
A BILL FOR AN ACT

RELATING TO IMPROVING ACCESS TO PSYCHIATRIC CARE FOR MEDICAID PATIENTS.

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

1 SECTION 1. The legislature finds that the psychiatric
2 collaborative care model of integrated care is ideal for states
3 with community populations that are remote from urban centers
4 because the model does not require the physical presence of a
5 psychiatrist when psychiatric services can be delivered
6 remotely. The psychiatric collaborative care model supports
7 mental and behavioral health through a team-based, coordinated
8 approach involving a psychiatric consultant, a behavioral health
9 care manager, and the primary care clinician extending beyond
10 the scope of an office visit.

11 The legislature further finds that the Centers for Medicare
12 and Medicaid Services has released a medicare fee schedule that
13 includes healthcare common procedure coding system G codes and
14 fees for psychiatric collaborative care management services,
15 which allows primary care physicians to be reimbursed for



1 services that psychiatrists provide in the collaborative care
2 model.

3 Accordingly, the purpose of this Act is to specify that
4 coverage for telehealth under the State's medicaid managed care
5 and fee-for-service programs includes psychiatric services
6 delivered via telehealth through a behavioral health care
7 manager who is present in a primary health care provider's
8 office.

9 SECTION 2. Section 346-59.1, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[+]§346-59.1[+] **Coverage for telehealth.** (a) The
12 State's medicaid managed care and fee-for-service programs shall
13 not deny coverage for any service provided through telehealth
14 that would be covered if the service were provided through in-
15 person consultation between a patient and a health care
16 provider.

17 (b) Required coverage for services under subsection (a)
18 includes psychiatric services provided to a patient by a
19 collaborative care team consisting of a primary care provider
20 and behavioral health care manager, who shall be present in the
21 primary care provider's office, in conjunction with a



1 psychiatric consultant whose services may be delivered remotely
2 through telehealth; provided that the psychiatric consultant
3 shall be a licensed psychiatrist in the State.

4 ~~(b)~~ (c) Reimbursement for services provided through
5 telehealth shall be equivalent to reimbursement for the same
6 services provided via face-to-face contact between a health care
7 provider and a patient. Nothing in this section shall require a
8 health care provider to be physically present with the patient
9 at an originating site unless a health care provider at the
10 distant site deems it necessary.

11 ~~(e)~~ (d) There shall be no geographic restrictions or
12 requirements for telehealth coverage or reimbursement under this
13 section.

14 ~~(d)~~ (e) There shall be no restrictions on originating
15 site requirements for telehealth coverage or reimbursement under
16 this section.

17 ~~(e)~~ (f) Services provided by telehealth pursuant to this
18 section shall be consistent with all federal and state privacy,
19 security, and confidentiality laws.

20 ~~(f)~~ (g) Notwithstanding any other law to the contrary,
21 the provisions of this section shall comply with the applicable



1 federal requirements related to utilization, coverage, and
2 reimbursement for telehealth services.

3 [~~(g)~~] (h) For the purposes of this section:

4 "Behavioral health care manager" means a nurse, social
5 worker, licensed counselor, or psychologist, who coordinates the
6 overall effort of the collaborative care team, ensures effective
7 communication among team members, provides psychotherapy when
8 that is part of the treatment plan, and is responsible for
9 coordinating and supporting mental health care within the clinic
10 and for coordinating referrals to clinically indicated services
11 outside the clinic.

12 "Distant site" means the location of the health care
13 provider delivering services through telehealth at the time the
14 services are provided.

15 "Health care provider" means a provider of services, as
16 defined in title 42 United States Code section 1395x(u), a
17 provider of medical and other health services, as defined in
18 title 42 United States Code section 1395x(s), other
19 practitioners licensed by the State and working within their
20 scope of practice, and any other person or organization who
21 furnishes, bills, or is paid for health care in the normal



1 course of business, including but not limited to primary care
2 providers, mental health providers, oral health providers,
3 physicians and osteopathic physicians licensed under chapter
4 453, advanced practice registered nurses licensed under chapter
5 457, psychologists licensed under chapter 465, and dentists
6 licensed under chapter 448.

7 "Originating site" means the location where the patient is
8 located, whether accompanied or not by a health care provider,
9 at the time services are provided by a health care provider
10 through telehealth, including but not limited to a health care
11 provider's office, hospital, critical access hospital, rural
12 health clinic, federally qualified health center, a patient's
13 home, and other non-medical environments such as school-based
14 health centers, university-based health centers, or the work
15 location of a patient.

16 "Telehealth" means the use of telecommunications services,
17 as defined in section 269-1, to encompass four modalities:
18 store and forward technologies, remote monitoring, live
19 consultation, and mobile health; and which shall include but not
20 be limited to real-time video conferencing-based communication,
21 secure interactive and non-interactive web-based communication,



1 and secure asynchronous information exchange, to transmit
2 patient medical information, including diagnostic-quality
3 digital images and laboratory results for medical interpretation
4 and diagnosis, for the purpose of delivering enhanced health
5 care services and information while a patient is at an
6 originating site and the health care provider is at a distant
7 site. Standard telephone contacts, facsimile transmissions, or
8 e-mail text, in combination or by itself, does not constitute a
9 telehealth service for the purposes of this section."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2022.

16

INTRODUCED BY:



JAN 13 2022



H.B. NO. 1406

Report Title:

Medicaid; Telehealth; Psychiatric Services

Description:

Specifies that coverage for telehealth under the State's medicaid managed care and fee-for-service programs includes psychiatric services delivered via telehealth through a behavioral health care manager who is present in a primary health care provider's office.

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