#### **Testimony of the Hawaii Medical Board**

Before the
House Committee on Pandemic & Disaster Preparedness
and
House Committee on Health, Human Services, & Homelessness
Thursday, March 18, 2021
11:30 a.m.
Via Videoconference

On the following measure: S.B. 970, S.D. 2, RELATING TO TELEHEATH

Chair Ichiyama, Chair Yamane, and Members of the Committees:

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical (Board). The Board supports this bill.

The purpose of this bill 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.

The Board supports this bill because it recognizes that telehealth is: (1) essential to patient care and access to care, both during and outside of a pandemic, to diagnose, treat, and monitor illness; and (2) is a safe mechanism to provide care.

Lastly, the Board appreciates the efforts of the Healthcare Association of Hawaii to clarify the language in Hawaii Revised Statutes section 453-1.3, to make clear that a physician-patient relationship may be established via telehealth by a physician licensed to practice medicine in Hawaii.

Thank you for the opportunity to testify on this bill.



1001 Bishop Street | Suite 625 | Honolulu, HI 96813-2830 1-866-295-7282 | Fax: 808-536-2882 aarp.org/hi | aarphi@aarp.org | twitter.com/AARPHawaii facebook.com/AARPHawaii

# The State Legislature The House Committee on Pandemic and Disaster Preparedness Committee on Health, Human Services and Homelessness Thursday, March 18, 2021

11:30 a.m.

TO: The Honorable Linda Ichiyama, Chair The Honorable Ryan Yamane, Chair

RE: S.B. 970. SD 2 Relating to Telehealth

Aloha Chairs Ichiyama and Yamane and Members of the Committees:

My name is Keali'i Lopez and I am the State Director for AARP Hawai'i. AARP is a membership organization of people age fifty and over, with nearly 145,000 members in Hawai'i.

AARP Hawai'i supports S.B. 970, SD 2 which expands access to care and reduces delays by clarifying that a physician-patient relationship may be established via a telehealth appointment.

The recent pandemic has significantly increase the use of telehealth for patients to connect with their physicians for medical consultation and monitoring. This has improved access especially for the kupuna and many others who are homebound; or reside in rural communities and unable to see their physicians in-person. This bill clarifies Section 453.1.3 in the Hawaii Revised Statutes by amending the subsections (e) and (f) to clearly state that "A physician-patient relationship may be established via a telehealth interaction: provided that the physician has a license to practice medicine in Hawaii."

Thank you very much for the opportunity to support S.B. 970, SD 2.

Sincerely,

Keali'i Lopez, AARP Hawai'i

State Director



# SB970 SD1 Physician Can Use Telehealth

COMMITTEE ON PANDEMIC & DISASTER PREPAREDNESS,

- Rep. Linda Ichiyama, Chair; Rep. Stacelynn Eli, Vice Chair COMMITTEE ON HEALTH, HUMAN SERVICES & HOMELESSNESS,
  - Rep. Ryan Yamane, Chair; Rep. Adrian Tam, Vice Chair
  - Thursday Mar 18, 2021: 11:30: Videoconference

# **Hawaii Substance Abuse Coalition Supports SB970 SD1:**

ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization of over 30 substance use disorder and co-occurring mental health disorder treatment and prevention agencies.

HSAC is in full support that a physician can use Telehealth, especially during a pandemic, without first having a face to face interview.

We appreciate the opportunity to provide testimony and are available for questions.



# Testimony of Jonathan Ching Government Relations Manager

#### Before:

House Committee on Pandemic & Disaster Preparedness The Honorable Linda Ichiyama, Chair The Honorable Stacelynn K.M. Eli, Vice Chair

House Committee on Health, Human Services, and Homelessness The Honorable Ryan I. Yamane, Chair The Honorable Adrian K. Tam, Vice Chair

> March 18, 2021 11:30 a.m. Via Videoconference

#### Re: SB 970 SD2, Relating to the Telehealth

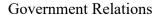
Chair Ichiyama, Chair Yamane, and committee members, thank you for this opportunity to provide testimony on SB 970 SD2, which authorizes the establishment of a physician-patient relationship via a telehealth interaction, if the physician is licensed to practice medicine in the State.

#### Kaiser Permanente Hawai'i STRONGLY SUPPORTS SB 970 SD2

Kaiser Permanente Hawai'i is Hawai'i's largest integrated health system that provides care and coverage for approximately 260,000 members. Each day, more than 4,400 dedicated employees and more than 600 Hawai'i Permanente Medical Group physicians and providers come to work at Kaiser Permanente Hawai'i to care for our members at our 20 medical facilities, including Moanalua Medical Center, providing high-quality care for our members and delivering on our commitment to improve the health of the 1.4 million people living in the communities we serve.

