
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 since the passage 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, and medicaid reimbursement. However, the
8 need for further telehealth regulation is underscored by the
9 State's current physician shortage, which stands at five hundred
10 and forty-three equivalent physicians. This issue is
11 exacerbated on the neighbor islands, which have additional
12 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 availability of care for certain
17 residents to only providers licensed in Hawaii. Additionally,



1 the burdensome regulatory environment result in situations where
2 residents who are battling cancer and other serious medical
3 conditions are unable to receive critical services that are part
4 of their treatment plan. A 2022 study reported that medicare
5 beneficiaries used out-of-state telemedicine at higher rates for
6 specialty care, particularly for cancer care, which amounted to
7 9.8 per cent of all out-of-state telemedicine visits, followed
8 by hematology and neurological diseases. The lack of telehealth
9 provisions allowing consultations and treatment from out-of-
10 state providers forces cancer patients and those needing
11 specialty care to travel out-of-state, which can result in
12 significant additional costs to the patient and their families.

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, indicating that more
17 reform is needed to increase telehealth's use and effectiveness.

18 The purpose of this Act is to expand telehealth services to
19 residents by providing temporary licensure for certain out-of-
20 state physicians who perform certain medical treatments to
21 provide those treatments via telehealth.



1 SECTION 2. Section 453-2, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Nothing herein shall:

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

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

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



1 (4) Apply to any practitioner of medicine and surgery from
2 another state when in actual consultation, including
3 in-person, mail, electronic, telephonic, fiber-optic,
4 or other telehealth consultation with a licensed
5 physician or osteopathic physician of this State, if
6 the physician or osteopathic physician from another
7 state at the time of consultation is licensed to
8 practice in the state in which the physician or
9 osteopathic physician resides; provided that:

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

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

20 (C) The laws and rules relating to contagious
21 diseases are not violated;



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



1 (A) Any first responder personnel certified by the
2 department of health to provide automated
3 external defibrillation when it is rendered under
4 the medical oversight of a physician or
5 osteopathic physician licensed in this State; or

6 (B) Any person acting in accordance with section 663-
7 1.5(e); or

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

14 "Distant site" means the location of the
15 radiologist delivering services through telehealth at
16 the time the services are provided.

17 "Originating site" means the location where the
18 patient is located, whether accompanied or not by a
19 health care provider, at the time services are
20 provided by a radiologist through telehealth,
21 including but not limited to a radiologist's or health



1 care provider's office, hospital, health care
2 facility, a patient's home, and other non-medical
3 environments such as school-based health centers,
4 university-based health centers, or the work location
5 of a patient.

6 "Radiologist" means a doctor of medicine or a
7 doctor of osteopathy certified in radiology by the
8 American Board of Radiology or the American Board of
9 Osteopathy.

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



1 delivering enhanced health care services and
2 information while a patient is at an originating site
3 and the radiologist is at a distant site. Standard
4 telephone contacts, facsimile transmissions, or e-mail
5 texts, in combination or by themselves, do not
6 constitute a telehealth service for the purposes of
7 this paragraph.

8 (8) Prohibit a physician in good standing who is licensed
9 to practice medicine in another state from
10 establishing a physician-patient relationship via
11 telehealth and providing telemedicine services to a
12 patient who is located in this State; provided that:

13 (A) The telemedicine service is a service the out-of-
14 state physician is licensed to perform by the
15 state, district, or territory in which the out-
16 of-state physician resides;

17 (B) The telemedicine service is not available in this
18 State due to a physician shortage or lack of
19 reasonable access;



1 (C) At the time the telemedicine service is
2 performed, the patient is located in this State;
3 and

4 (D) The provision of the telemedicine services
5 provided by the out-of-state physician is done
6 under the supervision of a physician licensed in
7 this State.

8 For the purposes of this paragraph, "telemedicine service"
9 means the same as "telehealth" defined by section 453-1.3,
10 including:

- 11 (1) Clinical care;
- 12 (2) Health education;
- 13 (3) Health administration;
- 14 (4) Facilitation of self-managed care and caregiver
15 support; and
- 16 (5) Remote patient monitoring occurring incidentally to
17 general supervision."

18 SECTION 3. Section 453-1.3, Hawaii Revised Statutes, is
19 amended by amending subsection (e) to read as follows:

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



1 license to practice medicine in the State~~[]~~ or is an out-of-
2 state physician who is authorized to provide telehealth services
3 pursuant to section 453-2(b)(8)."

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

6 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Telehealth; Physicians; Telemedicine; Physician-Patient Relationship

Description:

Authorizes out-of-state physicians who are licensed and in good standing in the state in which they reside to provide telemedicine services in Hawaii via telehealth, under certain conditions. Clarifies that a physician-patient relationship may be established with an out-of-state physician via telehealth under certain circumstances. Effective 7/1/3000. (HD1)

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

