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# 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           Therefore, the purpose of this Act is to establish  
2 permanent resources to achieve Hawaii's goal of establishing  
3 telehealth as a community 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 assure 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 26-35, 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) The state strategic telehealth advisory council shall  
17 be exempt from chapter 92, Hawaii Revised Statutes; provided  
18 that the advisory council shall make a good faith effort to  
19 comply with the requirements of chapter 92, Hawaii Revised  
20 Statutes, and hold meetings open to the public.



1 SECTION 5. State telehealth coordinator. (a) There is  
2 established a full-time state telehealth coordinator to support  
3 the state strategic telehealth advisory council. The state  
4 telehealth coordinator shall facilitate the establishment of  
5 infrastructure and policies across all agencies of the State and  
6 private sector to promote the expansion of telehealth in the  
7 State, including:

- 8 (1) Providing administrative support to the state  
9 strategic telehealth council;
- 10 (2) Coordinating with the department of commerce and  
11 consumer affairs on issues relating to professional  
12 and vocational licensing and insurance regulation as  
13 related to telehealth;
- 14 (3) Coordinating with the department of commerce and  
15 consumer affairs and department of business, economic  
16 development, and tourism on broadband connectivity;
- 17 (4) Coordinating with the department of education,  
18 department of public safety, department of human  
19 services, Hawaii employer-union health benefits trust  
20 fund, and other state agencies that finance or provide  
21 health care services to promote the use of telehealth;



1 (5) Coordinating with the University of Hawaii and other  
2 agencies on telehealth research to assure quality,  
3 cost-effectiveness, and efficacy;

4 (6) Coordinating with the department of labor and  
5 industrial relations, University of Hawaii, department  
6 of education, and other agencies to encourage a  
7 telehealth-capable workforce;

8 (7) Coordinating with the office of enterprise technology  
9 services on matters related to cybersecurity; and

10 (8) Coordinating with the private sector to ensure  
11 alignment and consistency with state goals.

12 (b) The coordinator shall be selected by the director of  
13 health.

14 SECTION 6. Telehealth administrative simplification

15 working group. (a) The department of health shall establish  
16 and convene a telehealth administrative simplification working  
17 group to research and make recommendations to reduce  
18 administrative barriers to telehealth, which may include health  
19 care system credentialing, privileging, and other processes that  
20 contribute to delays and inefficiencies for health care  
21 providers delivering care to patients. The telehealth



1 administrative simplification working group shall be exempt from  
2 part I of chapter 92, Hawaii Revised Statutes.

3 The telehealth administrative simplification working group  
4 shall submit a final report of its findings and recommendations,  
5 including any proposed legislation, to the legislature no later  
6 than twenty days before the convening of the regular session of  
7 2020.

8 SECTION 7. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$110,000 or so much  
10 thereof as may be necessary for fiscal year 2019-2020 and the  
11 same sum or so much thereof as may be necessary for fiscal year  
12 2020-2021 for the establishment of one full-time equivalent (1.0  
13 FTE) permanent state telehealth coordinator position within the  
14 department of health.

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

17 SECTION 8. This Act shall take effect on July 1, 2050;  
18 provided that:

- 19 (1) Section 7 shall take effect on July 1, 2050; and
- 20 (2) This Act shall be repealed on January 1, 2022.





**Report Title:**

Telehealth; Strategic Telehealth Advisory Council; State  
Telehealth Coordinator; Working Group; Appropriation

**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 equivalent State Telehealth Coordinator position. Establishes the telehealth administrative simplification working group to research, make recommendations, and report to the legislature. Appropriates funds. Sunsets 1/1/2022. (SB1246 HD1)

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