
A BILL FOR AN ACT

RELATING TO TELEPHONIC SERVICES.

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

1 SECTION 1. Section 346-59.1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~**346-59.1** **Coverage for telehealth.** (a) The
4 State's medicaid managed care and fee-for-service programs shall
5 not deny coverage for any service provided through telehealth
6 that would be covered if the service were provided through
7 in-person consultation between a patient and a health care
8 provider.

9 (b) Reimbursement for services provided through telehealth
10 shall be equivalent to reimbursement for the same services
11 provided via face-to-face contact between a health care provider
12 and a patient. Nothing in this section shall require a health
13 care provider to be physically present with the patient at an
14 originating site unless a health care provider at the distant
15 site deems it necessary.



1 (c) There shall be no geographic restrictions or
2 requirements for telehealth coverage or reimbursement under this
3 section.

4 (d) There shall be no restrictions on originating site
5 requirements for telehealth coverage or reimbursement under this
6 section.

7 (e) Services provided by telehealth pursuant to this
8 section shall be consistent with all federal and state privacy,
9 security, and confidentiality laws.

10 (f) Notwithstanding any other law to the contrary, the
11 provisions of this section shall comply with the applicable
12 federal requirements related to utilization, coverage, and
13 reimbursement for telehealth services.

14 (g) Telephonic behavioral health services may be covered,
15 including when:

16 (1) Telehealth services are technologically unavailable at
17 the time the patient is scheduled to receive a
18 behavioral health service;

19 (2) The behavioral health service is a medically
20 necessary, covered health care service; and



1 (3) The health care provider has provided the patient with
2 an in-person behavioral health service within the
3 twelve months preceding the telephonic service.

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

5 "Distant site" means the location of the health care
6 provider delivering services through telehealth at the time the
7 services are provided.

8 "Health care provider" means a provider of services, as
9 defined in title 42 United States Code section 1395x(u), a
10 provider of medical and other health services, as defined in
11 title 42 United States Code section 1395x(s), other
12 practitioners licensed by the State and working within their
13 scope of practice, and any other person or organization who
14 furnishes, bills, or is paid for health care in the normal
15 course of business, including but not limited to primary care
16 providers, mental health providers, oral health providers,
17 physicians and osteopathic physicians licensed under chapter
18 453, advanced practice registered nurses licensed under chapter
19 457, psychologists licensed under chapter 465, and dentists
20 licensed under chapter 448.



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

10 "Telehealth" means the use of telecommunications services,
11 as defined in section 269-1, to encompass four modalities:
12 store and forward technologies, remote monitoring, live
13 consultation, and mobile health; and which shall include but not
14 be limited to real-time video conferencing-based communication,
15 secure interactive and non-interactive web-based communication,
16 and secure asynchronous information exchange, to transmit
17 patient medical information, including diagnostic-quality
18 digital images and laboratory results for medical interpretation
19 and diagnosis, for the purpose of delivering enhanced health
20 care services and information while a patient is at an
21 originating site and the health care provider is at a distant



1 site. Standard telephone contacts, facsimile transmissions, or
2 e-mail text, in combination or by itself, does not constitute a
3 telehealth service for the purposes of this section.

4 "Telephonic service" means the use of two-way, real-time
5 audio-only telephone communication by a health care provider at
6 a distant site, for the purpose of diagnosing, monitoring, or
7 treating a patient."

8 SECTION 2. Section 431:10A-116.3, Hawaii Revised Statutes,
9 is amended to read as follows:

10 **"§431:10A-116.3 Coverage for telehealth.** (a) It is the
11 intent of the legislature to recognize the application of
12 telehealth as a reimbursable service by which an individual
13 shall receive medical services from a health care provider
14 without face-to-face contact with the health care provider.

15 (b) No policy of accident and health or sickness insurance
16 [~~plan~~] that is issued, amended, or renewed shall require face-
17 to-face contact between a health care provider and a patient as
18 a prerequisite for payment for services appropriately provided
19 through telehealth in accordance with generally accepted health
20 care practices and standards prevailing in the applicable
21 professional community at the time the services were provided.



1 The coverage required in this section may be subject to all
2 terms and conditions of the [~~plan~~] policy agreed upon among the
3 [~~enrollee or subscriber,~~] the insured, the insurer, and the
4 health care provider.

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

12 (d) Notwithstanding chapter 453 or rules adopted pursuant
13 thereto, in the event that a health care provider-patient
14 relationship does not exist between the patient and the health
15 care provider to be involved in a telehealth interaction between
16 the patient and the health care provider, a telehealth mechanism
17 may be used to establish a health care provider-patient
18 relationship.

19 (e) All insurers shall provide current and prospective
20 insureds with written disclosure of coverages and benefits
21 associated with telehealth services, including information on



1 copayments, deductibles, or coinsurance requirements under a
2 policy, contract, plan, or agreement. The information provided
3 shall be current, understandable, and available prior to the
4 issuance of a policy, contract, plan, or agreement, and upon
5 request after the policy, contract, plan, or agreement has been
6 issued.

