STAND. COM. REP. NO. 1589

Honolulu, Hawaii

Apr:1 8 , 2009

RE: S.B. No. 1676

S.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred S.B. No. 1676, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose of this bill is to improve access to health care by:

- (1) Clarifying a physician's scope of practice in the provision of telemedicine services;
- (2) Establishing requirements and standards for telemedicine services, including for treatment recommendations and medical reports;
- (3) Requiring that physicians using telemedicine to establish a physician-patient relationship with a patient in Hawaii must be licensed to practice medicine in Hawaii; and
- (4) Providing that a patient may consult with an out-ofstate physician through telemedicine after a physicianpatient relationship is established with a Hawaiilicensed physician.

The Insurance Division of the Department of Commerce and Consumer Affairs (DCCA), Chamber of Commerce of Hawaii, Hawaii Medical Service Association, MDX Hawaii, and a concerned individual testified in support of this bill. The Hawaii Medical Association opposed this measure. DCCA's Regulated Industries Complaints Office, the Hawaii Medical Board, and a concerned individual provided comments.

Hawaii's unique geographic location necessitates the use of new ideas and technologies to overcome barriers to medical care, particularly for rural areas where access to care is especially difficult. Telemedicine allows physicians to treat patients through the use of telecommunications, providing a cost-effective and convenient alternative for the provision of health care in certain circumstances. This bill supports the use of telemedicine as a means of addressing the shortage of physicians in Hawaii and improving access to health services in general.

Testimony indicates that this bill seeks to allow Hawaii patients, after a physician-patient relationship is established with a Hawaii physician, to continue to consult via telemedicine with an out-of-state physician without the Hawaii physician's active participation in the consultation. It has been indicated to your Committees that section 453-2(b), Hawaii Revised Statutes, by requiring the Hawaii physician to retain control and responsibility for the patient's care, ensures there will be ongoing communication between the Hawaii physician and the out-of-state physician providing care to a Hawaii patient through telemedicine.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1676, S.D. 2, and recommend that it pass Third Reading.

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Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,

JON RIKI KARAMATSU, Chair

ROBERT N. HERKES, Chair

State of Hawaii House of Representatives The Twenty-fifth Legislature

Record of Votes of the Committee on Consumer Protection & Commerce

| Bill/Resolution No.: D 1676 (D) | Committee Referral: HUT, CPU JUD | | Date: 3/23/09 | | | | | |
|--|--|--|--------------------|--------------|--|--|--|--|
| ☐ The committee is reconsidering its previous | | | * | | | | | |
| The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit) | | | | | | | | |
| CPC Members | Ayes | Ayes (WR) | Nays | Excused | | | | |
| 1. HERKES, Robert N. (C) | | | | | | | | |
| 2. WAKAI, Glenn (VC) | | | | | | | | |
| 3. BELATTI, Della Au | V | | | | | | | |
| 4. CABANILLA, Rida | | | | | | | | |
| 5. CARROLL, Mele | | | 200 | | | | | |
| 6. ITO, Ken | | | | | | | | |
| 7. KARAMATSU, Jon Riki | | | | | | | | |
| 8. LUKE, Sylvia | | | | | | | | |
| 9. McKELVEY, Angus L.K. | | | | V | | | | |
| 10. MIZUNO, John M. | | | | | | | | |
| 11. MORITA, Hermina M. | | | | | | | | |
| 12. SOUKI, Joseph M. | | | | | | | | |
| 13. TSUJI, Clift | V | | | | | | | |
| 14. MARUMOTO, Barbara C. | | | | | | | | |
| 15. THIELEN, Cynthia | | | | | | | | |
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| TOTAL (15) | 10 | The second secon | 0 | 4 | | | | |
| The recommendation is: | | did not supp | ort recommendation | n. | | | | |
| Vice Chair's or designee's signature: | The state of the s | | | | | | | |
| Distribution: Original (White) – Commit | tek Rupticale (Yellow) - | - Chief Clerk's Offic | e Duplicate (| Pink) – HMSO | | | | |
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State of Hawaii House of Representatives The Twenty-fifth Legislature

Record of Votes of the Committee on Judiciary

| Bill/Resolution No.: SB 1676 SD 2 | Committee Referral: HUCPC 15UD Date: 3(23/09) | | | | | | | |
|---|--|----------|--------------|------|---------|--|--|--|
| ☐ The committee is reconsidering its previous decision on the measure. | | | | | | | | |
| The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit) | | | | | | | | |
| JUD Mem | lbers | Ayes | Ayes (WR) | Nays | Excused | | | |
| 1. KARAMATSU, Jon R | Riki (C) | | and a second | | | | | |
| 2. ITO, Ken (VC) | | | | | | | | |
| 3. BELATTI, Della Au | | V | | | | | | |
| 4. CABANILLA, Rida | | | | | V | | | |
| 5. CARROLL, Mele | | | | | 1/ | | | |
| 6. HERKES, Robert N. | | V | | | | | | |
| 7. LUKE, Sylvia | | | | | | | | |
| 8. McKELVEY, Angus l | L.K. | | | | | | | |
| 9. MIZUNO, John M. | pulsaria de se | V | | | | | | |
| 10. MORITA, Hermina M | Л. | | | | | | | |
| 11. OSHIRO, Blake K. | | | | | V | | | |
| 12. SOUKI, Joseph M. | | | V | | | | | |
| 13. TSUJI, Clift | | <u> </u> | | | | | | |
| 14. WAKAI, Glenn | | | | | | | | |
| 15. MARUMOTO, Barba | ıra C. | V | | | | | | |
| 16. THIELEN, Cynthia | | | | | | | | |
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| TOTAL | (16) | 10 | | | 5 | | | |
| The recommendation is: Adopted If joint referral, committee acronym(s) Wise Chairles or designed a circustures | | | | | | | | |
| Vice Chair's or designee's signature: | | | | | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | | | | | |