

JAN 27 2021

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 the novel
2 coronavirus disease (COVID-19) pandemic has substantially
3 impacted the way patients access health care by increasing the
4 demand for and use of telehealth to diagnose, treat, and monitor
5 illness.

6 In Act 20, Session Laws of Hawaii 2009, the legislature
7 noted that, since 1999, it "has supported the use and expansion
8 of telehealth services and technology in Hawaii" as a way to
9 increase access and reduce delays to health care, particularly
10 in rural areas of the State.

11 The legislature further finds that the COVID-19 pandemic
12 has resulted in an increase use of telehealth services.
13 However, the existing state law relating to the practice of
14 telehealth is ambiguous regarding whether a patient can use
15 telehealth to establish a relationship with a physician. This
16 could result in delayed access to care in many instances where



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1 access to care could be prudently and appropriately initiated
2 through telehealth.

3 Accordingly, the purpose of this Act is to expand access to
4 care and reduce delays by clarifying that a physician-patient
5 relationship may be established via a telehealth appointment.

6 SECTION 2. Section 453-1.3, Hawaii Revised Statutes, is
7 amended by amending subsections (e) and (f) to read as follows:

8 "(e) A ~~[physician shall not use telehealth to establish a]~~
9 physician-patient relationship ~~[with a patient in this State~~
10 ~~without]~~ may be established via a telehealth interaction;
11 provided that the physician has a license to practice medicine
12 in Hawaii.

13 (f) ~~[A physician-patient relationship may be established~~
14 ~~via telehealth if the patient is referred to the telehealth~~
15 ~~provider by another health care provider who has conducted an~~
16 ~~in-person consultation and has provided all pertinent patient~~
17 ~~information to the telehealth provider.]~~ Once a ~~[provider-~~
18 ~~patient]~~ physician-patient relationship is established, a
19 patient or physician licensed in this State may use telehealth
20 for any purpose, including consultation with a medical provider



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1 licensed in another state, authorized by this section or as
2 otherwise provided by law."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6

INTRODUCED BY: _____

A large, bold, handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be the name of the person who introduced the bill.

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Report Title:

Telehealth; Physician-patient Relationship; Establishment

Description:

Authorizes the establishment of a physician-patient relationship via a telehealth interaction, if the physician is licensed to practice medicine in the State.

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

