STAND. COM. REP. NO. 652

Honolulu, Hawaii

MAR 0 4 2021

RE: S.B. No. 970 S.D. 2

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Judiciary, to which was referred S.B. No. 970, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TELEHEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize the establishment of a physician-patient relationship via a telehealth interaction if the physician is licensed to practice medicine in the State.

Your Committees received testimony in support of this measure from the Hawaii Medical Board, University of Hawaiii System, Office of Hawaiian Affairs, Hawaiii Pacific Health, Healthcare Association of Hawaii, Kaiser Permanente Hawaiii, AARP Hawaiii, Hawaii Substance Abuse Coalition, The Queen's Health Systems, Aloha Independent Living Hawaii, Hawaii Public Health Institute, American Telemedicine Association, and two individuals.

Your Committees find that the coronavirus disease 2019 (COVID-19) pandemic has resulted in the increased use of telehealth services. However, existing state law relating to the practice of telehealth is ambiguous regarding whether a patient can use telehealth to establish a relationship with a physician. Certain emergency proclamations and temporary waivers issued by the Governor during the COVID-19 pandemic clarified that a physician-patient relationship could be established by telehealth,

and this measure codifies this change permanently to recognize this widely utilized practice in the United States and to significantly aid in expanding access to health care services, especially for the elderly and patients living in rural areas.

Your Committees have amended this measure by:

- (1) Clarifying that, once a physician-patient relationship is established, a patient or physician licensed in this State may use telehealth for any authorized purpose, including consultation with a medical provider licensed in another state; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 970, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 970, S.D. 2.

Respectfully submitted on behalf of the members of the Committees on Commerce and Consumer Protection and Judiciary,

KARL RHOADS, Chair

ROSALYN H. BAKER. Chair

## The Senate Thirty-First Legislature State of Hawaiʻi

## Record of Votes Committee on Commerce and Consumer Protection CPN

Bill / Resolution No.:*	Committee Referral:			Date:				
SB 970 SD1	HTH, CPN/JDC 02/24/2021							
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR	Nay	Excused			
BAKER, Rosalyn H. (C)								
CHANG, Stanley (VC)		/						
MISALUCHA, Bennette E.								
NISHIHARA, Clarence K.		/						
RIVIERE, Gil		/						
SAN BUENAVENTURA, Joy A.								
FEVELLA, Kurt		/						
				<u> </u>				
			L					
			ļ <u> </u>					
TOTAL		6			/			
Recommendation:  Adopted  Not Adopted								
Chair's or Designee's Signature:  Clarence & Qushihere								
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy								

\*Only one measure per Record of Votes

## The Senate Thirty-First Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:		Date:					
5B 970 SD1	HTH,	CPN/JOC 02/24/2021		24/2021				
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (W	R) Na	ay Excused			
RHOADS, Karl (C)		<b>√</b>						
KEOHOKALOLE, Jarrett (VC)								
ACASIO, Laura		<b>V</b>						
GABBARD, Mike		<b>V</b>						
KIM, Donna Mercado		<b>√</b>						
LEE, Chris		<b>✓</b>						
FEVELLA, Kurt		<b>✓</b>						
			<u> </u>					
				_				
	-							
			<u> </u>					
			<u> </u>					
			<u> </u>					
TOTAL		7	0	0	0			
Recommendation:  Adopted  Not Adopted								
Chair's or Designee's Signature: Kal Nhach								
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy								

<sup>\*</sup>Only one measure per Record of Votes