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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 Hawaii has been the  
2 leader in telehealth adoption with the passing of Act 226,  
3 session laws of Hawaii 2016, which included provisions for  
4 telehealth designed to enhance health care access and outcomes.  
5 This provision brought Hawaii's telehealth landscape into  
6 alignment with federal standards regarding- security, privacy,  
7 liability, coverage, requirements, and Medicaid reimbursement.  
8 Notwithstanding, the need for further telehealth regulation is  
9 underscored by the State's current physician shortage which  
10 stands at five hundred and forty-three equivalent physicians.  
11 This issue is exacerbated on the neighbor islands which carry  
12 their own geographic limitations and barriers to care.

13       Despite the State's recent adoption of the Interstate  
14 Medical Licensure Compact, the scope of telehealth services is  
15 still limited. Stringent medical licensing requirements  
16 dramatically limit the mobility of care for certain residents to  
17 Hawaii-licensed providers alone. Additionally, the burdensome



1 regulatory environment precludes situations where residents  
2 battling cancer and other serious medical conditions gain access  
3 to services critical to the next step of their treatment plan.  
4 Furthermore, a 2022 study reported that Medicare beneficiaries  
5 used out-of-state telemedicine at higher rates for specialty  
6 care, especially cancer care, which amounted to 9.8 per cent of  
7 all out-of-state telemedicine visits, followed by hematology and  
8 neurological diseases. The lack of telehealth provisions  
9 allowing consultations and treatment from out-of-state providers  
10 forces cancer patients and those needing specialty care to foot  
11 all travel costs to the continental mainland, sometimes ranging  
12 in the tens of thousands of dollars.

13 According to a 2024 study conducted by the Pacific Basin  
14 Telehealth Resource Center at the University of Hawaii, the  
15 adoptions of telehealth in Hawaii increased from only two per  
16 cent in 2014 to 20.5 per cent in 2019. This confirms that in  
17 the wake of the great demand for telehealth services in the  
18 State, more reform is needed to increase its use and  
19 effectiveness. Telemedicine intervention has proven comparable  
20 to or better than in-person control groups. This ideal scenario  
21 was once adopted with Governor Ige's emergency proclamation in



1 2020, which expanded telehealth services and relaxed regulatory  
2 barriers for out-of-state physicians to practice safely in the  
3 State. This provision sunset only six months later.

4 Therefore, the purpose of this Act is to expand telehealth  
5 services to residents by providing temporary licensure to  
6 providers who perform certain medical treatments out-of-state  
7 via telehealth.

8 SECTION 2. Section 453-2, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§453-2 License required; exceptions.** (a) Except as  
11 otherwise provided by law, no person shall practice medicine or  
12 surgery in the State, either gratuitously or for pay, or offer  
13 to practice medicine or surgery in the State, or advertise or  
14 announce one's self, either publicly or privately, as prepared  
15 or qualified to practice medicine or surgery in the State, or  
16 append the letters "Dr.", "M.D.", or "D.O." to one's name with  
17 the intent to imply that the person is a practitioner of  
18 medicine or surgery, without having a valid unrevoked license or  
19 a limited and temporary license obtained from the Hawaii medical  
20 board.

21 (b) Nothing herein shall:



1       (1) Apply to so-called Christian Scientists; provided that  
2       the Christian Scientists practice the religious tenets  
3       of their church without pretending a knowledge of  
4       medicine or surgery;

5       (2) Prohibit service in the case of emergency or the  
6       domestic administration of family remedies;

7       (3) Apply to any commissioned medical officer in the  
8       United States armed forces or public health service  
9       engaged in the discharge of one's official duty,  
10      including a commissioned medical officer employed by  
11      the United States Department of Defense, while  
12      providing direct telehealth support or services to  
13      neighbor island beneficiaries within a Hawaii National  
14      Guard armory on the island of Kauai, Hawaii, Molokai,  
15      or Maui; provided that the commissioned medical  
16      officer employed by the United States Department of  
17      Defense is credentialed by Tripler Army Medical  
18      Center;

19      (4) Apply to any practitioner of medicine and surgery from  
20      another state when in actual consultation, including  
21      in-person, mail, electronic, telephonic, fiber-optic,



1 or other telehealth consultation with a licensed  
2 physician or osteopathic physician of this State, if  
3 the physician or osteopathic physician from another  
4 state at the time of consultation is licensed to  
5 practice in the state in which the physician or  
6 osteopathic physician resides; provided that:

7 (A) The physician or osteopathic physician from  
8 another state shall not open an office, or  
9 appoint a place to meet patients in this State,  
10 or receive calls within the limits of the State  
11 for the provision of care for a patient who is  
12 located in this State;

13 (B) The licensed physician or osteopathic physician  
14 of this State retains control and remains  
15 responsible for the provision of care for the  
16 patient who is located in this State; and

17 (C) The laws and rules relating to contagious  
18 diseases are not violated;

19 (5) Prohibit services rendered by any person licensed  
20 under part II of this chapter to provide emergency  
21 medical services, or any physician assistant, when the



