
A BILL FOR AN ACT

RELATING TO HEALTH INSURANCE.

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

1 SECTION 1. The legislature finds that the use of
2 technology to deliver effective and prompt health care is
3 extremely important in Hawaii, particularly to individuals
4 residing in rural communities. The legislature further finds
5 that the need for telehealth services requires that they be
6 reimbursed.

7 The purpose of this Act is to ensure that telehealth
8 services are reimbursed.

9 SECTION 2. Section 431:10A-116.3, Hawaii Revised Statutes,
10 is amended to read as follows:

11 "**§431:10A-116.3** ~~[+] Coverage for telehealth.~~ ~~[+]~~ (a) It is
12 the intent of the legislature to recognize the application of
13 telehealth as a reimbursable service by which an individual
14 shall receive medical services from a health care provider
15 without face-to-face contact with the provider.

16 ~~[(b) For the purposes of this section, "telehealth" means~~
17 ~~the use of telecommunications services, as defined in section~~
18 ~~269-1, and enhanced services to deliver health and health care~~



1 ~~services and information to parties separated by distance.~~
2 ~~Standard telephone, facsimile transmissions, or both in the~~
3 ~~absence of other integrated information and data, do not~~
4 ~~constitute telehealth services.~~

5 ~~(c) From July 1, 1998, no]~~ (b) No accident and health or
6 sickness insurance plan that is issued, amended, or renewed
7 shall require face-to-face contact between a health care
8 provider and a patient as a prerequisite for payment for
9 services appropriately provided through telehealth in accordance
10 with generally accepted health care practices and standards
11 prevailing in the applicable professional community at the time
12 the services were provided. The coverage required in this
13 section may be subject to all terms and conditions of the plan
14 agreed upon among the enrollee or subscriber, the insurer, and
15 the provider.

16 (c) There shall be no reimbursement for a telehealth
17 consultation between health care providers unless a health care
18 provider-patient relationship exists between the patient and one
19 of the health care providers involved in the telehealth
20 interaction.

21 For the purposes of this section, "health care provider"
22 means a provider of services, as defined in 42 U.S.C. 1395x(u),



1 a provider of medical or health services, as defined in 42
2 U.S.C. 1395x(s), and any other person or organization who
3 furnishes, bills, or is paid for health care in the normal
4 course of business.

5 (d) In the event that a health care provider-patient
6 relationship does not exist between the patient and the health
7 care provider to be involved in a telehealth interaction between
8 the patient and the health care provider, a telehealth mechanism
9 may be used to establish a health care provider-patient
10 relationship.

11 (e) For the purposes of this section, "telehealth" means
12 the use of telecommunications services, as defined in section
13 269-1, including but not limited to real-time video
14 conferencing-based communication, secure interactive and
15 non-interactive web-based communication, and secure asynchronous
16 information exchange, to transmit patient medical information,
17 including diagnostic-quality digital images and laboratory
18 results for medical interpretation and diagnosis, for the
19 purpose of delivering enhanced health care services and
20 information to parties separated by distance. Standard
21 telephone contacts, facsimile transmissions, or email text, in

1 combination or by itself, does not constitute a telehealth
2 service for the purposes of this chapter."

3 SECTION 3. Section 432:1-601.5, Hawaii Revised Statutes,
4 is amended to read as follows:

5 "[+]§432:1-601.5 Coverage for telehealth.[+] (a) It is
6 the intent of the legislature to recognize the application of
7 telehealth as a reimbursable service by which an individual
8 shall receive medical services from a health care provider
9 without face-to-face contact with the provider.

10 ~~[(b) For the purposes of this section, "telehealth" means~~
11 ~~the use of telecommunications services, as defined in section~~
12 ~~269-1, and enhanced services to deliver health and health care~~
13 ~~services and information to parties separated by distance.~~
14 ~~Standard telephone, facsimile transmissions, or both in the~~
15 ~~absence of other integrated information and data, do not~~
16 ~~constitute telehealth services.~~

17 ~~(c) From July 1, 1998, no]~~ (b) No mutual benefit society
18 plan that is issued, amended, or renewed shall require face-to-
19 face contact between a health care provider and a patient as a
20 prerequisite for payment for services appropriately provided
21 through telehealth in accordance with generally accepted health
22 care practices and standards prevailing in the applicable



1 professional community at the time the services were provided.

