
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 has
2 served as a lifeline of access to essential health care services
3 for residents with adequate broadband coverage. However, many
4 residents that live in rural and underprivileged communities are
5 often cut off from receiving essential health care through
6 telehealth because they lack the broadband coverage necessary to
7 access this care. As a result, many of these residents will put
8 off receiving care until the point of requiring emergency room
9 admission, which in turn adds strain to a system already
10 experiencing resource and staffing shortages.

11 The legislature further finds that the use of standard
12 telephone contact in telehealth during the coronavirus disease
13 2019 pandemic demonstrated the effectiveness of this tool as a
14 mode of essential health care delivery, especially for residents
15 living in rural, isolated, and underprivileged communities. For
16 kupuna and others who may have limited digital literacy, the



1 ability to use a landline telephone to receive care was a
2 lifeline resource during the pandemic.

3 The purpose of this Act is to temporarily allow for the
4 reimbursement for services provided through an interactive
5 telecommunication system and two-way, real-time audio-only
6 communications for telehealth purposes, consistent with the 2023
7 Medicare Physician Fee Schedule, and impose certain
8 reimbursement limits and conditions for private insurers.

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

11 1. By amending subsection (b) to read:

12 "(b) Reimbursement for services provided through
13 telehealth via an interactive telecommunications system shall be
14 equivalent to reimbursement for the same services provided via
15 [~~face-to-face~~] in-person contact between a health care provider
16 and a patient[-]; provided that reimbursement for the diagnosis,
17 evaluation, or treatment of a mental health disorder delivered
18 through an interactive telecommunications system using two-way,
19 real-time audio-only communication technology shall meet the
20 requirements of title 42 Code of Federal Regulations section
21 410.78. Nothing in this section shall require a health care



1 provider to be physically present with the patient at an
2 originating site unless a health care provider at the distant
3 site deems it necessary."

4 2. By amending subsection (g) to read:

5 "(g) For the purposes of this section:

6 "Distant site" means the location of the health care
7 provider delivering services through telehealth at the time the
8 services are provided.

9 "Health care provider" means a provider of services, as
10 defined in title 42 United States Code section 1395x(u), a
11 provider of medical and other health services, as defined in
12 title 42 United States Code section 1395x(s), other
13 practitioners licensed by the State and working within their
14 scope of practice, and any other person or organization who
15 furnishes, bills, or is paid for health care in the normal
16 course of business, including but not limited to primary care
17 providers, mental health providers, oral health providers,
18 physicians and osteopathic physicians licensed under chapter
19 453, advanced practice registered nurses licensed under chapter
20 457, psychologists licensed under chapter 465, and dentists
21 licensed under chapter 448.



1 "Interactive telecommunications system" has the same
2 meaning as the term is defined in title 42 Code of Federal
3 Regulations section 410.78(a).

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~~] nonmedical environments such as
11 school-based health centers, university-based health centers, or
12 the work location of a patient.

13 "Telehealth" means the use of telecommunications services,
14 as defined in section 269-1, to encompass four modalities:
15 store and forward technologies, remote monitoring, live
16 consultation, and mobile health; and which shall include but not
17 be limited to real-time video conferencing-based communication,
18 secure interactive and non-interactive web-based communication,
19 and secure asynchronous information exchange, to transmit
20 patient medical information, including diagnostic-quality
21 digital images and laboratory results for medical interpretation



1 and diagnosis, for the purpose of delivering enhanced health
2 care services and information while a patient is at an
3 originating site and the health care provider is at a distant
4 site. [~~Standard~~] Except as provided through an interactive
5 telecommunications system, standard telephone contacts,
6 facsimile transmissions, or e-mail text, in combination or [~~by~~
7 ~~itself, does~~] alone, do not constitute [a] telehealth [~~service~~
8 ~~for the purposes of this section.~~] services."

