

ACT 34

S.B. NO. 970

A Bill for an Act Relating to Telehealth.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the novel coronavirus disease 2019 (COVID-19) pandemic has substantially impacted the way patients access health care by increasing the demand for and use of telehealth to diagnose, treat, and monitor illness.

In Act 20, Session Laws of Hawaii 2009, the legislature noted that, since 1999, it “has supported the use and expansion of telehealth services and technology in Hawaii” as a way to increase access and reduce delays to health care, particularly in rural areas of the State.

The legislature further finds that the COVID-19 pandemic has resulted in an increased use of telehealth services. However, the existing state law relating to the practice of telehealth is ambiguous regarding whether a patient can use telehealth to establish a relationship with a physician. This could result in delayed access to care in many instances where access to care could be prudently and appropriately initiated through telehealth.

Accordingly, the purpose of this Act is to expand access to care and reduce delays by clarifying that a physician-patient relationship may be established via a telehealth interaction.

SECTION 2. Section 453-1.3, Hawaii Revised Statutes, is amended by amending subsections (e) and (f) to read as follows:

“(e) A ~~[physician shall not use telehealth to establish a]~~ physician-patient relationship ~~[with a patient in this State without]~~ may be established via a telehealth interaction; provided that the physician has a license to practice medicine in [Hawaii.] the State.

(f) ~~[A physician-patient relationship may be established via telehealth if the patient is referred to the telehealth provider by another health care provider who has conducted an in-person consultation and has provided all pertinent patient information to the telehealth provider.]~~ Once a ~~[provider-patient]~~ physician-patient relationship is established, a patient or physician licensed in this State may use telehealth for any authorized purpose, including consultation with a medical provider licensed in another state, authorized by this section or as otherwise provided by law.”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect on July 1, 2021.

(Approved June 7, 2021.)