
A BILL FOR AN ACT

RELATING TO PHARMACISTS.

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

1 SECTION 1. The legislature finds that there is currently a
2 statewide physician shortage. According to the federal Health
3 Resources and Services Administration, each county in the State
4 contains a region that is a medically underserved area, as
5 defined by the Public Health Service Act of 1944, Public Law
6 78-410.

7 The legislature further finds that pharmacists can help
8 bridge the gaps created by the physician shortage. A
9 pharmacist's skill set includes educating patients on how and
10 when to check blood sugar, ways to avoid and manage
11 hypoglycemia, how to take their medications correctly to avoid
12 adverse effects, and various medication utilization techniques.
13 Additionally, patients are three times more likely to stay out
14 of the hospital when pharmacists provide clinical services after
15 a hospital discharge.

16 Accordingly, the purpose of this Act is to mandate
17 reimbursement for services provided by pharmacists within their



1 scope of practice by private and public health plans in the
2 State.

3 SECTION 2. Chapter 431, Hawaii Revised Statutes, is
4 amended by adding a new section to article 10A to be
5 appropriately designated and to read as follows:

6 "§431:10A- Services provided by participating registered
7 pharmacists; coverage. (a) Each individual or group policy of
8 accident and health or sickness insurance delivered or issued
9 for delivery in this State after December 31, 2025, shall
10 include coverage for care provided by a participating registered
11 pharmacist practicing within the scope of their license for
12 purposes of health maintenance or treatment to the extent that
13 the policy provides benefits for identical services rendered by
14 another health care provider.

15 (b) For the purposes of this section, "participating
16 registered pharmacist" means a pharmacist licensed pursuant to
17 chapter 461 who has contracted with the insurer to provide
18 health care services to its insureds."

19 SECTION 3. Chapter 432, Hawaii Revised Statutes, is
20 amended by adding a new section to article 1 to be appropriately
21 designated and to read as follows:



1 "§432:1- Services provided by participating registered
2 pharmacists; coverage. (a) Each individual and group hospital
3 or medical service plan contract delivered or issued for
4 delivery in this State after December 31, 2025, by a mutual
5 benefit society shall include coverage for care provided by a
6 participating registered pharmacist practicing within the scope
7 of their license for purposes of health maintenance or treatment
8 to the extent that the plan contract provides benefits for
9 identical services rendered by another health care provider.

10 (b) For the purposes of this section, "participating
11 registered pharmacist" means a pharmacist licensed pursuant to
12 chapter 461 who has contracted with the mutual benefit society
13 to provide health care services to its members."

14 SECTION 4. Section 346-53.64, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Services eligible for prospective payment system
17 reimbursement are those services that are furnished by a
18 federally qualified health center or rural health clinic that
19 are:



- 1 (1) Within the legal authority of a federally qualified
2 health center to deliver, as defined in section 1905
3 of the Social Security Act;
- 4 (2) Actually provided by the federally qualified health
5 center, either directly or under arrangements;
- 6 (3) Covered benefits under the medicaid program, as
7 defined in section 4231 of the State Medicaid Manual
8 and the Hawaii medicaid state plan;
- 9 (4) Provided to a recipient eligible for medicaid
10 benefits;
- 11 (5) Delivered exclusively by health care professionals,
12 including physicians, physician's assistants, nurse
13 practitioners, pharmacists, nurse midwives, clinical
14 social workers, clinical psychologists, and other
15 persons acting within the lawful scope of their
16 license or certificate to provide services;
- 17 (6) Provided at the federally qualified health center's
18 practice site, a hospital emergency room, in an
19 inpatient setting, at the patient's place of
20 residence, including long term care facilities, or at
21 another medical facility; and



1 (7) Within the scope of services provided by the State
2 under its fee-for-service medicaid program and its
3 medicaid managed care program, on and after August
4 1994, and as amended from time to time."

