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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 PART I

2 SECTION 1. The legislature finds that telehealth adoption  
3 in Hawaii is increasing. The report of findings from the 2017  
4 Hawaii Physician Workforce Assessment Project estimates that  
5 approximately fifteen per cent of providers report a telehealth  
6 experience, which is an increase from 2014 of less than five per  
7 cent. This rate increase coincides with the enactment of Act  
8 159, Session Laws of Hawaii 2014, and Act 226, Session Laws of  
9 Hawaii 2016, both of which diminished several long-standing  
10 barriers to increased telehealth adoption, such as reimbursement  
11 parity with face-to-face visits and malpractice reform.

12 However, despite this favorable policy environment,  
13 telehealth utilization remains frustratingly low. A continuum  
14 of issues across multiple sectors must be addressed, such as  
15 incentives for provider adoption, patient comfort with new  
16 technology, health care workforce training, technology and



1 telecommunications infrastructure, and administrative  
2 simplification between health systems.

3 The purpose of this Act is to establish permanent resources  
4 to achieve the State's goal of establishing telehealth as a  
5 community standard for health care access.

6 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
7 amended by adding a new part to be appropriately designated and  
8 to read as follows:

9 "PART . TELEHEALTH

10 §321-A Definitions. As used in this part, unless context  
11 requires otherwise:

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 technology, 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.

5 **§321-B Telehealth policy; roles and responsibilities.** (a)

6 It shall be the policy of the State, through its programs,  
7 authorities, and resources to promote telehealth to deliver  
8 health care from a distance as an effective way of overcoming  
9 certain barriers to accessing care, particularly for communities  
10 located in rural and remote areas.

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

15 **§321-C Strategic telehealth advisory council.** (a) There

16 is established within the department of health for  
17 administrative purposes a state strategic telehealth advisory  
18 council. The advisory council shall advise the governor in the  
19 development and implementation of a comprehensive plan to  
20 establish telehealth as high quality, cost-effective, and  
21 reliable means of health care access.



1 (b) The advisory council shall consist of at least nine  
2 members who shall be appointed by the governor without regard to  
3 section 26-35. The governor shall designate a member to be a  
4 chairperson of the advisory council. The director of health or  
5 a designee shall serve as an ex-officio non-voting member of the  
6 advisory council.

7 (c) In establishing the advisory council, the governor  
8 shall appoint at least:

- 9 (1) Two members of organizations that represent health  
10 care facilities, one of whom shall be representative  
11 of a hospital;
- 12 (2) Two members of organizations that represent health  
13 insurers, one of whom shall primarily serve medicaid  
14 beneficiaries;
- 15 (3) One member of organizations that represent broadband  
16 infrastructure or telecommunications services;
- 17 (4) One member from the office of the governor or a  
18 designee;
- 19 (5) Two members of long-term care services, one of whom  
20 shall be a representative of a nursing home and one



1           whom shall be a representative of a home health or  
2           community-based health services program;

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

5           (7) One member of an organization 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.

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

13           (d) The state strategic telehealth advisory council shall  
14           be exempt from chapter 92.

15           **§321-D Telehealth coordinator.** (a) There is established  
16           a full-time telehealth coordinator to support the strategic  
17           telehealth advisory council. The telehealth coordinator shall  
18           facilitate the establishment of infrastructure and policies  
19           across all agencies of the State and private sector to promote  
20           the expansion of telehealth in Hawaii, including:



- 1 (1) Promoting administrative support to the strategic  
2 telehealth advisory council;
- 3 (2) Coordinating with the department of commerce and  
4 consumer affairs on issues relating to professional  
5 and vocational licensing and insurance regulation as  
6 related to telehealth.
- 7 (3) Coordinating with the department of commerce and  
8 consumer affairs and department of business, economic  
9 development, and tourism on broadband connectivity;
- 10 (4) Coordinating with the department of education, the  
11 department of public safety, department of human  
12 services, the employer-union health benefits trust  
13 fund, and other state agencies that finance or provide  
14 health care services to promote the use of telehealth;
- 15 (5) Coordinating with the University of Hawaii and other  
16 agencies on telehealth research to assure quality,  
17 cost effectiveness, and efficacy;
- 18 (6) Coordinating with the department of labor and  
19 industrial relations, University of Hawaii, department  
20 of education, and other agencies to assure a  
21 telehealth-capable workforce;



1 (7) Coordinating with the office of the state chief  
2 information officer on matters related to  
3 cybersecurity; and

4 (8) Coordinating with the private sector to assure  
5 alignment and consistency with state goals.

6 (b) The coordinator shall be selected by the director of  
7 health."

8 SECTION 3. 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 permanent full-time  
13 equivalent (1.0 FTE) state telehealth coordinator position  
14 within the department of health.

15 The sums appropriated shall be expended by the department  
16 of health for the purposes of this Act.

17 PART II

18 SECTION 4. (a) The department of health shall establish  
19 and convene a working group to research and make recommendations  
20 to reduce barriers related to health care system credentialing,  
21 privileging, and related administrative processes that may



1 contribute to delays and inefficiencies for health care  
2 providers delivering care to patients.

3 (b) The members of the task force shall serve without  
4 compensation, but shall be reimbursed by the department of  
5 health for necessary expenses, including travel expenses,  
6 incurred for service on the task force. No member of the task  
7 force shall be made subject to section 84-17, Hawaii Revised  
8 Statutes, solely because of that member's participation in the  
9 task force. The task force shall be exempt from chapter 92,  
10 Hawaii Revised Statutes.

11 (c) The task force shall submit a final report, including  
12 recommendations for further action, to the legislature no later  
13 than twenty days before the convening of the regular session of  
14 2020.

15 (d) The task force shall serve until it has achieved the  
16 objectives of this part, or twenty days prior to the convening  
17 of the regular session of 2020, whichever occurs first.

18 PART III

19 SECTION 5. In codifying the new sections added by section  
20 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 6. This Act shall take effect upon its approval,  
4 and shall be repealed on January 1, 2022.



**Report Title:**

Telehealth; Task Force; Appropriation

**Description:**

Establishes a Telehealth Advisory Council within the DOH to advise the governor in the development and implementation of a comprehensive telehealth plan. Creates a permanent full-time Telehealth Coordinator to facilitate the establishment of infrastructure and policies across State and private entities and appropriates funds. Establishes a task force to reduce barriers in health care system credentialing, privileging, and other administrative processes. Act is repealed January 1, 2022. (HB141 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

