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# A BILL FOR AN ACT

RELATING TO ACCESS TO BEHAVIORAL HEALTH SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that emergency  
2 governmental proclamations to restrict and manage in-person  
3 gatherings and meetings during the coronavirus disease 2019  
4 (COVID-19) pandemic have suspended certain laws that exclude the  
5 use of standard telephone contacts from the definition of  
6 "telehealth" to enable health care providers and patients to  
7 minimize in-person meetings while also ensure access to care.  
8 Additionally, the Centers for Medicare and Medicaid Services  
9 recently made permanent coverage changes to include audio-only  
10 (telephone) services used in the treatment of mental health and  
11 substance abuse issues, which will allow federally qualified  
12 health centers and rural health clinics to use telehealth to  
13 care for patients in their own homes.

14           The availability of insurance reimbursement for telehealth  
15 provided through standard telephone contacts has greatly  
16 increased access to care for vulnerable populations, including  
17 the elderly, low-income, medically- and socially-complex



1 patients, and those in rural areas who do not have the broadband  
2 capabilities, electronic equipment, financial means,  
3 transportation options, or technological proficiency to operate  
4 sophisticated digital video conferencing software. Allowing  
5 standard telephone contacts to qualify as "telehealth" also  
6 avoids problems with devices, internet, sufficient bandwidth,  
7 power and battery charging capabilities, and digital literacy.

8       The legislature further finds that the prolonged nature of  
9 the public health emergency created by COVID-19 and its  
10 attendant personal, familial, work, social, and economic  
11 disruptions have created chronic and unprecedented emotional  
12 distress, anxiety, and mental conditions for all of Hawaii's  
13 communities. The demand for mental health services has never  
14 been so high.

15       Research has found standard telephone contacts to be an  
16 effective, viable means for providing timely mental health  
17 services to patients. Talk therapy and other audio-only  
18 treatment modalities do not require physical examinations or  
19 medical prescriptions. As recently noted by the department of  
20 human services in testimony submitted in support of a similar  
21 measure (which was broadly and enthusiastically supported by the



1 medical community with the exception of the health insurance  
2 companies), "telephone calls have been shown to be clinically  
3 effective for some services such as behavioral health."  
4 Moreover, standard telephone contacts for telehealth purposes is  
5 endorsed nationally by the American Psychological Association.

6 The legislature further finds that allowing the use of  
7 standard telephone contacts for telehealth purposes related to  
8 behavioral health services is not a new mandate that would  
9 trigger an auditor's impact assessment, but is simply an  
10 additional telehealth modality to further support existing  
11 coverage requirements, and establishes parity with the services  
12 covered under medicare and medicaid.

13 Therefore, the purpose of this Act is to allow for the use  
14 and reimbursement of standard telephone contacts for telehealth  
15 purposes by mental health professionals.

16 SECTION 2. Section 346-59.1, Hawaii Revised Statutes, is  
17 amended by amending subsection (g) to read as follows:

18 "(g) For the purposes of this section:

19 "Distant site" means the location of the health care  
20 provider delivering services through telehealth at the time the  
21 services are provided.



1 "Health care provider" means a provider of services, as  
2 defined in title 42 United States Code section 1395x(u), a  
3 provider of medical and other health services, as defined in  
4 title 42 United States Code section 1395x(s), other  
5 practitioners licensed by the State and working within their  
6 scope of practice, and any other person or organization who  
7 furnishes, bills, or is paid for health care in the normal  
8 course of business, including but not limited to primary care  
9 providers, mental health providers, oral health providers,  
10 physicians and osteopathic physicians licensed under chapter  
11 453, advanced practice registered nurses licensed under chapter  
12 457, psychologists licensed under chapter 465, and dentists  
13 licensed under chapter 448.

14 "Originating site" means the location where the patient is  
15 located, whether accompanied or not by a health care provider,  
16 at the time services are provided by a health care provider  
17 through telehealth, including but not limited to a health care  
18 provider's office, hospital, critical access hospital, rural  
19 health clinic, federally qualified health center, a patient's  
20 home, and other non-medical environments such as school-based



1 health centers, university-based health centers, or the work  
2 location of a patient.

3 "Telehealth" means the use of telecommunications services,  
4 as defined in section 269-1, to encompass four modalities:  
5 store and forward technologies, remote monitoring, live  
6 consultation, and mobile health; and which shall include but not  
7 be limited to real-time video conferencing-based communication,  
8 secure interactive and non-interactive web-based communication,  
9 and secure asynchronous information exchange, to transmit  
10 patient medical information, including diagnostic-quality  
11 digital images and laboratory results for medical interpretation  
12 and diagnosis, for the purpose of delivering enhanced health  
13 care services and information while a patient is at an  
14 originating site and the health care provider is at a distant  
15 site. Standard telephone contacts, facsimile transmissions, or  
16 e-mail text, in combination or by itself, does not constitute a  
17 telehealth service for the purposes of this section[-], except  
18 for behavioral health services pursuant to section 453-1.3(h)."

19 SECTION 3. Section 431:10A-116.3, Hawaii Revised Statutes,  
20 is amended by amending subsection (g) to read as follows:

21 "(g) For the purposes of this section:



1 "Distant site" means the location of the health care  
2 provider delivering services through telehealth at the time the  
3 services are provided.

