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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 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.

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

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

9 "(b) Reimbursement for services provided through  
10 telehealth by way of an interactive telecommunications system  
11 shall be equivalent to reimbursement for the same services  
12 provided via face-to-face contact between a health care provider  
13 and a patient[+]; provided that reimbursement for the diagnosis,  
14 evaluation, or treatment of a mental health disorder delivered  
15 through an interactive telecommunications system shall meet the  
16 requirements of title 42 Code of Federal Regulations section  
17 410.78. Nothing in this section shall require a health care  
18 provider to be physically present with the patient at an  
19 originating site unless a health care provider at the distant  
20 site deems it necessary."

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



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

2           "Distant site" means the location of the health care  
3 provider delivering services through telehealth at the time the  
4 services are provided.

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 in title 42 Code of Federal Regulations section  
20 410.78.



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~~] Except as provided through an interactive  
2 telecommunications system, standard telephone contacts,  
3 facsimile transmissions, or [~~e-mail~~] electronic mail text, in  
4 combination or by itself, does not constitute a telehealth  
5 service for the purposes of this section."

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

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

9 "(c) Reimbursement for services provided through  
10 telehealth by way of an interactive telecommunications system  
11 shall be equivalent to reimbursement for the same services  
12 provided via face-to-face contact between a health care provider  
13 and a patient[-]; provided that reimbursement for the diagnosis,  
14 evaluation, or treatment of a mental health disorder delivered  
15 through an interactive telecommunications system shall meet the  
16 requirements of title 42 Code of Federal Regulations section  
17 410.78. Nothing in this section shall require a health care  
18 provider to be physically present with the patient at an  
19 originating site unless a health care provider at the distant  
20 site deems it necessary."

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4 services are provided.

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.

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2 located, whether accompanied or not by a health care provider,  
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4 through telehealth, including but not limited to a health care  
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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.

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10 as defined in section 269-1, to encompass four modalities:  
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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 provided through an interactive



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

5 SECTION 4. Section 432:1-601.5, Hawaii Revised Statutes,  
6 is 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[-]; provided that reimbursement for the diagnosis,  
13 evaluation, or treatment of a mental health disorder delivered  
14 through an interactive telecommunications system shall meet the  
15 requirements of title 42 Code of Federal Regulations section  
16 410.78. Nothing in this section shall require a health care  
17 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 2. By amending subsection (g) to read:

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



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  
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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 in title 42 Code of Federal Regulations section  
16 410.78.

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



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



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

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

4 "(c) 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~~[-]~~; provided that reimbursement for the diagnosis,  
9 evaluation, or treatment of a mental health disorder delivered  
10 through an interactive telecommunications system shall meet the  
11 requirements of title 42 Code of Federal Regulations section  
12 410.78. 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" has the same  
15 meaning as in title 42 Code of Federal Regulations section  
16 410.78.

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



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



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 on June 30, 3000.

4



**Report Title:**

Telehealth; Accident and Health or Sickness Insurance; Mutual Benefit Societies; Health Maintenance Organizations

**Description:**

Authorizes reimbursement of telehealth services provided by way of an interactive telecommunications system be reimbursed. Effective 6/30/3000. (HD2)

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

