

Honolulu, Hawaii

MAR 06 2009

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

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1676, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify that telemedicine is within a physician's scope of practice and is authorized in Hawaii when practiced by a licensed physician providing services to patients; and
- (2) Clarify existing laws regarding telehealth to ensure compliance with changes to the law regulating the practice of medicine.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Hawaii Primary Care Association, The Hawaii Chamber of Commerce, Hawaii Medical Services Association, MDX Hawaii, Hawaii Telehealth Collaborative, and one private citizen. Your Committee received testimony with comments on this measure from Hawaii Medical Board and eight private citizens. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds it necessary to reiterate the public policy first articulated by the Legislature in Act 278, Session Laws of Hawaii 1998, and later confirmed through Act 219, Session



Laws of Hawaii 2006, that the use of technology to deliver effective and prompt health care is extremely important to Hawaii, particularly to residents in rural communities. Accordingly, this measure defines the practice of telemedicine and emphasizes that the need for telehealth services requires that those services be included in insurance coverage.

Your Committee finds that insurance coverage for telehealth was first mandated by the Legislature over a decade ago through Act 278. Your Committee further finds that the Legislature expressed its strong support of the use of technology to improve access to health care services by the people of the State, especially those living in rural areas who have historically been faced with insufficient access to health care services, in Act 219. Specifically, the Legislature clarified that a provider-patient relationship may be established through telehealth services. Your Committee emphasizes that telehealth services are an appropriate tool to assist physicians in the State with providing the best possible access to medical treatment for patients. The beneficiaries of telehealth services often have no other access to medical services and treatment. Due to the shortage of specialists in the State, it is essential that both patients and providers have the ability to consult with other licensed medical providers, including specialists, who are located elsewhere.

Your Committee recognizes Hawaii Medical Board's reticence to embrace telemedicine. However, your Committee reiterates that the ability to form a provider-patient relationship through telehealth was established as law in 2006 through Act 219. Further, that public policy, whether contained in the Insurance Code or elsewhere in Hawaii Revised Statutes, is the current and prevailing law on the matter. Your Committee notes that boards and similar entities are required to act in compliance with the law, regardless of whether they agree with it or not.

Your Committee has amended this measure by:

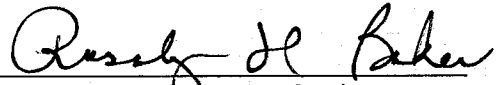
- (1) Clarifying that, although establishing the provider-patient relationship through telehealth requires the participation of a medical professional licensed in this State, consultation or other services may be provided by a medical professional licensed elsewhere; and



- (2) Making technical, nonsubstantive changes for the purpose of clarity and accuracy in the language of this measure.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1676, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1676, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,



ROSALYN H. BAKER, Chair