1 services are rendered under the direction and control  
2 of a physician or osteopathic physician licensed in  
3 this State except for final refraction resulting in a  
4 prescription for spectacles, contact lenses, or visual  
5 training as performed by an oculist or optometrist  
6 duly licensed by the State. The direction and control  
7 shall not be construed in every case to require the  
8 personal presence of the supervising and controlling  
9 physician or osteopathic physician. Any physician or  
10 osteopathic physician who employs or directs a person  
11 licensed under part II of this chapter to provide  
12 emergency medical services, or a physician assistant,  
13 shall retain full professional and personal  
14 responsibility for any act that constitutes the  
15 practice of medicine when performed by the licensed  
16 person or physician assistant;

17 (6) Prohibit automated external defibrillation by:

18 (A) Any first responder personnel certified by the  
19 department of health to provide automated  
20 external defibrillation when it is rendered under



1 the medical oversight of a physician or

2 osteopathic physician licensed in this State; or

3 (B) Any person acting in accordance with section 663-

4 1.5(e); or

5 (7) Prohibit a radiologist duly licensed to practice  
6 medicine and provide radiology services in another  
7 state from using telehealth while located in this  
8 State to provide radiology services to a patient who  
9 is located in the state in which the radiologist is  
10 licensed. For the purposes of this paragraph:

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

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



1 university-based health centers, or the work location  
2 of a patient.

3 "Radiologist" means a doctor of medicine or a  
4 doctor of osteopathy certified in radiology by the  
5 American Board of Radiology or the American Board of  
6 Osteopathy.

7 "Telehealth" means the use of telecommunications,  
8 as that term is defined in section 269-1, to  
9 encompass four modalities: store and forward  
10 technologies, remote monitoring, live consultation,  
11 and mobile health; and which shall include but not be  
12 limited to real-time video conferencing-based  
13 communication, secure interactive and non-interactive  
14 web-based communication, and secure asynchronous  
15 information exchange, to transmit patient medical  
16 information, including diagnostic-quality digital  
17 images and laboratory results for medical  
18 interpretation and diagnosis, for the purpose of  
19 delivering enhanced health care services and  
20 information while a patient is at an originating site  
21 and the radiologist is at a distant site. Standard





1 telephone contacts, facsimile transmissions, or e-mail  
2 texts, in combination or by themselves, do not  
3 constitute a telehealth service for the purposes of  
4 this paragraph.

5 (8) Prohibit a physician licensed to practice medicine in  
6 another state, and in good standing, from establishing  
7 a physician-patient relationship via telehealth and  
8 providing telemedicine services to a patient who is  
9 located in the state, provided that:

10 (A) The telemedicine service is a service the  
11 individual is licensed to perform under the  
12 nonresident health care license of the state,  
13 district, or territory that issued the  
14 nonresident health care license;

15 (B) The telemedicine service is not available in the  
16 state due to a physician shortage or lack of  
17 reasonable access;

18 (C) At the time the telemedicine service is  
19 performed, the patient is located in Hawaii; and

20 (D) Performing the telemedicine service would not  
21 otherwise violate state law.



1       For the purposes of this paragraph:

2               "Nonresident health care license" means a health care  
3 license issued by another state, district, or territory of the  
4 United States.

5               "Telemedicine service" means the same as "telehealth"  
6 defined by section 453-1.3, including:

7           (1) Clinical care;

8           (2) Health education;

9           (3) Health administration;

10          (4) Facilitation of self-managed care and caregiver  
11 support; and

12          (5) Remote patient monitoring occurring incidentally to  
13 general supervision.

14          (c) Nothing in this chapter shall prohibit healing  
15 practices by traditional Hawaiian healers engaged in traditional  
16 Native Hawaiian healing practices, both as recognized and  
17 certified as such by any kupuna council convened by Papa Ola  
18 Lokahi. No person or organization involved with the selection  
19 of kupuna council members, the convening of a kupuna council, or  
20 the certification process of healers under this subsection shall  
21 be sued or held liable for any cause of action that may arise



1 out of their participation in the selection, convening, or  
2 certification process. Nothing in this chapter shall limit,  
3 alter, or otherwise adversely affect any rights of practice of  
4 traditional Native Hawaiian healing pursuant to the Constitution  
5 of the State of Hawaii."

6 SECTION 3. Section 453-1.3, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§453-1.3 Practice of telehealth.** (a) Subject to section  
9 453-2(b), nothing in this section shall preclude any physician  
10 acting within the scope of the physician's license to practice  
11 from practicing telehealth as defined in this section.

12 (b) Telehealth services shall include a documented patient  
13 evaluation, including history and a discussion of physical  
14 symptoms adequate to establish a diagnosis and to identify  
15 underlying conditions or contraindications to the treatment  
16 recommended or provided.