7 (f) Services provided by telehealth pursuant to this
8 section shall be consistent with all federal and state privacy,
9 security, and confidentiality laws.

10 (g) Telephonic behavioral health services may be covered,
11 including when:

12 (1) Telehealth services are technologically unavailable at
13 the time the patient is scheduled to receive a
14 behavioral health service;

15 (2) The behavioral health service is a medically
16 necessary, covered health care service; and

17 (3) The health care provider has provided the patient with
18 an in-person behavioral health service within the
19 twelve months preceding the telephonic service.

20 [~~g~~] (h) 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,
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.

19 "Telephonic service" means the use of two-way, real-time
20 audio-only telephone communication by a health care provider at



1 a distant site, for the purpose of diagnosing, monitoring, or
2 treating a patient."

3 SECTION 3. Section 432:1-601.5, Hawaii Revised Statutes,
4 is amended to read as follows:

5 "**§432:1-601.5 Coverage for telehealth.** (a) It is the
6 intent of the legislature to recognize the application of
7 telehealth as a reimbursable service by which an individual
8 shall receive medical services from a health care provider
9 without face-to-face contact with the health care provider.

10 (b) No [~~mutual benefit society~~] hospital or medical
11 service plan contract that is issued, amended, or renewed shall
12 require face-to-face contact between a health care provider and
13 a patient as a prerequisite for payment for services
14 appropriately provided through telehealth in accordance with
15 generally accepted health care practices and standards
16 prevailing in the applicable professional community at the time
17 the services were provided. The coverage required in this
18 section may be subject to all terms and conditions of the plan
19 contract agreed upon among the [~~enrollee~~] member or subscriber,
20 the mutual benefit society, and the health care provider.



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

8 (d) Notwithstanding chapter 453 or rules adopted pursuant
9 thereto, in the event that a health care provider-patient
10 relationship does not exist between the patient and the health
11 care provider to be involved in a telehealth interaction between
12 the patient and health care provider, a telehealth mechanism may
13 be used to establish a health care provider-patient
14 relationship.

15 (e) All [~~insurers~~] mutual benefit societies shall provide
16 current and prospective [~~enrollees~~] members or subscribers with
17 written disclosure of coverages and benefits associated with
18 telehealth services, including information on copayments,
19 deductibles, or coinsurance requirements under a policy,
20 contract, plan, or agreement. The information provided shall be
21 current, understandable, and available prior to the issuance of



1 a policy, contract, plan, or agreement, and upon request after
2 the policy, contract, plan, or agreement has been issued.

3 (f) Services provided by telehealth pursuant to this
4 section shall be consistent with all federal and state privacy,
5 security, and confidentiality laws.

6 (g) Telephonic behavioral health services may be covered,
7 including when:

8 (1) Telehealth services are technologically unavailable at
9 the time the patient is scheduled to receive a
10 behavioral health service;

11 (2) The behavioral health service is a medically
12 necessary, covered health care service; and

13 (3) The health care provider has provided the patient with
14 an in-person behavioral health service within the
15 twelve months preceding the telephonic service.

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

17 "Health care provider" means a provider of services, as
18 defined in title 42 United States Code section 1395x(u), a
19 provider of medical and other health services, as defined in
20 title 42 United States Code section 1395x(s), other
21 practitioners licensed by the State and working within their



1 scope of practice, and any other person or organization who
2 furnishes, bills, or is paid for health care in the normal
3 course of business, including but not limited to primary care
4 providers, mental health providers, oral health providers,
5 physicians and osteopathic physicians licensed under chapter
6 453, advanced practice registered nurses licensed under chapter
7 457, psychologists licensed under chapter 465, and dentists
8 licensed under chapter 448.

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

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



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

11 "Telephonic service" means the use of two-way, real-time
12 audio-only telephone communication by a health care provider at
13 a distant site, for the purpose of diagnosing, monitoring, or
14 treating a patient."

15 SECTION 4. Section 432D-23.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§432D-23.5 Coverage for telehealth.** (a) It is the
18 intent of the legislature to recognize the application of
19 telehealth as a reimbursable service by which an individual
20 shall receive medical services from a health care provider
21 without face-to-face contact with the health care provider.



1 (b) No health maintenance organization policy, contract,
2 plan, or agreement that is issued, amended, or renewed shall
3 require face-to-face contact between a health care provider and
4 a patient as a prerequisite for payment for services
5 appropriately provided through telehealth in accordance with
6 generally accepted health care practices and standards
7 prevailing in the applicable professional community at the time
8 the services were provided. The coverage required in this
9 section may be subject to all terms and conditions of the
10 policy, contract, plan, or agreement agreed upon among the
11 enrollee or subscriber, the health maintenance organization, and
12 the health care provider.