9 SECTION 3. Section 431:10A-116.3, Hawaii Revised Statutes,
10 is amended to read as follows:

11 1. By amending subsections (a) through (c) to read:

12 "(a) It is the intent of the legislature to recognize the
13 application of telehealth as a reimbursable service by which an
14 individual shall receive medical services from a health care
15 provider without [~~face-to-face~~] in-person contact with the
16 health care provider.

17 (b) No accident and health or sickness insurance plan that
18 is issued, amended, or renewed shall require [~~face-to-face~~] in-
19 person contact between a health care provider and a patient as a
20 prerequisite for payment for services appropriately provided
21 through telehealth in accordance with generally accepted health



1 care practices and standards prevailing in the applicable
2 professional community at the time the services were provided.
3 The coverage required in this section may be subject to all
4 terms and conditions of the plan agreed upon among the enrollee
5 or subscriber, the insurer, and the health care provider.

6 (c) Reimbursement for services provided through telehealth
7 via an interactive telecommunications system shall be equivalent
8 to reimbursement for the same services provided via [~~face-to-~~
9 ~~face~~] in-person contact between a health care provider and a
10 patient[-]; provided that reimbursement for two-way, real-time
11 audio-only communication technology for purposes of diagnosis,
12 evaluation, or treatment of a mental health disorder to a
13 patient in the patient's home shall be equivalent to eighty per
14 cent of the reimbursement for the same services provided via in-
15 person contact between a health care provider and a patient. To
16 be reimbursed for telehealth via an interactive
17 telecommunications system using two-way, real-time audio-only
18 communication technology in accordance with this subsection, the
19 health care provider shall first conduct an in-person visit or a
20 telehealth visit that is not audio only, within six months prior
21 to the initial audio-only visit, or within twelve months prior



1 to any subsequent audio-only visit. The telehealth visit
2 required prior to the initial or subsequent audio-only visit in
3 this subsection shall not be provided using audio-only
4 communication. Nothing in this section shall require a health
5 care provider to be physically present with the patient at an
6 originating site unless a health care provider at the distant
7 site deems it necessary."

8 2. By amending subsection (g) to read:

9 "(g) For the purposes of this section:

10 "Distant site" means the location of the health care
11 provider delivering services through telehealth at the time the
12 services are provided.

13 "Health care provider" means a provider of services, as
14 defined in title 42 United States Code section 1395x(u), a
15 provider of medical and other health services, as defined in
16 title 42 United States Code section 1395x(s), other
17 practitioners licensed by the State and working within their
18 scope of practice, and any other person or organization who
19 furnishes, bills, or is paid for health care in the normal
20 course of business, including but not limited to primary care
21 providers, mental health providers, oral health providers,



1 physicians and osteopathic physicians licensed under chapter
2 453, advanced practice registered nurses licensed under chapter
3 457, psychologists licensed under chapter 465, and dentists
4 licensed under chapter 448.

5 "Interactive telecommunications system" has the same
6 meaning as the term is defined in title 42 Code of Federal
7 Regulations section 410.78(a).

8 "Originating site" means the location where the patient is
9 located, whether accompanied or not by a health care provider,
10 at the time services are provided by a health care provider
11 through telehealth, including but not limited to a health care
12 provider's office, hospital, health care facility, a patient's
13 home, and other nonmedical environments such as school-based
14 health centers, university-based health centers, or the work
15 location of a patient.

16 "Telehealth" means the use of telecommunications services,
17 as defined in section 269-1, to encompass four modalities:
18 store and forward technologies, remote monitoring, live
19 consultation, and mobile health; and which shall include but not
20 be limited to real-time video conferencing-based communication,
21 secure interactive and non-interactive web-based communication,



1 and secure asynchronous information exchange, to transmit
2 patient medical information, including diagnostic-quality
3 digital images and laboratory results for medical interpretation
4 and diagnosis, for the purpose of delivering enhanced health
5 care services and information while a patient is at an
6 originating site and the health care provider is at a distant
7 site. [~~Standard~~] Except as provided through an interactive
8 telecommunications system, standard telephone contacts,
9 facsimile transmissions, or e-mail text, in combination or [~~by~~
10 ~~itself, does~~] alone, do not constitute [a] telehealth [service
11 ~~for the purposes of this chapter.] services."~~

12 SECTION 4. Section 432:1-601.5, Hawaii Revised Statutes,
13 is amended to read as follows:

14 1. By amending subsections (a) through (c) to read:

15 "(a) It is the intent of the legislature to recognize the
16 application of telehealth as a reimbursable service by which an
17 individual shall receive medical services from a health care
18 provider without [~~face-to-face~~] in-person contact with the
19 health care provider.