17 (c) *[Repeal and reenactment on December 31, 2027. L*  
18 *2025, c 217, §1.]* Treatment recommendations made via  
19 telehealth, including issuing a prescription via electronic  
20 means, shall be held to the same standards of appropriate  
21 practice as those in traditional physician-patient settings that



1 do not include an in-person visit but in which prescribing is  
2 appropriate, including on-call telephone encounters and  
3 encounters for which a follow-up visit is arranged. Issuing a  
4 prescription based solely on an online questionnaire is not  
5 treatment for the purposes of this section and does not  
6 constitute an acceptable standard of care. For the purposes of  
7 prescribing opiates, a physician-patient relationship shall only  
8 be established after an in-person consultation between the  
9 prescribing physician and the patient; provided that a patient  
10 who has been seen in person by a health care provider in the  
11 same medical group as the prescribing provider authorized  
12 pursuant to section 329-33, may be prescribed an opiate  
13 prescription for a three-day supply or less via telehealth.

14 (d) All medical reports resulting from telehealth services  
15 are part of a patient's health record and shall be made  
16 available to the patient. Patient medical records shall be  
17 maintained in compliance with all applicable state and federal  
18 requirements including privacy requirements.

19 (e) A physician-patient relationship may be established  
20 via a telehealth interaction; provided that the physician has a



1 license to practice medicine in the State~~[+]~~, except as provided  
2 in 453-2(b)(8).

3 (f) Once a physician-patient relationship is established,  
4 a patient or physician licensed in this State may use telehealth  
5 for any authorized purpose, including consultation with a  
6 medical provider licensed in another state, authorized by this  
7 section or as otherwise provided by law.

8 (g) The physician-patient relationship prerequisite under  
9 this section shall not apply to telehealth consultations for  
10 emergency department services.

11 (h) *[Repeal and reenactment on December 31, 2027. L*  
12 *2025, c 217, §1.]* Unless otherwise provided by law,  
13 reimbursement for behavioral health services provided through  
14 telehealth via an interactive telecommunications system shall be  
15 equivalent to reimbursement for the same services provided via  
16 in-person contact between a health care provider and a patient;  
17 provided that reimbursement for two-way, real-time audio-only  
18 communication technology for purposes of diagnosis, evaluation,  
19 or treatment of a mental health disorder to a patient in the  
20 patient's home shall be equivalent to eighty per cent of the  
21 reimbursement for the same services provided via in-person



1 contact between a health care provider and a patient. To be  
2 reimbursed for telehealth via an interactive telecommunications  
3 system using two-way, real-time audio-only communication  
4 technology in accordance with this subsection, the health care  
5 provider shall first conduct an in-person visit or a telehealth  
6 visit that is not audio only, within six months prior to the  
7 initial audio-only visit, or within twelve months prior to any  
8 subsequent audio-only visit. The telehealth visit required  
9 prior to the initial or subsequent audio-only visit in this  
10 subsection shall not be provided using audio-only communication.

11 (i) Services provided by telehealth pursuant to this  
12 chapter shall be consistent with all federal and state privacy,  
13 security, and confidentiality laws.

14 (j) *[Repeal and reenactment on December 31, 2027. L*  
15 *2025, c 217, §1.]* For the purposes of this section:

16 "Distant site" means the location of the physician  
17 delivering services through telehealth at the time the services  
18 are provided.

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



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 physician through  
4 telehealth, including but not limited to a physician's office,  
5 hospital, health care facility, a patient's home, and other non-  
6 medical environments such as school-based health centers,  
7 university-based health centers, or the work location of a  
8 patient.

9 "Telehealth" means the use of telecommunications as defined  
10 in section 269-1, to encompass four modalities: store and  
11 forward technologies, remote monitoring, live consultation, and  
12 mobile health; and which shall include but not be limited to  
13 real-time video conferencing-based communication, secure  
14 interactive and non-interactive web-based communication, and  
15 secure asynchronous information exchange, to transmit patient  
16 medical information, including diagnostic-quality digital images  
17 and laboratory results for medical interpretation and diagnosis,  
18 for the purposes of: delivering enhanced health care services  
19 and information while a patient is at an originating site and  
20 the physician is at a distant site; establishing a physician-  
21 patient relationship; evaluating a patient; or treating a



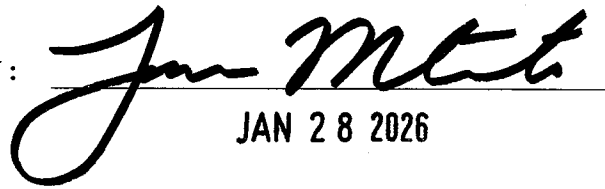
1 patient. Except as provided through an interactive  
2 telecommunications system, standard telephone contacts,  
3 facsimile transmissions, or e-mail text, in combination or  
4 alone, do not constitute telehealth services."

5 SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

8

INTRODUCED BY:

  
JAN 28 2026





# H.B. NO. 2558

**Report Title:**

Telehealth; Licenses; Access; Physician Shortage

**Description:**

Expands telehealth services to residents in the State by providers who perform certain medical treatments out-of-state via telehealth.

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

