advisory council shall
8 be exempt from chapter 92, Hawaii Revised Statutes.

9 §321- State telehealth coordinator. (a) There is
10 established the full-time Hawaii state telehealth coordinator to
11 support the state strategic telehealth advisory council. The
12 state telehealth coordinator shall facilitate the establishment
13 of infrastructure and policies across all agencies of the State
14 and private sector to promote the expansion of telehealth in
15 Hawaii, including:

- 16 (1) Promoting administrative support to the state
17 strategic telehealth council;
- 18 (2) Coordinating with the department of commerce and
19 consumer affairs on issues relating to professional
20 and vocational licensing, and insurance regulation as
21 they relate to telehealth;

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- 1 (3) Coordinating with the department of commerce and
2 consumer affairs and department of business, economic
3 development, and tourism on broadband connectivity;
- 4 (4) Coordinating with the department of education, the
5 department of public safety, department of human
6 services, the employer union trust fund, and other
7 state agencies that finance or provide health care
8 services to promote the use of telehealth;
- 9 (5) Coordinating with the University of Hawaii and other
10 agencies on telehealth research to assure quality,
11 cost effectiveness, and efficacy;
- 12 (6) Coordinating with the department of labor and
13 industrial relations, the University of Hawaii, the
14 department of education, and other agencies to assure
15 a telehealth-capable workforce;
- 16 (7) Coordinating with the office of the state chief
17 information officer on matters related to
18 cybersecurity; and
- 19 (8) Coordinating with the private sector to assure
20 alignment and consistency with state goals.
- 21 (b) The coordinator shall be selected by the director of
22 health."

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1 SECTION 2. (a) The department of health shall establish
2 and convene a working group to research and make recommendations
3 to reduce barriers related to health care system credentialing,
4 privileging, and related administrative processes that may
5 contribute to delays and inefficiencies for health care
6 providers delivering care to patients. The working group shall
7 be exempt from chapter 92, Hawaii Revised Statutes.

8 The working group shall submit a final report, including
9 recommendations for further action, to the legislature no later
10 than twenty days before the convening of the regular session of
11 2020.

12 SECTION 3. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$110,000 or so much
14 thereof as may be necessary for fiscal year 2019-2020 and the
15 same sum or so much thereof as may be necessary for fiscal year
16 2020-2021 for the establishment of one permanent full-time
17 equivalent (1.0 FTE) state telehealth coordinator position
18 within the department of health.

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

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1 SECTION 4. This Act shall take effect upon its approval,
2 and shall be repealed on January 1, 2022.

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INTRODUCED BY: *MUN. M.*

5

BY REQUEST

SB. NO. 1246

Report Title:

Telehealth

Description:

Establishes goals for the adoption and proliferation of telehealth to increase health care access. Establishes the Strategic Telehealth Advisory Council and permanent full-time State Telehealth Coordinator position.

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

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO TELEHEALTH.

PURPOSE: To establish telehealth as a priority to support access to health care by creating a telehealth advisory council and a full-time permanent state telehealth coordinator.

MEANS: Add a new part to chapter 321, Hawaii Revised Statutes.

JUSTIFICATION: Telehealth has been demonstrated to be a cost-effective and high quality means of delivering health care, but provider adoption has been modest. A persistent resource is required to assure that professional, clinical, financial, infrastructure, legal, workforce, and patient issues are coordinated and resolved.

Impact on the public: Patients may have improved health care access via telehealth.

Impact on the department and other agencies: State agencies will benefit from enhanced coordination and communication on issues relating to telehealth. Some agencies may be required to participate on the advisory council.

GENERAL FUND: \$110,000 for 1.0 FTE salary and fringe benefits.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 907.

OTHER AFFECTED AGENCIES: Employer Union Trust Fund.

EFFECTIVE DATE: Upon approval.