20 (b) No mutual benefit society plan that is issued,
21 amended, or renewed shall require [~~face-to-face~~] in-person



1 contact between a health care provider and a patient as a
2 prerequisite for payment for services appropriately provided
3 through telehealth in accordance with generally accepted health
4 care practices and standards prevailing in the applicable
5 professional community at the time the services were provided.
6 The coverage required in this section may be subject to all
7 terms and conditions of the plan agreed upon among the enrollee
8 or subscriber, the mutual benefit society, and the health care
9 provider.

10 (c) Reimbursement for services provided through telehealth
11 via an interactive telecommunications system shall be equivalent
12 to reimbursement for the same services provided via [~~face-to-~~
13 ~~face~~] in-person contact between a health care provider and a
14 patient[-]; provided that reimbursement for two-way, real-time
15 audio-only communication technology for purposes of diagnosis,
16 evaluation, or treatment of a mental health disorder to a
17 patient in the patient's home shall be equivalent to eighty per
18 cent of the reimbursement for the same services provided via in-
19 person contact between a health care provider and a patient. To
20 be reimbursed for telehealth via an interactive
21 telecommunications system using two-way, real-time audio-only



1 communication technology in accordance with this subsection, the
2 health care provider shall first conduct an in-person visit or a
3 telehealth visit that is not audio only, within six months prior
4 to the initial audio-only visit, or within twelve months prior
5 to any subsequent audio-only visit. The telehealth visit
6 required prior to the initial or subsequent audio-only visit in
7 this subsection shall not be provided using audio-only
8 communication. Nothing in this section shall require a health
9 care provider to be physically present with the patient at an
10 originating site unless a health care provider at the distant
11 site deems it necessary."

12 2. By amending subsection (g) to read:

13 "(g) For the purposes of this section:

14 "Health care provider" means a provider of services, as
15 defined in title 42 United States Code section 1395x(u), a
16 provider of medical and other health services, as defined in
17 title 42 United States Code section 1395x(s), other
18 practitioners licensed by the State and working within their
19 scope of practice, and any other person or organization who
20 furnishes, bills, or is paid for health care in the normal
21 course of business, including but not limited to primary care



1 providers, mental health providers, oral health providers,
2 physicians and osteopathic physicians licensed under chapter
3 453, advanced practice registered nurses licensed under chapter
4 457, psychologists licensed under chapter 465, and dentists
5 licensed under chapter 448.

6 "Interactive telecommunications system" has the same
7 meaning as the term is defined in title 42 Code of Federal
8 Regulations section 410.78(a).

9 "Originating site" means the location where the patient is
10 located, whether accompanied or not by a health care provider,
11 at the time services are provided by a health care provider
12 through telehealth, including but not limited to a health care
13 provider's office, hospital, health care facility, a patient's
14 home, and other nonmedical environments such as school-based
15 health centers, university-based health centers, or the work
16 location of a patient.

17 "Telehealth" means the use of telecommunications services,
18 as defined in section 269-1, to encompass four modalities:
19 store and forward technologies, remote monitoring, live
20 consultation, and mobile health; and which shall include but not
21 be limited to real-time video conferencing-based communication,



1 secure interactive and non-interactive web-based communication,
2 and secure asynchronous information exchange, to transmit
3 patient medical information, including diagnostic-quality
4 digital images and laboratory results for medical interpretation
5 and diagnosis, for the purpose of delivering enhanced health
6 care services and information while a patient is at an
7 originating site and the health care provider is at a distant
8 site. [~~Standard~~] Except as provided through an interactive
9 telecommunications system, standard telephone contacts,
10 facsimile transmissions, or e-mail text, in combination or [by
11 itself, does] alone, do not constitute [a] telehealth [service
12 for the purposes of this chapter.] services."

