
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 many residents in
2 underserved and low-income communities where cellular data plans
3 and broadband are inaccessible are unable to utilize telehealth
4 services that require internet connectivity. The legislature
5 further finds that medical professionals have used standard
6 telephone contacts for decades to provide necessary access to
7 primary care when a patient is homebound or otherwise unable to
8 access face-to-face care. The Centers for Medicare and Medicaid
9 Services continues to authorize coverage of audio-only
10 (telephone) services used in the treatment of mental health and
11 substance abuse in certain circumstances, allowing federally
12 qualified health centers and rural health clinics to use
13 telehealth to care for patients in patients' homes. Consistent
14 provisions for managed care plans and commercial health care
15 plans are warranted to ensure pay parity for telephonic and
16 telehealth services.



1 Accordingly, the purpose of this Act is to allow for the
2 use of standard telephone contacts for telehealth purposes,
3 consistent with the 2023 Medicare Physician Fee Schedule.

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

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

7 "(b) Reimbursement for services provided through
8 telehealth via 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 (g) to read:

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

17 "Distant site" means the location of the health care
18 provider delivering services through telehealth at the time the
19 services are provided.

20 "Health care provider" means a provider of services, as
21 defined in title 42 United States Code section 1395x(u), a



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

12 "Interactive telecommunications system" has the same
13 meaning as the term is defined in title 42 Code of Federal
14 Regulations section 410.78(a), as amended; provided that, as
15 used in the definition of "interactive telecommunications
16 system", "two-way, real-time audio-only communication" is
17 subject to the same meaning and conditions as in title 42 Code
18 of Federal Regulations section 410.78, as amended.

19 "Originating site" means the location where the patient is
20 located, whether accompanied or not by a health care provider,
21 at the time services are provided by a health care provider



1 through telehealth, including but not limited to a health care
2 provider's office, hospital, critical access hospital, rural
3 health clinic, federally qualified health center, a patient's
4 home, and other [~~non-medical~~] nonmedical environments such as
5 school-based health centers, university-based health centers, or
6 the work location of a patient.

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



1 constitute [a] telehealth [~~service for the purposes of this~~
2 ~~section.] services."~~

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

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

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

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20 defined in title 42 United States Code section 1395x(u), a
21 provider of medical and other health services, as defined in



1 title 42 United States Code section 1395x(s), other
2 practitioners licensed by the State and working within their
3 scope of practice, and any other person or organization who
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5 course of business, including but not limited to primary care
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12 meaning as the term is defined in title 42 Code of Federal
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17 of Federal Regulations section 410.78, as amended.

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19 located, whether accompanied or not by a health care provider,
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16 originating site and the health care provider is at a distant
17 site. ~~[Standard]~~ Except as otherwise provided for in this
18 section, standard telephone contacts, facsimile transmissions,
19 or e-mail text, in combination or ~~[by itself, does]~~ alone, do
20 not constitute [a] telehealth ~~[service for the purposes of this~~
21 chapter.] services."



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

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

4 "(c) Reimbursement for services provided through
5 telehealth via 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 (g) to read:

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

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
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7 meaning as the term is defined in title 42 Code of Federal
8 Regulations section 410.78(a), as amended; provided that, as
9 used in the definition of "interactive telecommunications
10 system", "two-way, real-time audio-only communication" is
11 subject to the same meaning and conditions as in title 42 Code
12 of Federal Regulations section 410.78, as amended.

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



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 11 care services and information while a patient is at an
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 14 standard telephone contacts, facsimile transmissions, or e-mail
 15 text, in combination or [~~by itself, does~~] alone, do not
 16 constitute [a] telehealth [~~service for the purposes of this~~
 17 ~~chapter.~~] services."

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

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



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

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

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

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16 provider of medical and other health services, as defined in
17 title 42 United States Code section 1395x(s), other
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19 scope of practice, and any other person or organization who
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12 of Federal Regulations section 410.78, as amended.

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14 located, whether accompanied or not by a health care provider,
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16 through telehealth, including but not limited to a health care
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16 constitute [a] telehealth [~~service for the purposes of this~~
17 ~~chapter.~~] services."

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on December 31,
21 2050.



Report Title:

Telehealth; Interactive Telecommunications System; Mental Health Disorders

Description:

Clarifies reimbursement for services provided through telehealth via an interactive telecommunications system. Defines "interactive telecommunications system". Effective 12/31/2050. (SD1)

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

