
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. 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 services,
10 as defined in section 269-1, to encompass four modalities:
11 store and forward technologies, remote monitoring, live
12 consultation, and mobile health; and which shall include but not
13 be limited to real-time video conferencing-based communication,
14 secure interactive and non-interactive web-based communication,
15 and secure asynchronous information exchange, to transmit
16 patient medical information, including diagnostic-quality
17 digital images and laboratory results for medical interpretation
18 and diagnosis, for the purpose of delivering enhanced health
19 care services and information while a patient is at an
20 originating site and the health care provider is at a distant
21 site. Standard telephone contacts, facsimile transmissions, or



1 e-mail text, in combination or by itself, does not constitute a
2 telehealth service for the purposes of this part.

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

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

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

20 (b) The membership of the strategic telehealth advisory
21 council shall not exceed eleven members who shall be appointed



1 by the governor without regard to section 26-35. The governor
2 shall designate a member to be the chairperson of the advisory
3 council. The director of health or a designee shall serve as an
4 ex officio nonvoting member of the advisory council.

5 (c) In establishing the advisory council, the governor
6 shall appoint at least:

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

10 (2) Two members of organizations that represent health
11 insurers; one of whom shall be a representative of an
12 organization that primarily serves medicaid
13 beneficiaries;

14 (3) One member of organizations that represent broadband
15 infrastructure or telecommunications services;

16 (4) One member from the office of the governor or a
17 designee;

18 (5) Two members of long-term care service providers, one
19 of whom shall be a representative of a nursing home
20 and one of whom shall be a representative of a home



1 health agency or community-based health services
2 program;

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

5 (7) One member of organizations that represents mental
6 health providers;

7 provided that there shall be at least one state strategic
8 telehealth advisory council member from each county in the
9 State. The advisory council shall select a chairperson from
10 among its members.

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

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

20 (e) The state strategic telehealth advisory council shall
21 be exempt from chapter 92, Hawaii Revised Statutes.



1 §321- State telehealth coordinator. (a) There is
2 established the full-time Hawaii state telehealth coordinator to
3 support the state strategic telehealth advisory council. The
4 state telehealth coordinator shall facilitate the establishment
5 of infrastructure and policies across all agencies of the State
6 and private sector to promote the expansion of telehealth in
7 Hawaii, 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 they relate 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 3. (a) The department of health shall establish

15 and convene a telehealth administrative simplification working

16 group to research and make recommendations to reduce

17 administrative barriers to telehealth, which may include health

18 care system credentialing, privileging, and other processes that

19 contribute to delays and inefficiencies for health care

20 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 4. 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 5. This Act shall take effect upon its approval;
18 provided that:

19 (1) Section 4 shall take effect on July 1, 2019; 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. Repeals 1/1/2022. (SD1)

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