4 "Health care provider" means a provider of services, as  
5 defined in title 42 United States Code section 1395x(u), a  
6 provider of medical and other health services, as defined in  
7 title 42 United States Code section 1395x(s), other  
8 practitioners licensed by the State and working within their  
9 scope of practice, and any other person or organization who  
10 furnishes, bills, or is paid for health care in the normal  
11 course of business, including but not limited to primary care  
12 providers, mental health providers, oral health providers,  
13 physicians and osteopathic physicians licensed under chapter  
14 453, advanced practice registered nurses licensed under chapter  
15 457, psychologists licensed under chapter 465, and dentists  
16 licensed under chapter 448.

17 "Originating site" means the location where the patient is  
18 located, whether accompanied or not by a health care provider,  
19 at the time services are provided by a health care provider  
20 through telehealth, including but not limited to a health care  
21 provider's office, hospital, health care facility, a patient's



1 home, and other nonmedical environments such as school-based  
2 health centers, university-based health centers, or the work  
3 location of a patient.

4 "Telehealth" means the use of telecommunications services,  
5 as defined in section 269-1, to encompass four modalities:  
6 store and forward technologies, remote monitoring, live  
7 consultation, and mobile health; and which shall include but not  
8 be limited to real-time video conferencing-based communication,  
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14 care services and information while a patient is at an  
15 originating site and the health care provider is at a distant  
16 site. Standard telephone contacts, facsimile transmissions, or  
17 e-mail text, in combination or by itself, does not constitute a  
18 telehealth service for the purposes of this chapter[-], except  
19 for behavioral health services pursuant to section 453-1.3(h)."

20 SECTION 4. Section 432:1-601.5, Hawaii Revised Statutes,  
21 is amended by amending subsection (g) to read as follows:



1           "(g) For the purposes of this section:

2           "Health care provider" means a provider of services, as  
3 defined in title 42 United States Code section 1395x(u), a  
4 provider of medical and other health services, as defined in  
5 title 42 United States Code section 1395x(s), other  
6 practitioners licensed by the State and working within their  
7 scope of practice, and any other person or organization who  
8 furnishes, bills, or is paid for health care in the normal  
9 course of business, including but not limited to primary care  
10 providers, mental health providers, oral health providers,  
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12 453, advanced practice registered nurses licensed under chapter  
13 457, psychologists licensed under chapter 465, and dentists  
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15           "Originating site" means the location where the patient is  
16 located, whether accompanied or not by a health care provider,  
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19 provider's office, hospital, health care facility, a patient's  
20 home, and other nonmedical environments such as school-based



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6 consultation, and mobile health; and which shall include but not  
7 be limited to real-time video conferencing-based communication,  
8 secure interactive and non-interactive web-based communication,  
9 and secure asynchronous information exchange, to transmit  
10 patient medical information, including diagnostic-quality  
11 digital images and laboratory results for medical interpretation  
12 and diagnosis, for the purpose of delivering enhanced health  
13 care services and information while a patient is at an  
14 originating site and the health care provider is at a distant  
15 site. Standard telephone contacts, facsimile transmissions, or  
16 e-mail text, in combination or by itself, does not constitute a  
17 telehealth service for the purposes of this chapter[-], except  
18 for behavioral health services pursuant to section 453-1.3(h)."

19 SECTION 5. Section 432D-23.5, Hawaii Revised Statutes, is  
20 amended by amending subsection (g) to read as follows:

21 "(g) For the purposes of this section:



1 "Distant site" means the location of the health care  
2 provider delivering services through telehealth at the time the  
3 services are provided.

4 "Health care provider" means a provider of services, as  
5 defined in title 42 United States Code section 1395x(u), a  
6 provider of medical and other health services, as defined in  
7 title 42 United States Code section 1395x(s), other  
8 practitioners licensed by the State and working within their  
9 scope of practice, and any other person or organization who  
10 furnishes, bills, or is paid for health care in the normal  
11 course of business, including but not limited to primary care  
12 providers, mental health providers, oral health providers,  
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21 provider's office, hospital, health care facility, a patient's



1 home, and other nonmedical environments such as school-based  
2 health centers, university-based health centers, or the work  
3 location of a patient.

4 "Telehealth" means the use of telecommunications services,  
5 as defined in section 269-1, to encompass four modalities:  
6 store and forward technologies, remote monitoring, live  
7 consultation, and mobile health; and which shall include but not  
8 be limited to real-time video conferencing-based communication,  
9 secure interactive and non-interactive web-based communication,  
10 and secure asynchronous information exchange, to transmit  
11 patient medical information, including diagnostic-quality  
12 digital images and laboratory results for medical interpretation  
13 and diagnosis, for the purpose of delivering enhanced health  
14 care services and information while a patient is at an  
15 originating site and the health care provider is at a distant  
16 site. Standard telephone contacts, facsimile transmissions, or  
17 e-mail text, in combination or by itself, does not constitute a  
18 telehealth service for the purposes of this chapter[-], except  
19 for behavioral health services pursuant to section 453-1.3(h)."

20 SECTION 6. Section 453-1.3, Hawaii Revised Statutes, is  
21 amended by amending subsection (h) to read as follows:



1           "(h) Reimbursement for behavioral health services provided  
2 through telehealth, including standard telephone contacts, shall  
3 be equivalent to reimbursement for the same services provided  
4 via face-to-face contact between a health care provider and a  
5 patient."

6           SECTION 7. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8           SECTION 8. This Act shall take effect on January 1, 2050.



**Report Title:**

Telehealth; Behavioral Health Services; Standard Telephone  
Contacts; Insurance

**Description:**

Allows for standard telephone contacts for telehealth purposes  
related to behavior health services. Effective 1/1/2050. (SD2)

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