13 SECTION 5. Section 432D-23.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 1. By amending subsection (a) through (c) to read:

16 "(a) It is the intent of the legislature to recognize the
17 application of telehealth as a reimbursable service by which an
18 individual shall receive medical services from a health care
19 provider without [~~face-to-face~~] in-person contact with the
20 health care provider.



1 (b) No health maintenance organization plan that is
2 issued, amended, or renewed shall require [~~face-to-face~~] in-
3 person contact between a health care provider and a patient as a
4 prerequisite for payment for services appropriately provided
5 through telehealth in accordance with generally accepted health
6 care practices and standards prevailing in the applicable
7 professional community at the time the services were provided.
8 The coverage required in this section may be subject to all
9 terms and conditions of the plan agreed upon among the enrollee
10 or subscriber, the health maintenance organization, and the
11 health care provider.

12 (c) Reimbursement for services provided through telehealth
13 via an interactive telecommunications system shall be equivalent
14 to reimbursement for the same services provided via [~~face-to-~~
15 ~~face~~] in-person contact between a health care provider and a
16 patient[-]; provided that reimbursement for two-way, real-time
17 audio-only communication technology for purposes of diagnosis,
18 evaluation, or treatment of a mental health disorder to a
19 patient in the patient's home shall be equivalent to eighty per
20 cent of the reimbursement for the same services provided via in-
21 person contact between a health care provider and a patient. To



1 be reimbursed for telehealth via an interactive
2 telecommunications system using two-way, real-time audio-only
3 communication technology in accordance with this subsection, the
4 health care provider shall first conduct an in-person visit or a
5 telehealth visit that is not audio only, within six months prior
6 to the initial audio-only visit, or within twelve months prior
7 to any subsequent audio-only visit. The telehealth visit
8 required prior to the initial or subsequent audio-only visit in
9 this subsection shall not be provided using audio-only
10 communication. Nothing in this section shall require a health
11 care provider to be physically present with the patient at an
12 originating site unless a health care provider at the distant
13 site deems it necessary."

14 2. By amending subsection (g) to read:

15 "(g) For the purposes of this section:

16 "Distant site" means the location of the health care
17 provider delivering services through telehealth at the time the
18 services are provided.

19 "Health care provider" means a provider of services, as
20 defined in title 42 United States Code section 1395x(u), a
21 provider of medical and other health services, as defined in



1 title 42 United States Code section 1395x(s), other
2 practitioners licensed by the State and working within their
3 scope of practice, and any other person or organization who
4 furnishes, bills, or is paid for health care in the normal
5 course of business, including but not limited to primary care
6 providers, mental health providers, oral health providers,
7 physicians and osteopathic physicians licensed under chapter
8 453, advanced practice registered nurses licensed under chapter
9 457, psychologists licensed under chapter 465, and dentists
10 licensed under chapter 448.

11 "Interactive telecommunications system" has the same
12 meaning as the term is defined in title 42 Code of Federal
13 Regulations section 410.78(a).

14 "Originating site" means the location where the patient is
15 located, whether accompanied or not by a health care provider,
16 at the time services are provided by a health care provider
17 through telehealth, including but not limited to a health care
18 provider's office, hospital, health care facility, a patient's
19 home, and other nonmedical environments such as school-based
20 health centers, university-based health centers, or the work
21 location of a patient.



