

STAND. COM. REP. NO. 1819

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 907  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 907, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TELEHEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Temporarily allow for the reimbursement of services provided through telehealth via an interactive telecommunications system and two-way, real-time audio-only communications in certain circumstances; and
- (2) Define "interactive telecommunications system".

Your Committee received testimony in support of this measure from the Department of Human Services, University of Hawai'i System, AlohaCare, Alzheimer's Association, American Cancer Society Cancer Action Network, Epilepsy Foundation of Hawaii, Hawaiian Islands Association for Marriage and Family Therapy, Hawaii Medical Association, Hawai'i Pacific Health, Hawai'i Primary Care Association, Hawai'i Psychological Association, Hawaii Substance Abuse Coalition, National Union of Healthcare Workers, National Association of Social Workers - Hawai'i, Hawai'i Health & Harm Reduction Center, and ten individuals. Your Committee received testimony in opposition to this measure from one



individual. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Medical Service Association.

Your Committee finds that the State faces a continued shortage of health care providers, particularly on the neighbor islands and in rural areas. The definition of "telehealth" has traditionally required both audio and video capabilities and excluded standard telephone contacts. However, elderly, as well as medically- and socially-complex patients often face limited broadband access and personal difficulty navigating the technological requirements of accessing traditional video telehealth services. In these instances, telephonic communication has become a viable alternative for many individuals in these communities to overcome barriers, enabling them to access health care remotely. Including audio-only communication in the definition of "interactive telecommunications system" for health insurers in certain circumstances, will allow patients to better access and utilize the telehealth option.

Your Committee acknowledges the concerns raised in testimony that this measure, as currently drafted, could cause confusion with respect to the reimbursement of telehealth services. Amendments to this measure are therefore necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying the definition of "interactive telecommunications system";
- (2) Clarifying the definition of "telehealth";
- (3) Clarifying the conditions for reimbursement of "audio-only" telehealth;
- (4) Substituting the phrase "face-to-face" with "in-person", where relevant; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 907, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 907, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,




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JARRETT KEOHOKALOLE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>HB907 HD2 SD1</b>	Committee Referral: <b>HHS, CPN</b>	Date: <b>4/6/23</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.				✓
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes