
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 as follows:

3 1. By amending its title to read:

4 " [†] §346-59.1 [†] Coverage for telehealth."

5 2. By amending subsection (b) to read:

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

14 3. By amending subsection (g) to read:

15 "(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 "Interactive telecommunications system" means multimedia
18 communications equipment that includes, at a minimum, audio and
19 video equipment permitting two-way, real-time interactive
20 communications between the patient and distant site physician or
21 practitioner; provided that for services furnished for purposes



1 of diagnosis, evaluation, or treatment of a mental health
2 disorder to a patient in their home, interactive
3 telecommunications may include two-way, real-time audio-only
4 communication technology if the distant site physician or
5 practitioner is technically capable to use an interactive
6 telecommunications system but the patient is not capable of, or
7 does not consent to, the use of video technology; and provided
8 further that the term shall have the same meaning as the term is
9 defined in title 42, Code of Federal Regulations section 410.78,
10 as amended.

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

20 "Telehealth" means the use of telecommunications services,
21 as defined in section 269-1, to encompass four modalities:



1 store and forward technologies, remote monitoring, live
2 consultation, and mobile health; and which shall include but not
3 be limited to real-time video conferencing-based communication,
4 secure interactive and non-interactive web-based communication,
5 and secure asynchronous information exchange, to transmit
6 patient medical information, including diagnostic-quality
7 digital images and laboratory results for medical interpretation
8 and diagnosis, for the purpose of delivering enhanced health
9 care services and information while a patient is at an
10 originating site and the health care provider is at a distant
11 site. ~~[Standard]~~ Except as otherwise provided for in this
12 section, standard telephone contacts, facsimile transmissions,
13 or e-mail text, in combination or by itself, does not constitute
14 a telehealth service for the purposes of this section."

15 SECTION 2. Section 431:10A-116.3, Hawaii Revised Statutes,
16 is amended as follows:

17 1. By amending subsections (b) and (c) to read:

18 "(b) No policy of accident and health or sickness
19 insurance ~~[plan]~~ that is issued, amended, or renewed shall
20 require face-to-face contact between a health care provider and
21 a patient as a prerequisite for payment for services



1 appropriately provided through telehealth in accordance with
2 generally accepted health care practices and standards
3 prevailing in the applicable professional community at the time
4 the services were provided. The coverage required in this
5 section may be subject to all terms and conditions of the [plan]
6 policy agreed upon among the [~~enrollee or subscriber,~~] the
7 insured, the insurer, and the health care provider.

8 (c) Reimbursement for services provided through telehealth
9 by way of an interactive telecommunications system, shall be
10 equivalent to reimbursement for the same services provided via
11 face-to-face contact between a health care provider and a
12 patient. Nothing in this section shall require a health care
13 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."

16 2. By amending subsection (g) to read:

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

18 "Distant site" means the location of the health care
19 provider delivering services through telehealth at the time the
20 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 "Interactive telecommunications system" means multimedia
15 communications equipment that includes, at a minimum, audio and
16 video equipment permitting two-way, real-time interactive
17 communications between the patient and distant site physician or
18 practitioner; provided that for services furnished for purposes
19 of diagnosis, evaluation, or treatment of a mental health
20 disorder to a patient in their home, interactive
21 telecommunications may include two-way, real-time audio-only



1 communication technology if the distant site physician or
 2 practitioner is technically capable to use an interactive
 3 telecommunications system but the patient is not capable of, or
 4 does not consent to, the use of video technology; and provided
 5 further that the term shall have the same meaning as the term is
 6 defined in title 42, Code of Federal Regulations section 410.78,
 7 as amended.

8 "Originating site" means the location where the patient is
 9 located, whether accompanied or not by a health care provider,
 10 at the time services are provided by a health care provider
 11 through telehealth, including but not limited to a health care
 12 provider's office, hospital, health care facility, a patient's
 13 home, and other nonmedical 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~~] Except as otherwise provided for in this
8 section, standard telephone contacts, facsimile transmissions,
9 or e-mail text, in combination or by itself, does not constitute
10 a telehealth service for the purposes of this chapter."

