

STAND. COM. REP. NO.

964

Honolulu, Hawaii

MAR 25 2009

RE: H.B. No. 808  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Health, to which was referred H.B. No. 808  
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify that telemedicine is within a physician's scope of practice and is authorized in Hawaii when practiced by a licensed physician providing services to patients; and
- (2) Clarify existing laws regarding telehealth to ensure compliance with changes to the law regulating the practice of medicine.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, The Hawaii Chamber of Commerce, and the Hawaii Medical Services Association. Your Committee received testimony with in support of this measure with amendments from the Regulated Industries Complaint Office of the Department of Commerce and Consumer Affairs and the Hawaii Medical Board.

Written testimony presented to the Committee may be reviewed on the Legislature's website.



Your Committee finds that this measure will enhance the Legislature's efforts to expand broadband capability as well as provide a cost-effective means to improve access to health care services, particularly in rural areas of the State.

Your Committee further finds that, in order to promote consistency in related statutes and more effective enforcement, the definition of telemedicine should specify what does not constitute telecommunication services.

Accordingly, your Committee has amended this measure by amending the definition of "telemedicine" to clarify that:

- (1) Telemedicine may be used to establish a physician-patient relationship, to evaluate a patient, or to treat a patient, and "telehealth" as used in chapters 431, 432, and 432D, Hawaii Revised Statutes, includes "telemedicine"; and
- (2) Standard telephone contacts, facsimile transmissions, or email text, in combination or by itself, do not constitute a telemedicine service.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 808, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 808, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
\_\_\_\_\_  
DAVID Y. IGE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 808</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HTH, CPN</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">03-18-09</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
HEMMINGS, Fred				✓
<b>TOTAL</b>	5	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <span style="margin-left: 100px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">[Signature]</div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-around; font-size: 0.8em;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

**\*Only one measure per Record of Votes**