

SB 1676



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LAWRENCE M. REIFURTH
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TO THE SENATE COMMITTEE ON HEALTH

TWENTY-FIFTH LEGISLATURE
Regular Session of 2009

Friday, February 6, 2009
3:00 p.m.

TESTIMONY ON SENATE BILL NO. 1676 – RELATING TO HEALTH.

TO THE HONORABLE DAVID IGE, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is J.P. Schmidt, State Insurance Commissioner (“Commissioner”), testifying on behalf of the Department of Commerce and Consumer Affairs (“Department”). The Department supports this bill.

The purpose of this bill is to support the expanded use of telemedicine services and technology in the state by adding a new section to Hawaii Revised Statutes (“HRS”) chapter 453 and amending HRS §§ 431:10A-116.3, 432:1-601.5, and 432D-23.5.

This bill is intended to address the State’s shortage of physicians and to improve access to health care services and certain medical specialists, particularly in rural areas.

Although it may not be appropriate for all medical situations, telemedicine provides a cost-effective and convenient alternative in certain circumstances. This is especially important in rural areas where access to any medical care is difficult.

Medical reports from telemedicine services include a documented patient evaluation, which will become part of the patient’s health record and be made available to the patient. The Department has been encouraging implementation of electronic medical records to reduce costs and errors.

This bill is also consistent with the Legislature and Administration's efforts to enhance broadband capability, as reflected in Senate Bill Nos. 1680 and 895.

We thank this Committee for the opportunity to present testimony on this matter and ask for your favorable consideration.

HMSA



An Independent Licensee of the Blue Cross and Blue Shield Association

February 6, 2009

The Honorable David Ige, Chair
The Honorable Josh Green M.D., Vice Chair

Senate Committee on Health

Re: SB 1676 – Relating to Health

Dear Chair Ige, Vice Chair Green and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify in support of SB 1676 which would ensure that Hawaii is able to remain a leader in the realm of telemedicine by adding statutory language that clarifies a physician's scope of practice in relation to the provision of telehealth services.

Hawaii is on its way to becoming a national leader in the field of health care technology. Our unique geographic location necessitates that cutting edge ideas and technologies are fostered to help overcome issues regarding access to medical care especially in rural areas.

Last month, HMSA launched its Online Care program, aimed at improving access to care throughout the Islands. Residents can speak with a local physician from HMSA's network of credentialed participating physicians 24 hours-a-day, 7 days-a-week. We believe that this program will benefit all the people of Hawaii and can serve as a model as we look for solutions to improve the health care system across the nation.

The language contained in SB 1676 is meant to clarify existing state law that allows physicians to engage in telemedicine. Thank you for the opportunity to testify today. We would respectfully urge the Committee to support SB 1676.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Diesman".

Jennifer Diesman
Assistant Vice President
Government Relations



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February 4, 2009

To: Senate Committee on Health
Senator David Y. Ige, Chair
Senator Josh Green, MD, Vice Chair

From: Hawaii Medical Association
Gary A. Okamoto, MD, President
Philip Hellreich, MD, Legislative Co-Chair
Linda Rasmussen, MD, Legislative Co-Chair
April Donahue, Executive Director
Richard C. Botti, Government Affairs
Lauren Zirbel, Government Affairs

Re: SB 1676 RELATING TO HEALTH (Telemedicine)

PLEASE DELIVER:

Friday
2/6/09
3:00 pm
CR 016

Chairs & Committee Members:

Hawaii Medical Association favors the concept of telemedicine, with a note of caution. We believe telemedicine will help form the future of medicine. But it is also vulnerable to major pitfalls, so this bill would require amendments.

The major concern we have with the wording of this bill is that it allows for the establishment of a physician-patient relationship without the physician actually seeing the patient.

Once a physician-patient relationship has been established with a person-to-person visit, the physician will have records of the patient, creating a history of the patient. Only then should telemedicine be acceptable.

What we do not want to see is a physician creating a practice of virtual patients that are never seen in person, and could actually be a forgery. Additionally, the American Medical Association has expressed some concern that online consultation opens physicians to an additional liability by allowing them to make decisions about a patient's health without actually examining the patient. AMA's solution is that online consultations should only occur after a physician-patient relationship has been previously established.

Thus, we strongly recommend that the measure be amended to specifically require that telemedicine only be allowed after the traditional physician-patient relationship has been established.

Thank you for the opportunity to provide this testimony.

