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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 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 requirements, and medicaid reimbursement.  
8 However, 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 United States, sometimes  
12 ranging 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 adopted once in 2020 via a governor's emergency



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

5 Therefore, the purpose of this Act is to expand access to  
6 telehealth services by authorizing residents to establish a  
7 physician-patient relationship with out-of-state providers via  
8 telehealth under certain circumstances.

9 SECTION 2. Section 453-1.3, Hawaii Revised Statutes, is  
10 amended by amending subsection (e) to read as follows:

11 "(e) A physician-patient relationship may be established  
12 via a telehealth interaction; provided that the physician has a  
13 license to practice medicine in the State~~[-]~~ or is an out-of-  
14 state physician who is authorized to provide telehealth services  
15 pursuant to section 453-2(b)(8)."

16 SECTION 3. Section 453-2, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) Nothing herein shall:

19 (1) Apply to so-called Christian Scientists; provided that  
20 the Christian Scientists practice the religious tenets



- 1 of their church without pretending a knowledge of  
2 medicine or surgery;
- 3 (2) Prohibit service in the case of emergency or the  
4 domestic administration of family remedies;
- 5 (3) Apply to any commissioned medical officer in the  
6 United States armed forces or public health service  
7 engaged in the discharge of one's official duty,  
8 including a commissioned medical officer employed by  
9 the United States Department of Defense, while  
10 providing direct telehealth support or services to  
11 neighbor island beneficiaries within a Hawaii National  
12 Guard armory on the island of Kauai, Hawaii, Molokai,  
13 or Maui; provided that the commissioned medical  
14 officer employed by the United States Department of  
15 Defense is credentialed by Tripler Army Medical  
16 Center;
- 17 (4) Apply to any practitioner of medicine and surgery from  
18 another state when in actual consultation, including  
19 in-person, mail, electronic, telephonic, fiber-optic,  
20 or other telehealth consultation with a licensed  
21 physician or osteopathic physician of this State, if



1 the physician or osteopathic physician from another  
2 state at the time of consultation is licensed to  
3 practice in the state in which the physician or  
4 osteopathic physician resides; provided that:

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

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

15 (C) The laws and rules relating to contagious  
16 diseases are not violated;

17 (5) Prohibit services rendered by any person licensed  
18 under part II of this chapter to provide emergency  
19 medical services, or any physician assistant, when the  
20 services are rendered under the direction and control  
21 of a physician or osteopathic physician licensed in



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

15          (6) Prohibit automated external defibrillation by:

16            (A) Any first responder personnel certified by the  
17            department of health to provide automated  
18            external defibrillation when it is rendered under  
19            the medical oversight of a physician or  
20            osteopathic physician licensed in this State; or



1 (B) Any person acting in accordance with section 663-  
2 1.5(e); [~~o~~]

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

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

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



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

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



1 telehealth service for the purposes of this  
2 paragraph[-]; or

3 (8) Prohibit a physician in good standing who is licensed  
4 to practice medicine in another state, district, or  
5 territory from establishing a physician-patient  
6 relationship via telehealth and providing telehealth  
7 services to a patient who is located in this State;  
8 provided that:

9 (A) The out-of-state physician was referred by a  
10 physician licensed under this chapter;

11 (B) The telehealth service is a service the out-of-  
12 state physician is licensed to perform by the  
13 state, district, or territory in which the out-  
14 of-state physician resides;

15 (C) The telehealth service is not available in this  
16 State due to a physician shortage or lack of  
17 reasonable access;

18 (D) At the time the telehealth service is performed,  
19 the patient is located in this State;

20 (E) If the out-of-state physician is not a holder of  
21 an expedited license under the Interstate Medical



- 1           Licensure Compact, the orders of the out-of-state  
2           physician for prescriptions and procedures to be  
3           dispensed or performed in the State shall be  
4           approved by a physician licensed under this  
5           chapter;
- 6           (F) The out-of-state physician shall, no later than  
7           three days before the initial consultation with a  
8           patient located within the State, report to the  
9           Hawaii medical board all disciplinary actions  
10           taken against the out-of-state physician in other  
11           jurisdictions;
- 12           (G) The out-of-state physician performing the  
13           telehealth services shall be considered to be  
14           under the jurisdiction of the Hawaii medical  
15           board and may be subject to appropriate  
16           disciplinary actions for acts prohibited under  
17           section 453-8; and
- 18           (H) The exemption under this paragraph shall only  
19           apply to the initial consultation that  
20           establishes the physician-patient relationship  
21           between the out-of-state physician and patient.



1           For purposes of this paragraph, "telehealth" has the  
2           same meaning as in section 453-1.5."

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

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



**Report Title:**

Telehealth; Out-of-State Physicians; 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 an initial consultation via telehealth to a patient located in the State, 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.  
(HD2)

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