2 The coverage required in this section may be subject to all
3 terms and conditions of the plan agreed upon among the enrollee
4 or subscriber, the mutual benefit society, and the provider.

5 (c) There shall be no reimbursement for a telehealth
6 consultation between health care providers unless a health care
7 provider-patient relationship exists between the patient and one
8 of the health care providers involved in the telehealth
9 interaction.

10 For the purposes of this section, "health care provider"
11 means a provider of services, as defined in 42 U.S.C. 1395x(u),
12 a provider of medical or health services, as defined in 42
13 U.S.C. 1395x(s), and any other person or organization who
14 furnishes, bills, or is paid for health care in the normal
15 course of business.

16 (d) In the event that a health care provider-patient
17 relationship does not exist between the patient and the health
18 care provider to be involved in a telehealth interaction between
19 the patient and health care provider, a telehealth mechanism may
20 be used to establish a health care provider-patient
21 relationship.



1 (e) For the purposes of this section, "telehealth" means
2 the use of telecommunications services, as defined in section
3 269-1, including but not limited to real-time video
4 conferencing-based communication, secure interactive and
5 non-interactive web-based communication, and secure asynchronous
6 information exchange, to transmit patient medical information,
7 including diagnostic-quality digital images and laboratory
8 results for medical interpretation and diagnosis, for the
9 purpose of delivering enhanced health care services and
10 information to parties separated by distance. Standard
11 telephone contacts, facsimile transmissions, or email text, in
12 combination or by itself, does not constitute a telehealth
13 service for the purposes of this chapter."

14 SECTION 4. Section 432D-23.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~+~~§432D-23.5 Coverage for telehealth.~~+~~ (a) It is the
17 intent of the legislature to recognize the application of
18 telehealth as a reimbursable service by which an individual
19 shall receive medical services from a health care provider
20 without face-to-face contact with the provider.

21 ~~[-(b) For the purposes of this section, "telehealth" means~~
22 ~~the use of telecommunications services, as defined in section~~



1 ~~269 1, and enhanced services to deliver health and health care~~
2 ~~services and information to parties separated by distance.~~
3 ~~Standard telephone, facsimile transmissions, or both in the~~
4 ~~absence of other integrated information and data, do not~~
5 ~~constitute telehealth services.~~

6 ~~(e) From July 1, 1998, no]~~ (b) No health maintenance
7 organization plan that is issued, amended, or renewed shall
8 require face-to-face contact between a health care provider and
9 a patient as a prerequisite for payment for services
10 appropriately provided through telehealth in accordance with
11 generally accepted health care practices and standards
12 prevailing in the applicable professional community at the time
13 the services were provided. The coverage required in this
14 section may be subject to all terms and conditions of the plan
15 agreed upon among the enrollee or subscriber, the health
16 maintenance organization, and the provider.

17 (c) There shall be no reimbursement for a telehealth
18 consultation between health care providers unless an existing
19 health care provider-patient relationship exists between the
20 patient and one of the health care providers involved in the
21 telehealth interaction.



1 For the purposes of this section, "health care provider"
2 means a provider of services, as defined in 42 U.S.C. 1395x(u),
3 a provider of medical or health services, as defined in 42
4 U.S.C. 1395x(s), and any other person or organization who
5 furnishes, bills, or is paid for health care in the normal
6 course of business.

7 (d) In the event that a health care provider-patient
8 relationship does not exist between the patient and the health
9 care provider involved in a telehealth interaction between the
10 patient and the health care provider, a telehealth mechanism may
11 be used to establish a health care provider-patient
12 relationship.

13 (e) For the purposes of this section, "telehealth" means
14 the use of telecommunications services, as defined in section
15 269-1, including but not limited to real-time video
16 conferencing-based communication, secure interactive and
17 non-interactive web-based communication, and secure asynchronous
18 information exchange, to transmit patient medical information,
19 including diagnostic-quality digital images and laboratory
20 results for medical interpretation and diagnosis, for the
21 purpose of delivering enhanced health care services and
22 information to parties separated by distance. Standard



1 telephone contacts, facsimile transmissions, or email text, in
2 combination or by itself, does not constitute a telehealth
3 service for the purposes of this chapter."

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

6 SECTION 6. This Act shall take effect on July 1, 2020.



SB 2227 SD2
HD2

Report Title:

Health Insurance; Telehealth; Reimbursable Services

Description:

Establishes conditions for reimbursement of telehealth services.
Effective July 1, 2020. (SB2227 HD2)

