

JAN 19 2022

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# A BILL FOR AN ACT

RELATING TO TELEHEALTH.

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

1           SECTION 1. The legislature finds that the coronavirus  
2 disease 2019 (COVID-19) pandemic has placed severe restrictions  
3 on in-person gatherings and meetings. The emergency  
4 proclamation issued by the governor on December 16, 2020,  
5 suspended the application of certain laws that excluded the use  
6 of standard telephone contacts from the definition of  
7 "telehealth" to enable doctors and patients to minimize  
8 in-person meetings while ensuring access to medical care.  
9           The use of standard telephone contacts for telehealth  
10 benefits in underserved and low-income communities where  
11 cellular data plans and broadband services needed for video  
12 calls, traditionally the hallmark of telehealth services, are  
13 not feasible options for many residents. Moreover, standard  
14 telephone contacts have been used by medical professionals for  
15 decades to provide necessary access to primary care where a  
16 patient is home-bound or otherwise unable to access face-to-face  
17 care. The legislature further finds that allowing standard



1 telephone contact for the purpose of telehealth is endorsed by  
2 the Hawaii primary care association.

3 The purpose of this Act is to allow for the use of standard  
4 telephone contact for telehealth purposes.

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

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

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

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



1 457, psychologists licensed under chapter 465, and dentists  
2 licensed under chapter 448.

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

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



1 care services and information while a patient is at an  
2 originating site and the health care provider is at a distant  
3 site. [~~Standard telephone contacts, facsimile~~] Facsimile  
4 transmissions[~~7~~] or e-mail text, in combination or by itself,  
5 does not constitute a telehealth service for the purposes of  
6 this section."

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

9 "(g) 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~~] Facsimile  
5 transmissions[~~]~~ or e-mail text, in combination or by itself,  
6 does not constitute a telehealth service for the purposes of  
7 this chapter."

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

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

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

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13 store and forward technologies, remote monitoring, live  
14 consultation, and mobile health; and which shall include but not  
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16 secure interactive and non-interactive web-based communication,  
17 and secure asynchronous information exchange, to transmit  
18 patient medical information, including diagnostic-quality  
19 digital images and laboratory results for medical interpretation  
20 and diagnosis, for the purpose of delivering enhanced health  
21 care services and information while a patient is at an



1 originating site and the health care provider is at a distant  
2 site. [~~Standard telephone contacts, facsimile~~] Facsimile  
3 transmissions[7] or e-mail text, in combination or by itself,  
4 does not constitute a telehealth service for the purposes of  
5 this chapter."

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

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

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

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





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2 457, psychologists licensed under chapter 465, and dentists  
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5 located, whether accompanied or not by a health care provider,  
6 at the time services are provided by a health care provider  
7 through telehealth, including but not limited to a health care  
8 provider's office, hospital, health care facility, a patient's  
9 home, and other nonmedical environments such as school-based  
10 health centers, university-based health centers, or the work  
11 location of a patient.

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



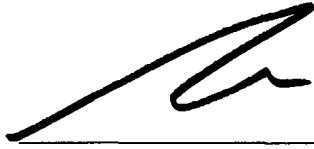
1 care services and information while a patient is at an  
2 originating site and the health care provider is at a distant  
3 site. [~~Standard telephone contacts, facsimile~~] Facsimile  
4 transmissions[7] or e-mail text, in combination or by itself,  
5 does not constitute a telehealth service for the purposes of  
6 this chapter."

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

9 SECTION 7. This Act shall take effect upon its approval.

10

INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2073

**Report Title:**

Telehealth; Standard Telephone Contact

**Description:**

Allows for standard telephone contacts for telehealth purposes.

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

