
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 telehealth has
2 served as a lifeline of access to essential health care services
3 for residents with adequate broadband coverage. However, many
4 residents that live in rural and underprivileged communities are
5 often cut off from receiving essential health care through
6 telehealth because they lack the broadband coverage necessary to
7 access this care. As a result, many of these residents will put
8 off receiving care until the point of requiring emergency room
9 admission, which in turn adds strain to a system already
10 experiencing resource and staffing shortages.

11 The legislature further finds that the use of standard
12 telephone contact in telehealth during the COVID-19 pandemic
13 demonstrated the effectiveness of this tool as a mode of
14 essential health care delivery, especially for residents living
15 in rural, isolated, and underprivileged communities. For kupuna
16 and others who may have limited digital literacy, the ability to



1 use a landline telephone to receive care was a lifeline resource
2 during the pandemic.

3 The purpose of this Act is to authorize reimbursement
4 services provided through telehealth by way of an interactive
5 telecommunications system, which is defined to be consistent
6 with federal law and include real time audio-only communication
7 technology for limited uses. Under federal law, the definition
8 for "interactive telecommunications system" is as follows:

9 "Interactive telecommunications system" means, except as
10 otherwise provided in this paragraph, multimedia communications
11 equipment that includes, at a minimum, audio and video equipment
12 permitting two-way, real-time interactive communication between
13 the patient and distant site physician or practitioner. For
14 services furnished for purposes of diagnosis, evaluation, or
15 treatment of a mental health disorder to a patient in their
16 home, interactive telecommunications may include two-way, real-
17 time audio-only communication technology if the distant site
18 physician or practitioner is technically capable to use an
19 interactive telecommunications system as defined in the previous
20 sentence, but the patient is not capable of, or does not consent
21 to, the use of video technology.



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

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

4 "(b) Reimbursement for services provided through
5 telehealth by way of an interactive telecommunications system
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 2. By amending subsection (g) to read:

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

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

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 "Interactive telecommunications system" has the same
10 meaning as the term is defined in title 42 Code of Federal
11 Regulations section 410.78, as amended.

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



1 "Telehealth" means the use of telecommunications services,
2 as defined in section 269-1, to encompass four modalities:
3 store and forward technologies, remote monitoring, live
4 consultation, and mobile health; and which shall include but not
5 be limited to real-time video conferencing-based communication,
6 secure interactive and non-interactive web-based communication,
7 and secure asynchronous information exchange, to transmit
8 patient medical information, including diagnostic-quality
9 digital images and laboratory results for medical interpretation
10 and diagnosis, for the purpose of delivering enhanced health
11 care services and information while a patient is at an
12 originating site and the health care provider is at a distant
13 site. [~~Standard~~] Except as otherwise provided for in this
14 section, standard telephone contacts, facsimile transmissions,
15 or [~~e-mail~~] electronic mail text, in combination or by itself,
16 does not constitute a telehealth service [~~for the purposes of~~
17 ~~this section~~]."

18 SECTION 3. Section 431:10A-116.3, Hawaii Revised Statutes,
19 is amended as follows:

20 1. By amending subsection (c) to read:



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

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

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

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

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



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4 457, psychologists licensed under chapter 465, and dentists
5 licensed under chapter 448.

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7 meaning as the term is defined in title 42 Code of Federal
8 Regulations section 410.78, as amended.

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~~] Except as otherwise provided for in this
9 section, standard telephone contacts, facsimile transmissions,
10 or [e-mail] electronic mail text, in combination or by itself,
11 does not constitute a telehealth service for the purposes of
12 this chapter."

13 SECTION 4. Section 432:1-601.5, Hawaii Revised Statutes,
14 is amended as follows:

15 1. By amending subsection (c) to read:

16 "(c) Reimbursement for services provided through
17 telehealth by way of an interactive telecommunications system
18 shall be equivalent to reimbursement for the same services
19 provided via face-to-face contact between a health care provider
20 and a patient. Nothing in this section shall require a health
21 care provider to be physically present with the patient at an



1 originating site unless a health care provider at the distant
2 site deems it necessary."

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

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

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

18 "Interactive telecommunications system" has the same
19 meaning as the term is defined in title 42 Code of Federal
20 Regulations section 410.78, as amended.



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, health care facility, a patient's
6 home, and other nonmedical environments such as school-based
7 health centers, university-based health centers, or the work
8 location of a patient.

9 "Telehealth" means the use of telecommunications services,
10 as defined in section 269-1, to encompass four modalities:
11 store and forward technologies, remote monitoring, live
12 consultation, and mobile health; and which shall include but not
13 be limited to real-time video conferencing-based communication,
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17 digital images and laboratory results for medical interpretation
18 and diagnosis, for the purpose of delivering enhanced health
19 care services and information while a patient is at an
20 originating site and the health care provider is at a distant
21 site. [~~Standard~~] Except as otherwise provided for in this



1 section, standard telephone contacts, facsimile transmissions,
2 or [~~e-mail~~] electronic mail text, in combination or by itself,
3 does not constitute a telehealth service for the purposes of
4 this chapter."

5 SECTION 5. Section 432D-23.5, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending subsection (c) to read:

8 "(c) Reimbursement for services provided through
9 telehealth by way of an interactive telecommunications system
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."

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
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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" has the same
15 meaning as the term is defined in title 42 Code of Federal
16 Regulations section 410.78, as amended.

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~~] Except as otherwise provided for in this
17 section, standard telephone contacts, facsimile transmissions,
18 or [~~e-mail~~] electronic mail text, in combination or by itself,
19 does not constitute a telehealth service for the purposes of
20 this chapter."



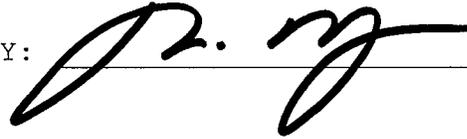
H.B. NO. 907

1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:



JAN 23 2023



H.B. NO. 907

Report Title:

Telehealth; Conform to Federal Law; Accident and Health or
Sickness Insurance; Benefit Societies; Health Maintenance
Organizations

Description:

Conforms the State's law regarding telehealth to the medicare
standards by clarifying that telehealth services provided by way
of an interactive telecommunications system be reimbursed.

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not legislation or evidence of legislative intent.*