5 SECTION 5. Section 346-59, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) Rates of payment to providers of medical care who are
8 individual practitioners, including doctors of medicine,
9 dentists, podiatrists, psychologists, osteopaths, optometrists,
10 pharmacists, and other individuals providing services, shall be
11 based upon the Hawaii medicaid fee schedule. The amounts paid
12 shall not exceed the maximum permitted to be paid individual
13 practitioners or other individuals under federal law and
14 regulation, the medicare fee schedule for the current year, the
15 state limits as provided in the appropriation act, or the
16 provider's billed amount.

17 The appropriation act shall indicate the percentage of the
18 medicare fee schedule for the year 2000 to be used as the basis
19 for establishing the Hawaii medicaid fee schedule. For any
20 subsequent adjustments to the fee schedule, the legislature



1 shall specify the extent of the adjustment in the appropriation
2 act."

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

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

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

9 "Health care provider" means a provider of services, as
10 defined in title 42 United States Code section 1395x(u), a
11 provider of medical and other health services, as defined in
12 title 42 United States Code section 1395x(s), other
13 practitioners licensed by the State and working within their
14 scope of practice, and any other person or organization who
15 furnishes, bills, or is paid for health care in the normal
16 course of business, including but not limited to primary care
17 providers, mental health providers, oral health providers,
18 physicians and osteopathic physicians licensed under chapter
19 453, advanced practice registered nurses licensed under chapter
20 457, psychologists licensed under chapter 465, pharmacists



1 licensed under chapter 461, and dentists licensed under
2 chapter 448.

3 "Interactive telecommunications system" has the same
4 meaning as the term is defined in title 42 Code of Federal
5 Regulations section 410.78(a).

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

15 "Telehealth" means the use of telecommunications services,
16 as defined in section 269-1, to encompass four modalities:
17 store and forward technologies, remote monitoring, live
18 consultation, and mobile health; and which shall include but not
19 be limited to real-time video conferencing-based communication,
20 secure interactive and non-interactive web-based communication,
21 and secure asynchronous information exchange, to transmit



1 patient medical information, including diagnostic-quality
2 digital images and laboratory results for medical interpretation
3 and diagnosis, for the purpose of delivering enhanced health
4 care services and information while a patient is at an
5 originating site and the health care provider is at a distant
6 site. Except as provided through an interactive
7 telecommunications system, standard telephone contacts,
8 facsimile transmissions, or e-mail text, in combination or
9 alone, do not constitute telehealth services."

10 SECTION 7. Section 432D-23, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§432D-23 Required provisions and benefits.**

13 Notwithstanding any provision of law to the contrary, each
14 policy, contract, plan, or agreement issued in the State after
15 January 1, 1995, by health maintenance organizations pursuant to
16 this chapter, shall include benefits provided in sections
17 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
18 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
19 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,
20 431:10A-133, 431:10A-134, 431:10A-140, and [~~431:10A-134,~~]
21 431:10A- , and chapter 431M."



1 SECTION 8. The department of human services shall apply to
2 the United States Department of Health and Human Services for
3 any amendment to the state medicaid plan or for any medicaid
4 waiver necessary to implement section 4, section 5, and section
5 6 of this Act. The department shall submit the medicaid state
6 plan amendment no later than .

7 SECTION 9. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 10. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 11. This Act shall take effect on December 31,
13 2050; provided that sections 4 through 6 shall take effect upon
14 approval of the Hawaii medicaid state plan by the Centers for
15 Medicare and Medicaid Services; provided further that the
16 amendments made to section 346-59.1, Hawaii Revised Statutes, by
17 section 6 of this Act shall not be repealed when that section is
18 reenacted on December 31, 2025, pursuant to section 8 of Act
19 107, Session Laws of Hawaii 2023.



Report Title:

Insurance Coverage; Pharmacists; Reimbursement

Description:

Beginning 1/1/2026, mandates reimbursement for services provided by participating registered pharmacists practicing within their scope of practice by private and public health plans in the State. 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.

