

STAND. COM. REP. NO.

212

Honolulu, Hawaii

, 2021

FEB 12

RE: H.B. No. 472

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committees on Pandemic & Disaster Preparedness and Health, Human Services, & Homelessness, to which was referred H.B. No. 472 entitled:

"A BILL FOR AN ACT RELATING TO TELEHEALTH,"

beg leave to report as follows:

The purpose of this measure is to:

- (1) Exempt telehealth-related gifts from procurement requirements; and
- (2) Make permanent certain telehealth-related exemptions for licensed health professions issued by recent gubernatorial proclamations.

Your Committees received testimony in support of this measure from the Kokua Kalihi Valley; Hawaii Primary Care Association; Waianae Coast Comprehensive Health Center; Hawai'i Psychological Association; Bay Clinic Inc.; Lāna'i Community Health Center; and one individual. Your Committees received testimony in opposition to this measure from the Hawaii Association of Health Plans and Hawaii Association of Professional Nurses. Your Committees received comments on this measure from the Department of Health, Department of Human Services, Hawai'i State Center for Nursing,

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Hawaii Medical Service Association, and The Queen's Health Systems.

Your Committees find that the coronavirus disease 2019 (COVID-19) pandemic has drastically altered how people access health care services. The ability of being able to access healthcare from the safety of your own home has gained popularity due to COVID-19 concerns. Telehealth has significantly expanded over the course of this pandemic to better accommodate patients and ensure their safety. Your Committees further find that Act 157, Session Laws of Hawaii 2014, included advanced practice registered nurses in telehealth practice advancements. As such, your Committees believe that advanced practice registered nurses practicing telehealth should be allowed to issue or distribute a written prescription for a controlled substance when not physically in the State.

Your Committees note the concern raised in testimony regarding the State's ability to determine telephone contact as a form of telehealth due to existing federal rules set forth regarding Medicare and Medicaid.

Accordingly, your Committees have amended this measure by:

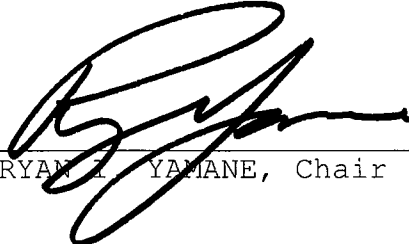
- (1) Codifying the authorization of advanced practice registered nurses to use telehealth to assist a patient, including those advanced practice registered nurses who are not licensed in the State, under certain conditions;
- (2) Providing that advanced practice registered nurses are not prohibited from issuing or distributing a written prescription or issuing an oral prescription for a controlled substance when not physically in the State;
- (3) Specifying that reimbursement for services provided through telehealth does not include services provided through standard phone contacts;
- (4) Inserting a purpose section;
- (5) Changing its effective date to July 1, 2050, to encourage further discussion; and



- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Pandemic & Disaster Preparedness and Health, Human Services, & Homelessness that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 472, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 472, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on behalf of the members of the Committees on Pandemic & Disaster Preparedness and Health, Human Services, & Homelessness,



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RYAN L. YAMANE, Chair



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LINDA ICHIYAMA, Chair