11 SECTION 3. Section 432:1-601.5, Hawaii Revised Statutes,
12 is amended as follows:

13 1. By amending subsections (b) and (c) to read:

14 "(b) No [~~mutual benefit society~~] hospital or medical
15 service plan contract that is issued, amended, or renewed shall
16 require face-to-face contact between a health care provider and
17 a patient as a prerequisite for payment for services
18 appropriately provided through telehealth in accordance with
19 generally accepted health care practices and standards
20 prevailing in the applicable professional community at the time
21 the services were provided. The coverage required in this



1 section may be subject to all terms and conditions of the plan
2 contract agreed upon among the [~~enrollee~~] member or subscriber,
3 the mutual benefit society, and the health care provider.

4 (c) Reimbursement for services provided through telehealth
5 by way of an interactive telecommunications system shall be
6 equivalent to reimbursement for the same services provided via
7 face-to-face contact between a health care provider and a
8 patient. Nothing in this section shall require a health care
9 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 2. By amending subsection (e) to read:

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



1 3. By amending subsection (g) to read:

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

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

16 "Interactive telecommunications system" means multimedia
17 communications equipment that includes, at a minimum, audio and
18 video equipment permitting two-way, real-time interactive
19 communications between the patient and distant site physician or
20 practitioner; provided that for services furnished for purposes
21 of diagnosis, evaluation, or treatment of a mental health



1 disorder to a patient in their home, interactive
2 telecommunications may include two-way, real-time audio-only
3 communication technology if the distant site physician or
4 practitioner is technically capable to use an interactive
5 telecommunications system but the patient is not capable of, or
6 does not consent to, the use of video technology; and provided
7 further that the term shall have the same meaning as the term is
8 defined in title 42, Code of Federal Regulations section 410.78,
9 as amended.

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

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



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

13 SECTION 4. Section 432D-23.5, Hawaii Revised Statutes, is
14 amended as follows:

15 1. By amending subsections (b) and (c) to read:

16 "(b) No health maintenance organization policy, contract,
17 plan, or agreement that is issued, amended, or renewed shall
18 require face-to-face contact between a health care provider and
19 a patient as a prerequisite for payment for services
20 appropriately provided through telehealth in accordance with
21 generally accepted health care practices and standards



1 prevailing in the applicable professional community at the time
2 the services were provided. The coverage required in this
3 section may be subject to all terms and conditions of the
4 policy, contract, plan, or agreement agreed upon among the
5 enrollee or subscriber, the health maintenance organization, and
6 the health care provider.

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

15 2. By amending subsection (e) to read:

16 "(e) All health maintenance organizations shall provide
17 current and prospective [~~insureds~~] enrollees or subscribers with
18 written disclosure of coverages and benefits associated with
19 telehealth services, including information on copayments,
20 deductibles, or coinsurance requirements under a policy,
21 contract, plan, or agreement. The information provided shall be



1 current, understandable, and available prior to enrollment in a
2 policy, contract, plan, or agreement and upon request after
3 enrollment in the policy, contract, plan, or agreement."

4 3. By amending subsection (g) to read:

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

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

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



1 "Interactive telecommunications system" means multimedia
2 communications equipment that includes, at a minimum, audio and
3 video equipment permitting two-way, real-time interactive
4 communications between the patient and distant site physician or
5 practitioner; provided that for services furnished for purposes
6 of diagnosis, evaluation, or treatment of a mental health
7 disorder to a patient in their home, interactive
8 telecommunications may include two-way, real-time audio-only
9 communication technology if the distant site physician or
10 practitioner is technically capable to use an interactive
11 telecommunications system but the patient is not capable of, or
12 does not consent to, the use of video technology; and provided
13 further that the term shall have the same meaning as the term is
14 defined in title 42, Code of Federal Regulations section 410.78,
15 as amended.

16 "Originating site" means the location where the patient is
17 located, whether accompanied or not by a health care provider,
18 at the time services are provided by a health care provider
19 through telehealth, including but not limited to a health care
20 provider's office, hospital, health care facility, a patient's
21 home, and other nonmedical 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~~] Except as otherwise provided for in this
16 section, standard telephone contacts, facsimile transmissions,
17 or e-mail text, in combination or by itself, does not constitute
18 a telehealth service for the purposes of this chapter."

19 SECTION 5. The department of health, department of human
20 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 6. 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 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 July 1, 2050.



Report Title:

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

Description:

Requires Medicaid, health insurers, mutual benefit societies,
and health maintenance organizations to cover services provided
through telehealth by way of an interactive telecommunications
system. Defines "interactive telecommunications system" to
match the 2022 Medicare physician fee schedule final rule.
Effective 7/1/2050. (SD1)

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not legislation or evidence of legislative intent.*