13 (c) Reimbursement for services provided through telehealth
14 shall be equivalent to reimbursement for the same services
15 provided via face-to-face contact between a health care provider
16 and a patient. Nothing in this section shall require a health
17 care provider to be physically present with the patient at an
18 originating site unless a health care provider at the distant
19 site deems it necessary.

20 (d) Notwithstanding chapter 453 or rules adopted pursuant
21 thereto, in the event that a health care provider-patient



1 relationship does not exist between the patient and the health
2 care provider involved in a telehealth interaction between the
3 patient and the health care provider, a telehealth mechanism may
4 be used to establish a health care provider-patient
5 relationship.

6 (e) All health maintenance organizations shall provide
7 current and prospective [~~insureds~~] enrollees or subscribers with
8 written disclosure of coverages and benefits associated with
9 telehealth services, including information on copayments,
10 deductibles, or coinsurance requirements under a policy,
11 contract, plan, or agreement. The information provided shall be
12 current, understandable, and available prior to enrollment in a
13 policy, contract, plan, or agreement and upon request after
14 enrollment in the policy, contract, plan, or agreement.

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

18 (g) Telephonic behavioral health services may be covered,
19 including when:



1 (1) Telehealth services are technologically unavailable at
2 the time the patient is scheduled to receive a
3 behavioral health service;

4 (2) The behavioral health service is a medically
5 necessary, covered health care service; and

6 (3) The health care provider has provided the patient with
7 an in-person behavioral health service within the
8 twelve months preceding the telephonic service.

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

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

13 "Health care provider" means a provider of services, as
14 defined in title 42 United States Code section 1395x(u), a
15 provider of medical and other health services, as defined in
16 title 42 United States Code section 1395x(s), other
17 practitioners licensed by the State and working within their
18 scope of practice, and any other person or organization who
19 furnishes, bills, or is paid for health care in the normal
20 course of business, including but not limited to primary care
21 providers, mental health providers, oral health providers,



1 physicians and osteopathic physicians licensed under chapter
2 453, advanced practice registered nurses licensed under chapter
3 457, psychologists licensed under chapter 465, and dentists
4 licensed under chapter 448.

5 "Originating site" means the location where the patient is
6 located, whether accompanied or not by a health care provider,
7 at the time services are provided by a health care provider
8 through telehealth, including but not limited to a health care
9 provider's office, hospital, health care facility, a patient's
10 home, and other nonmedical environments such as school-based
11 health centers, university-based health centers, or the work
12 location of a patient.

13 "Telehealth" means the use of telecommunications services,
14 as defined in section 269-1, to encompass four modalities:
15 store and forward technologies, remote monitoring, live
16 consultation, and mobile health; and which shall include but not
17 be limited to real-time video conferencing-based communication,
18 secure interactive and non-interactive web-based communication,
19 and secure asynchronous information exchange, to transmit
20 patient medical information, including diagnostic-quality
21 digital images and laboratory results for medical interpretation



1 and diagnosis, for the purpose of delivering enhanced health
2 care services and information while a patient is at an
3 originating site and the health care provider is at a distant
4 site. Standard telephone contacts, facsimile transmissions, or
5 e-mail text, in combination or by itself, does not constitute a
6 telehealth service for the purposes of this chapter.

7 "Telephonic service" means the use of two-way, real-time
8 audio-only telephone communication by a health care provider at
9 a distant site, for the purpose of diagnosing, monitoring, or
10 treating a patient."

11 SECTION 5. Section 453-1.3, Hawaii Revised Statutes, is
12 amended by amending subsection (j) to read as follows:

13 "(j) For the purposes of this section:

14 "Distant site" means the location of the physician
15 delivering services through telehealth at the time the services
16 are provided.

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 physician through
20 telehealth, including but not limited to a physician's office,
21 hospital, health care facility, a patient's home, and other



1 non-medical environments such as school-based health centers,
2 university-based health centers, or the work location of a
3 patient.

4 "Telehealth" means the use of telecommunications as that
5 term is 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 purposes of: delivering enhanced health
14 care services and information while a patient is at an
15 originating site and the physician is at a distant site;
16 establishing a physician-patient relationship; evaluating a
17 patient; or treating a patient. A telephonic service, as
18 defined in section 431:10A-116.3, does not constitute
19 telehealth."

20 SECTION 6. The department of health, department of human
21 services, and department of commerce and consumer affairs shall



1 adopt rules pursuant to chapter 91, Hawaii Revised Statutes, to
2 effectuate the purposes of this Act.

3 SECTION 7. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 8. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act shall take effect on January 1, 2060.



H.B. NO. 1980 H.D. 2

Report Title:

Medicaid; Insurance; Health Insurers; Mutual Benefit Societies; Health Maintenance Organizations; Behavioral Health; Telephonic Services; Telehealth

Description:

Permits, but does not require or prohibit, Medicaid, health insurers, mutual benefit societies, and health maintenance organizations to cover telephonic behavioral health services under certain circumstances. Clarifies that telephonic services do not constitute telehealth. Effective 1/1/2060. (HD2)

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

