

STAND. COM. REP. NO.

3368

Honolulu, Hawaii

MAR 24 2022

RE: H.B. No. 1980
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 1980, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TELEPHONIC SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Permit, but not require or prohibit, Medicaid, health insurers, mutual benefit societies, and health maintenance organizations to cover telephonic behavioral health services under certain circumstances; and
- (2) Clarify that telephonic services do not constitute telehealth.

Your Committee received testimony in support of this measure from the Department of Human Services, University of Hawai'i System, Disability and Communication Access Board, Hawaii State Council on Developmental Disabilities, Hawaii Psychiatric Medical Association, Hawaii Medical Service Association, Hawai'i Primary Care Association, Hawai'i Psychological Association, National Association of Social Workers - Hawai'i, Hawaiian Islands Association for Marriage and Family Therapy, Hawaii Association of Health Plans, Hawai'i Family Caregiver Coalition, Hawaii Medical Association, and one individual. Your Committee received comments



on this measure from the Department of Commerce and Consumer Affairs, Hawai'i Pacific Health, Healthcare Association of Hawaii, Kaiser Permanente Hawaii, and The Queen's Health Systems.

Your Committee finds that during the coronavirus disease 2019 pandemic, the use of telehealth for many services increased, but particularly for behavioral health services. Additionally, the State's Med-QUEST Division increased flexibility to use telephones for all types of clinical services, including behavioral health services. Flexible telephonic service also aids individuals without access to audio-visual technology needed for telehealth such as populations in rural communities or geographic areas that lack internet access or infrastructure and those without "smart" devices. This measure permits, but does not require, health insurers to cover telephonic behavioral health services and clarifies that telephonic services do not constitute telehealth.

Your Committee acknowledges the testimony of several stakeholders, who note that pursuant to recent updates to federal laws, Medicare and Medicaid pay equally for telephonic and telehealth services, in certain circumstances. Your Committee also acknowledges the Hawaii Primary Care Association's testimony, which provides proposed amendments adopting federal definitions into state law.

Therefore, your Committee has amended this measure by:

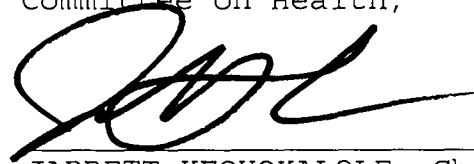
- (1) Requiring that Medicaid, health insurers, mutual benefit societies, and health maintenance organizations cover services provided through telehealth by way of an interactive telecommunications system;
- (2) Defining "interactive telecommunications system" to match the 2022 Medicare physician fee schedule final rule;
- (3) Removing language specifying that telephonic services do not constitute telehealth;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and



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

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1980, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1980, H.D. 2, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Health,



JARRETT KEOHOKALOLE, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:
HB1980 HD2	HTH, CPN/WAM	3-18-2022

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt				✓
TOTAL	4	—	—	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Rosalyn H. Baker

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*Only one measure per Record of Votes