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**PRESENTATION OF THE
HAWAII MEDICAL BOARD**

TO THE SENATE COMMITTEE ON HEALTH

TWENTY-FIFTH LEGISLATURE
Regular Session of 2009

Friday, February 6, 2009
3:00 p.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL NO. 1676, RELATING TO HEALTH.

TO THE HONORABLE DAVID Y. IGE CHAIR,
AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide written testimony on S.B. No. 1676, Relating to Health. The Hawaii Medical Board ("Board") has not had the opportunity to review this bill but will be discussing it at the next Board meeting on February 13, 2009. Therefore, the Board is not able to take a position at this time.

The companion bill, H.B. No. 808, was heard by the House Committee on Health on January 30, 2009 and passed out as is.

The Board understands that there were prior legislation and laws enacted to amend the Insurance Code on telemedicine. However, the Board was not aware of these measures until December 2008, subsequent to an issue relating to telemedicine being brought to the Board's attention in September 2008.

The Board is not opposed to telemedicine but is concerned with

Testimony on S.B. No. 1676
February 6, 2009
Page 2

patient safety and the continuity of health care. It is the Board's belief that community standards relating to safe practices call for a face-to-face meeting in which physicians take a patient's history, perform a physical examination and take vital signs. It is imperative that physicians be able to get a true read before treating a patient.

In line with this, the Board is in discussion with the entity who raised the telemedicine issue with the Board in September 2008, to find common ground in those areas in which a physician may treat a patient safely over the internet without having to perform a physical examination or take vital signs. All parties are committed to resolving the matter.

Thank you for the opportunity to provide written comments on this bill.

**Testimony to the House Committee on Health
Friday, February 6, 2009 at 3:00 p.m.
Conference Room 016, State Capitol**

RE: SENATE BILL NO. 1676 RELATING TO HEALTH

Chair Ige, Vice Chair Green, and Members of the Committee:

My name is Jim Tollefson and I am the President and CEO of The Chamber of Commerce of Hawaii ("The Chamber"). The Chamber supports Senate Bill 1676 relating to Health.

The Chamber is the largest business organization in Hawaii, representing more than 1,100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of its members, which employ more than 200,000 individuals, to improve the state's economic climate and to foster positive action on issues of common concern.

This measure makes amendments to clarify the support and expansion of new technology in the use of telemedicine and clarifies that telehealth is within the scope of a physician's practice.

Quality health care is critical to the people and economy of Hawaii. However, the quality that Hawaii has enjoyed for years is now in jeopardy. Some of the prevalent problems include the lack of access to healthcare, especially on the neighbor islands, and the shortage of acute beds.

The Chamber believes this measure will help alleviate some of these problems by allowing residents, especially in rural areas, to gain access to a physician for less than serious ailments, thus freeing up acute beds for more serious and dire situations.

Therefore, The Chamber supports improvements which can assist in promoting the quality of our health care system. This includes legislation that will clarify that physicians have the ability to engage in telemedicine.

In light of the above, The Chamber of Commerce of Hawaii supports SB 1676. Thank you for the opportunity to testify.

SB1676
Friday, February 6, 2009
3:00pm
Conference Room 016
State Capitol
415 South Beretania Street

Thank you for allowing me to testify in support of Senate Bill 1676 that makes amendments to clarify the support and expansion of new technology in the use of telemedicine. there are times in our lives when when a got to have an answer now is critical

Hawaii's unique geography makes it a perfect location to expand and strengthen the use of tele-medicine. I've read many stories in the local papers about the shortage of doctors on the Neighbor Islands and I can only imagine the great peace of mind this new technology will bring to families in rural areas.

Since it is not uncommon to wait several days or even weeks for an appointment with a specialist, I see huge benefits to having physicians available over the internet and telephone. Being able to immediately have a question or concern addressed could also help patient-doctor communication, could improve the management of chronic diseases like diabetes or asthma. Additionally, allowing quick access to medical care in the early stages of a problem can often help avoid expensive emergency room visits.

I am especially pleased and proud, as we all should be, that Hawaii is leading the nation when it comes to this new technology. I urge you to support and pass this bill because it will improve access to health care for all Hawaii's people.

Two years next week, I lost my partner of 17 years to a sudden, unexpected and short lived illness, I can only imagine if I had access to telemedicine at that time, this out come may have been different. Telemedicine is a immediate tool to help when answers are needed. Unfortunately there are times when we need a professional answer now.

Let telemedicine will be there when we need that answers.

Thank you,

Mike Evans
Hawaii Kai