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

18 SECTION 6. Section 453-1.3, Hawaii Revised Statutes, is
19 amended to read as follows:

20 1. By amending subsection (c) to read:



1 "(c) Treatment recommendations made via telehealth,
2 including issuing a prescription via electronic means, shall be
3 held to the same standards of appropriate practice as those in
4 traditional physician-patient settings that do not include a
5 ~~[face-to-face]~~ in-person visit but in which prescribing is
6 appropriate, including on-call telephone encounters and
7 encounters for which a follow-up visit is arranged. Issuing a
8 prescription based solely on an online questionnaire is not
9 treatment for the purposes of this section and does not
10 constitute an acceptable standard of care. For the purposes of
11 prescribing opiates or certifying a patient for the medical use
12 of cannabis, a physician-patient relationship shall only be
13 established after an in-person consultation between the
14 prescribing physician and the patient."

15 2. By amending subsection (h) to read:

16 "(h) ~~[Reimbursement]~~ Unless otherwise provided by law,
17 reimbursement for behavioral health services provided through
18 telehealth via an interactive telecommunications system shall be
19 equivalent to reimbursement for the same services provided via
20 ~~[face-to-face]~~ in-person contact between a health care provider
21 and a patient[-]; provided that reimbursement for two-way, real-



1 time audio-only communication technology for purposes of
2 diagnosis, evaluation, or treatment of a mental health disorder
3 to a patient in the patient's home shall be equivalent to eighty
4 per cent of the reimbursement for the same services provided via
5 in-person contact between a health care provider and a patient.
6 To be reimbursed for telehealth via an interactive
7 telecommunications system using two-way, real-time audio-only
8 communication technology in accordance with this subsection, the
9 health care provider shall first conduct an in-person visit or a
10 telehealth visit that is not audio only, within six months prior
11 to the initial audio-only visit, or within twelve months prior
12 to any subsequent audio-only visit. The telehealth visit
13 required prior to the initial or subsequent audio-only visit in
14 this subsection shall not be provided using audio-only
15 communication."

16 3. By amending subsection (j) to read:

17 "(j) For the purposes of this section:

18 "Distant site" means the location of the physician
19 delivering services through telehealth at the time the services
20 are provided.



1 "Interactive telecommunications system" has the same
2 meaning as the term is defined in title 42 Code of Federal
3 Regulations section 410.78(a).

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 physician through
7 telehealth, including but not limited to a physician's office,
8 hospital, health care facility, a patient's home, and other non-
9 medical environments such as school-based health centers,
10 university-based health centers, or the work location of a
11 patient.

12 "Telehealth" means the use of telecommunications as [~~that~~
13 ~~term is~~] defined in section 269-1, to encompass four modalities:
14 store and forward technologies, remote monitoring, live
15 consultation, and mobile health; and which shall include but not
16 be limited to real-time video conferencing-based communication,
17 secure interactive and non-interactive web-based communication,
18 and secure asynchronous information exchange, to transmit
19 patient medical information, including diagnostic-quality
20 digital images and laboratory results for medical interpretation
21 and diagnosis, for the purposes of: delivering enhanced health



1 care services and information while a patient is at an
2 originating site and the physician is at a distant site;
3 establishing a physician-patient relationship; evaluating a
4 patient; or treating a patient. Except as provided through an
5 interactive telecommunications system, standard telephone
6 contacts, facsimile transmissions, or e-mail text, in
7 combination or alone, do not constitute telehealth services."

8 SECTION 7. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 8. This Act shall take effect upon its approval;
11 provided that on December 31, 2025, this Act shall be repealed
12 and sections 346-59.1, 431:10A-116.3, 432:1-601.5, 432D-23.5,
13 and 453-1.3, Hawaii Revised Statutes, shall be reenacted in the
14 form in which they read on the day prior to the effective date
15 of this Act.



Report Title:

Telehealth; Accident and Health or Sickness Insurance; Mutual Benefit Societies; Health Maintenance Organizations; Interactive Telecommunications System; Mental Health Disorders

Description:

Temporarily allows for the reimbursement of services provided through telehealth via an interactive telecommunications system and two-way, real-time audio-only communications in certain circumstances. Defines "interactive telecommunications system". Repeals 12/31/2025. (SD2)

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