Kaiser Permanente Hawai'i supports SB 970 SD2 because it clarifies that telehealth can be used to establish a physician-patient relationship if the physician is licensed to practice in Hawai'i.

Since the COVID-19 pandemic began in 2020, the use of telehealth in Hawai'i has dramatically increased as telehealth has been critical to limit the risk of person-to-person transmission while helping to avoid overwhelming our healthcare facilities. At Kaiser Permanente Hawai'i, we have seen a dramatic increase in the use of telehealth visits between 2019 and 2020. In 2019, we had approximately 1,000 of our outpatient visits by video. In stark contrast, in 2020, we had approximately 67,00 video visits. We expect this number to continue to increase in 2021.





SB 970 SD2 will enable us to establish provider-patient relationships between specialists on Oahu and the mainland and neighbor island members – increasing access without incurring the inconvenience and expense of travel, especially for those specialties with significant provider shortages.

We ask the committees to PASS SB 970 SD2. Mahalo for the opportunity to testify on this important measure.



March 18, 2021 at 11:30 am Via Videoconference

## House Committee on Pandemic and Disaster Preparedness

To: Chair Linda Ichiyama

Vice Chair Stacelynn K.M. Eli

#### House Committee on Health, Human Services, and Homelessness

To: Chair Ryan I. Yamane

Vice Chair Adrian K. Tam

From: Amy Lee

Chief Executive Officer
Aloha Nursing Rehab Centre

Re: Testimony in Support

SB 970 SD 2, Relating to Telehealth

Aloha Nursing Rehab Centre is a 141-bed Skilled Nursing Facility located in Kaneohe, ministering to the needs of 350 seniors and their families annually and employing 190 dedicated staff. For over thirty years, Aloha Nursing has been contributing positively to the community and to the state economy.

Thank you for the opportunity to provide testimony in strong **support** of this bill. This bill makes a change to HRS §453-1.3 to clarify that telehealth can be used to establish a physician-patient relationship if the physician is licensed to practice in Hawaii by changing the relevant section of law from a negative statement to a positive one to provide needed clarity and align §453-1.3 with other telehealth allowance throughout HRS.

The pandemic has caused a major shift in how patients receive care by both necessity and preference. Even now, many patients are hesitant to make in-person visits and residents of rural areas may have more limited options on how to access care. Ensuring that a legitimate relationship can be established via telehealth is an important flexibility that has enabled providers to better use telehealth to diagnose, treat, and monitor illnesses that might have otherwise gone unaddressed due to pandemic-related and other barriers. We believe that this simple change to clarify this statute will increase access to care as we continue to fight through this pandemic and beyond.

Thank you for the opportunity to provide supportive testimony for this bill.

<u>SB-970-SD-2</u> Submitted on: 3/16/2021 3:04:46 PM

Testimony for PDP on 3/18/2021 11:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

# Comments:

Planned Parenthood Votes Northwest and Hawaii supports SB 970, SD2. Thank you!



To: The Honorable Linda Ichiyama, Chair

The Honorable Stacelyn K.M. Eli, Vice Chair

Members, House Committee on Pandemic & Disaster Preparedness

The Honorable Ryan I. Yamane, Chair The Honorable Adrian K. Tam, Vice Chair

Members, House Committee on Health, Human Services, & Homelessness

From: Jacce S. Mikulanec, Manager, Government Relations, The Queen's Health Systems

Date: March 18, 2021

Re: Support for SB970, SD2: Relating to Telehealth

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, and more than 1,500 affiliated physicians and providers statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the opportunity to provide testimony in support of SB970, SD2, relating to telehealth. This measure addresses the need to eliminate an existing provision under the law (HRS 453-1.3(e)) which prevents physicians from utilizing telehealth modalities to establish a physician-patient relationship. The ability to expand access of medical care via telehealth during the COVID19 pandemic is an important tool in ensuring more members of our community are able to access healthcare safely and responsibly.

Queen's provides a number of telemedicine specialties in areas such as, but not limited to, stroke and neurology, pulmonology, psychiatry, wound care, and critical care. Telehealth programs assist with connecting our four hospitals and allow our health care workers to provide care to patients in their local communities. In particular, Since the start of the COVID-19 pandemic, Queen's has made substantial strides in shifting to telehealth as a modality of quality care for patients. In 2019, Queen's had approximately 1,700 telehealth visits; by comparison in April 2020 we had 13,000 telehealth visits and in September we had 16,000. Furthermore, all of QHS facilities saw increases in the use of telemedicine since the COVID-19 pandemic began with the largest percentage at QHS-Punchbowl.

