
A BILL FOR AN ACT

RELATING TO IMPROVING ACCESS TO PSYCHIATRIC CARE FOR MEDICAID PATIENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the psychiatric
2 collaborative care model of integrated care is ideal for states
3 with community populations that are remote from urban centers,
4 because the model does not require the physical presence of a
5 psychiatrist when psychiatric services can be delivered
6 remotely. The psychiatric collaborative care model supports
7 mental and behavioral health through a team-based, coordinated
8 approach involving a psychiatric consultant, a behavioral health
9 care manager, and the primary care clinician extending beyond
10 the scope of an office visit. The legislature further finds
11 that the Centers for Medicare and Medicaid Services recently
12 released a medicare fee schedule that includes a current
13 procedural terminology code and fee for psychiatric
14 collaborative care management services, which will be used to
15 reimburse primary care physicians for services that
16 psychiatrists provide in the collaborative care model.



1 The purpose of this Act is to specify that coverage for
2 telehealth under the State's medicaid managed care and fee-for-
3 service programs includes psychiatric services provided through
4 a coordinated care manager who is present in a primary health
5 care provider's office through telehealth.

6 SECTION 2. Section 346-59.1, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**[+]§346-59.1[+]** **Coverage for telehealth.** (a) The
9 State's medicaid managed care and fee-for-service programs shall
10 not deny coverage for any service provided through telehealth
11 that would be covered if the service were provided through in-
12 person consultation between a patient and a health care
13 provider.

14 (b) Required coverage for services under subsection (a)
15 includes psychiatric services provided to a patient by a
16 collaborative care team consisting of a primary care provider
17 and a behavioral health care manager who is present in the
18 primary care provider's office, in conjunction with a
19 psychiatric consultant whose services may be delivered remotely
20 through telehealth.



1 ~~[(b)]~~ (c) Reimbursement for services provided through
2 telehealth shall be equivalent to reimbursement for the same
3 services provided via face-to-face contact between a health care
4 provider and a patient. Nothing in this section shall require a
5 health care provider to be physically present with the patient
6 at an originating site unless a health care provider at the
7 distant site deems it necessary.

8 ~~[(e)]~~ (d) There shall be no geographic restrictions or
9 requirements for telehealth coverage or reimbursement under this
10 section.

11 ~~[(d)]~~ (e) There shall be no restrictions on originating
12 site requirements for telehealth coverage or reimbursement under
13 this section.

14 ~~[(e)]~~ (f) Services provided by telehealth pursuant to this
15 section shall be consistent with all federal and state privacy,
16 security, and confidentiality laws.

17 ~~[(f)]~~ (g) Notwithstanding any other law to the contrary,
18 the provisions of this section shall comply with the applicable
19 federal requirements related to utilization, coverage, and
20 reimbursement for telehealth services.

21 ~~[(g)]~~ (h) For the purposes of this section:



1 "Distant site" means the location of the health care
2 provider delivering services through telehealth at the time the
3 services are provided.

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

17 "Originating site" means the location where the patient is
18 located, whether accompanied or not by a health care provider,
19 at the time services are provided by a health care provider
20 through telehealth, including but not limited to a health care
21 provider's office, hospital, critical access hospital, rural



1 health clinic, federally qualified health center, a patient's
2 home, and other non-medical environments such as school-based
3 health centers, university-based health centers, or the work
4 location of a patient.

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



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

7



Report Title:

Medicaid; Telehealth; Psychiatric Services

Description:

Specifies that coverage for telehealth under the State's medicaid managed care and fee-for-service programs includes psychiatric services provided by a collaborative care team consisting of a primary care provider, a behavioral health care manager who is present in the primary care provider's office, and a psychiatric consultant whose services may be delivered through telehealth. (SD1)

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