

STAND. COM. REP. NO. 1589

Honolulu, Hawaii

April 8, 2009

RE: S.B. No. 1676
S.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and
Judiciary, to which was referred S.B. No. 1676, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose of this bill is to improve access to health care
by:

- (1) Clarifying a physician's scope of practice in the
provision of telemedicine services;
- (2) Establishing requirements and standards for telemedicine
services, including for treatment recommendations and
medical reports;
- (3) Requiring that physicians using telemedicine to
establish a physician-patient relationship with a
patient in Hawaii must be licensed to practice medicine
in Hawaii; and
- (4) Providing that a patient may consult with an out-of-
state physician through telemedicine after a physician-
patient relationship is established with a Hawaii-
licensed physician.



The Insurance Division of the Department of Commerce and Consumer Affairs (DCCA), Chamber of Commerce of Hawaii, Hawaii Medical Service Association, MDX Hawaii, and a concerned individual testified in support of this bill. The Hawaii Medical Association opposed this measure. DCCA's Regulated Industries Complaints Office, the Hawaii Medical Board, and a concerned individual provided comments.

Hawaii's unique geographic location necessitates the use of new ideas and technologies to overcome barriers to medical care, particularly for rural areas where access to care is especially difficult. Telemedicine allows physicians to treat patients through the use of telecommunications, providing a cost-effective and convenient alternative for the provision of health care in certain circumstances. This bill supports the use of telemedicine as a means of addressing the shortage of physicians in Hawaii and improving access to health services in general.

Testimony indicates that this bill seeks to allow Hawaii patients, after a physician-patient relationship is established with a Hawaii physician, to continue to consult via telemedicine with an out-of-state physician without the Hawaii physician's active participation in the consultation. It has been indicated to your Committees that section 453-2(b), Hawaii Revised Statutes, by requiring the Hawaii physician to retain control and responsibility for the patient's care, ensures there will be ongoing communication between the Hawaii physician and the out-of-state physician providing care to a Hawaii patient through telemedicine.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1676, S.D. 2, and recommend that it pass Third Reading.



Respectfully submitted on
behalf of the members of the
Committees on Consumer
Protection & Commerce and
Judiciary,



JON RIKI KARAMATSU, Chair



ROBERT N. HERKES, Chair