We concur with the testimony submitted by the Healthcare Association of Hawai'i and thank you for allowing The Queen's Hospital Systems to testify in support of SB970, SD2.



March 16, 2021

To: House Committee on Pandemic and Disaster Preparedness

Rep. Linda Ichiyama, Chair

Rep. Stacelynn K.M. Eli, Vice Chair

Re: **Strong Support** of SB970, SD2, Relating to Telehealth

Hrg: March 18, 2021 at 11:30AM at Capitol Room 309 & 329 and Videoconference

The Hawai'i Public Health Association (HPHA) is a group of over 600 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy. Issues around social justice and equity in areas that extend beyond the traditional context of health (e.g., education, digital equity, cultural sensitivity), can have profound impacts on health equity and well-being.

HPHA strongly **supports** SB970, SD2, which authorizes the establishment of a physician-patient relationship via a telehealth interaction when the physician is licensed to practice medicine in the state. This bill clarifies HRS §453-1.3 such that a physician-patient relationship may be established via telehealth, provided that the physician is licensed to practice medicine in the State of Hawai'i.

While the COVID-19 pandemic has highlighted both the need for telehealth and its viability, this need and viability predates the current crisis. Hawai'i has a persistent physician shortage in rural areas where many of the state's highest risk residents live. Additionally, patients that suffer from multiple co-morbidities often time have transportation barriers as well. The ability to establish a physician-patient relationship via telehealth will help to address these health care accessibility limits.

Thank you for the opportunity to provide testimony on important issues affecting the health of people in Hawai'i.

Respectfully submitted,

Claire Townsend Ing, DrPH Legislative Committee Chair Hawai'i Public Health Association

Testimony Presented Before the
House Committee on Pandemic & Disaster Preparedness
And
House Committee on Health, Human Services, & Homelessness
Thursday, March 18, 2021; 11:30 am
By
Jerris R. Hedges, MD, Dean
Lee Ellen Buenconsejo-Lum, MD, FAAFP
Associate Dean for Academic Affairs & DIO
John A. Burns School of Medicine
University of Hawai'i at Mānoa

SB 970 SD2 - RELATING TO TELEHEALTH

Chairs Ichiyama and Yamane, Vice Chairs Eli and Tam, and members of the Committees:

Thank you for this opportunity to testify in **strong support** of SB 970 SD2, which authorizes the establishment of a physician-patient relationship via a telehealth interaction when the physician is licensed to practice medicine in the state.

This bill amends language in HRS §453-1.3 to clarify that a physician-patient relationship may be established via telehealth, provided that the physician has a license to practice medicine in the State of Hawai'i. During the onset of the Coronavirus Pandemic, it was found that this language needed to be clarified in order to align with other statutory telehealth provisions that already allow for the establishment of a physician-patient relationship via a telehealth interaction; thus, it was addressed in the Governor's emergency proclamation and temporary waivers. This bill is needed to codify the changes permanently in law and align with other existing HRS allowances.

The COVID-19 pandemic has resulted in an increased use of telehealth services. However, the 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. The provision for establishing a physician-patient relationship via telehealth is now a common practice in the US and significantly aids in expanding access to health care services especially for patients and families who live in rural areas and/or are otherwise unable to receive the care they need.

Since 1999, the use and expansion of telehealth services and technology in Hawai'i has been recognized as a way to increase access and reduce delays to health care, particularly in rural areas of the. Many of the highest-risk patients reside in Medically Underserved Areas, are part of Medically Underserved Populations, or reside in federally-designated health professional shortage areas. Telehealth benefits many in

these communities. Elderly, as well as medically- and socially-complex patients often face transportation barriers and difficulty navigating our collective system of health care. These determinants of health, as well as social- or cultural-isolation can often impede seeking care or follow-up after a doctor's appointment or hospitalization. Being able to provide telehealth services at community health centers or in the home has tremendous potential for improving the health of patients, their families, as well as providing cost-savings to the entire health system by avoiding emergency department or hospitalization costs.

With the increase in the demand for and use of telehealth to diagnose, treat, and monitor illness, this measure greatly improves the understanding of the doctor-patient relationship when telehealth is utilized.

Thank you for this opportunity to testify in strong support of this measure.

