
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 2019 (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 increased 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



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 interaction.

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.] the State.

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 authorized purpose, including consultation with a



1 medical provider licensed in another state, authorized by this
2 section or as 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 Statutory material to be repealed is bracketed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 on July 1, 2021.



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. (HD2)

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