#### **HAWAII MEDICAL ASSOCIATION**



1360 S. Beretania Street, Suite 200, Honolulu, Hawaii 96814 Phone (808) 536-7702 Fax (808) 528-2376 www.hawaiimedicalassociation.org

#### HOUSE COMMITTEE ON PANDEMIC AND DISASTER PREPAREDNESS

Rep. Linda Ichiyama, Chair

Rep Stacelynn K.M. Eli, Vice Chair

## HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND HOMELESSNESS

Rep. Ryan I. Yamane, Chair Rep. Adrian Tam, Vice Chair

Date: March 18, 2021 Place: Videoconference

From: Hawaii Medical Association

Michael Champion MD, President

Christopher Flanders DO, HMA Legislative Liaison

Elizabeth Ann Ignacio MD, Chair, HMA Legislative Committee

Linda Rosehill, Legislative Affairs

Re: SB 970 SD 2 - Relating to Telehealth Position: SUPPORT, WITH COMMENTS

The COVID-19 pandemic of the last year has created a substantial expansion of telehealth within physician practices. According to the American Medical Association, the use of telehealth between physicians and their patients increased an estimated 5,000% over pre-COVID levels, and Hawaii is no exception. It has been established that telehealth can provide safe, effective care when used under proper circumstances, and has been a popular modality among many patients.

Hawaii was a relatively early adopter of telehealth and has had statutory language for well over a decade. The explosion of use offers the opportunity to fine tune current regulation.

The HMA feels strongly that the Hawaii Board of Medicine maintain an avenue of control over all licensed providers under its purview. We feel that caution must be taken when allowing exemptions to Hawaii licensure when caring for Hawaii's residents. As such, we would ask for additional discussion as to the issuance of state licensure exemptions, and limitations as to when care may be rendered across state lines, such as subspeciality care not available on Hawaii.

Thank you for allowing the Hawaii Medical Association to testify on this issue.



#### **HIPHI Board**

Date: March 16, 2021

Kilikina Mahi, MBA

To: Representative Linda Ichiyama, Chair

Chair KM Consulting LLC Representative Stacelynn K.M. Eli, Vice Chair

Members of the House Committee on Pandemic & Disaster

**Preparedness** 

Michael Robinson, MBA, MA **Immediate Past Chair** Hawai'i Pacific Health

Representative Ryan I. Yamane, Chair

JoAnn Tsark, MPH

Representative Adrian K. Tam, Vice Chair

Secretary

Members of the House Committee on Health, Human Services, &

John A. Burns School of Medicine, Native Hawaiian Homelessness

Research Office

Hrg:

Debbie Erskine **Treasurer** 

Kamehameha Schools

Re: Support for SB970, SD2, Relating to Telehealth March 18, 2021 at 11:30 AM via Videoconference

Keshia Adolpho, LCSW Molokai Community Health

Center

Keawe'aimoku Kaholokula, PhD John A. Burns School of Medicine, Department of Native Hawaiian Health

Mark Levin, JD William S. Richardson School of Law

Rachel Novotny, PhD, RDN, LD University of Hawai'i at Mānoa, College of Tropical Agriculture and Human Resources

May Okihiro, MD, MS John A. Burns School of Medicine, Department of **Pediatrics** 

Misty Pacheco, DrPH University of Hawai'i at Hilo, Department of Kinesiology and **Exercise Sciences** 

Garret Sugai Kaiser Permanente The Hawai'i Public Health Institute (HIPHI) offers testimony in **Support** of SB 970, SD2, which authorizes the establishment of a physicianpatient relationship via a telehealth interaction, if the physician is licensed to practice medicine in the State.

HIPHI supports increased access to healthcare services through telehealth services. Telehealth is especially beneficial for neighbor islands and rural areas, where access may be more limited. The COVID-19 pandemic has increased the need and use of telehealth services. This bill would provide needed clarity that telehealth can be used to establish a physician-patient relationship as long as the physician is licensed to practice medicine in Hawai'i which will increase access to care beyond the pandemic.

Mahalo for the opportunity to provide testimony in support of SB970, SD2.

Mahalo,

Jessica Yamauchi **Executive Director** 

Vamauch

<sup>&</sup>lt;sup>i</sup> Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.



Thursday, March 18, 2021 at 11:30 AM Via Video Conference

## **House Committee on Pandemic & Disaster Preparedness**

To: Representative Linda Ichiyama, Chair

Representative Stacelynn Eli, Vice Chair

#### <u>House Committee on Health, Human Services & Homelessness</u>

To: Representative Ryan Yamane, Chair

Representative Adrian Tam, Vice Chair

From: Michael Robinson

Vice President, Government Relations & Community Affairs

Re: Testimony in Support of SB 970, SD2

**Relating to Telehealth** 

My name is Michael Robinson, and I am the Vice President of Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

<u>HPH writes in strong support of SB 970, SD2</u> which authorizes the establishment of a physician-patient relationship via a telehealth interaction when the physician is licensed to practice medicine in the state.

The pandemic has caused a major shift in how patients receive care by both necessity and preference. Even now, many patients are hesitant to make in-person visits and residents of rural areas may have more limited options on how to access care. Ensuring that a legitimate relationship can be established via telehealth is an important flexibility that has enabled providers to better use telehealth to diagnose, treat, and monitor illnesses that might have otherwise gone unaddressed due to pandemic-related and other barriers. We believe that this simple change to clarify this statute will increase access to care as we continue to fight through this pandemic and beyond.

The COVID-19 pandemic has resulted in increased use of telehealth services. However, the 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. This could result

in delayed access to care in many instances where access to care could be prudently and appropriately initiated through telehealth.

With the increase in the demand for and use of telehealth to diagnose, treat, and monitor illness, this measure greatly improves the understanding of the doctor-patient relationship when telehealth is utilized.

Thank you for the opportunity to testify.



March 18, 2021 at 11:30 am Via Videoconference

#### **House Committee on Pandemic and Disaster Preparedness**

To: Chair Linda Ichiyama

Vice Chair Stacelynn K.M. Eli

#### House Committee on Health, Human Services, and Homelessness

To: Chair Ryan I. Yamane

Vice Chair Adrian K. Tam

From: Paige Heckathorn Choy

Director of Government Affairs Healthcare Association of Hawaii

Re: Testimony in Support

SB 970 SD 2, Relating to Telehealth

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities, and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 20,000 people statewide.

Thank you for the opportunity to provide testimony in strong **support** of this bill. This bill makes a change to HRS §453-1.3 to clarify that telehealth can be used to establish a physician-patient relationship if the physician is licensed to practice in Hawaii by changing the relevant section of law from a negative statement to a positive one to provide needed clarity and align §453-1.3 with other telehealth allowance throughout HRS.

The pandemic has caused a major shift in how patients receive care by both necessity and preference. Even now, many patients are hesitant to make in-person visits and residents of rural areas may have more limited options on how to access care. Ensuring that a legitimate relationship can be established via telehealth is an important flexibility that has enabled providers to better use telehealth to diagnose, treat, and monitor illnesses that might have otherwise gone unaddressed due to pandemic-related and other barriers. We believe that this simple change to clarify this statute will increase access to care as we continue to fight through this pandemic and beyond.

Thank you for the opportunity to provide supportive testimony for this bill.

<u>SB-970-SD-2</u> Submitted on: 3/15/2021 2:00:19 PM

Testimony for PDP on 3/18/2021 11:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

## Comments:

If the pandemic has taught us anything, it is we need telemedicine. Last year I used it twice, in instances where I could not meet in person with my doctor.

<u>SB-970-SD-2</u> Submitted on: 3/16/2021 2:57:28 AM

Testimony for PDP on 3/18/2021 11:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing	
Jennifer Azuma Chrupalyk	Individual	Support	No	

# Comments:

This measure is relevant and necessary. Thank you

# SB-970-SD-2

Submitted on: 3/17/2021 10:51:31 AM

Testimony for PDP on 3/18/2021 11:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelley Withy	Individual	Support	No

#### Comments:

SB 970, SD2 – RELATING TO TELEHEALTH

Thank you for this opportunity to testify in strong support of SB 970, SD2, which authorizes the establishment of a physician-patient relationship via a telehealth interaction when the physician is licensed to practice medicine in the state. This bill amends language in HRS §453-1.3 to clarify that a physician-patient relationship may be established via telehealth, provided that the physician has a license to practice medicine in the State of Hawai'i.

This has shown to work well during COVID and should be continued when COVID is controlled. Not all services can be performed via telehealth, but many can. Therefore the first visit should be able to be held over telehealth. Providers can then decide when to utilize inperson vs. telehealth visits. Thanks for your consideration! Kelley

<u>SB-970-SD-2</u> Submitted on: 3/17/2021 11:29:12 AM

Testimony for PDP on 3/18/2021 11:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaikea K. Blakemore	Individual	Support	No

Comments:

Support