



GOV. MSG. NO. 672

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 6, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB2491 SD2 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB2491 SD2 HD1 CD1

A BILL FOR AN ACT  
RELATING TO TELEMEDICINE.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2491

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2491, entitled "A Bill for an Act Relating to Telemedicine."

The purposes of this bill are to: (1) Require the Insurance Commissioner to conduct a study regarding the impact of telehealth services on medical malpractice policies and rates and report the findings to the Legislature at least twenty days prior to the next legislative session; and (2) Add a new section to Hawaii Revised Statutes chapter 346 prohibiting the Department of Human Services from requiring its approval for health plans under its Medicaid or Quest services to deliver telehealth services or in-person visits to qualify any telehealth service for the foregoing Medicaid or Quest program. The foregoing mandate applies to mobile medical van programs offering telehealth services in counties with a population less than 250,000.

Although I support the expansion of telemedicine and telehealth initiatives due to their potential to increase the availability of health care services to the public, the approach taken in Part II of this bill is inappropriate.

The expansion of telehealth services provided for in this bill would have to be funded entirely by state dollars, since this expansion of services has not received federal approval, and is therefore ineligible for federal reimbursement. Indeed, the mobile medical van envisioned in this bill may offer services in conflict with federal requirements and be ineligible

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 2491  
Page 2

for funding. General funds to cover the costs of these services are not included in the bill, and therefore this bill presents the Department of Human Services with an unfunded mandate.

Enacting this bill would also set an undesirable precedent of statutorily requiring the Department of Human Services to cover the cost of a service over which it has no authority for prior review and approval. Because of the significant growth in the Medicaid budget, the Department of Human Services is continually looking at approaches to reduce costs without compromising patient safety. The provisions of this bill are an impediment to the efforts by the Department of Human Services to responsibly manage the program.

For the foregoing reason, I am returning Senate Bill No. 2491 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii

---

---

## A BILL FOR AN ACT

RELATING TO TELEMEDICINE.

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

**PART I**

1  
2 SECTION 1. The insurance commissioner shall study the  
3 impact of coverage of telehealth services under medical  
4 malpractice policies and its impact on malpractice premium rates  
5 in various states across the country and in Hawaii. The study  
6 shall include a review of the telehealth services, both  
7 traditional and innovative, that are allowed by law in the  
8 respective states, including Hawaii, and the impact on access to  
9 care. The insurance commissioner shall report findings,  
10 recommendations, and any proposed legislation to the legislature  
11 not later than twenty days prior to the convening of the regular  
12 session of 2011.

**PART II**

13  
14 SECTION 2. Chapter 346, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:

17 "§346- Telehealth services; medicaid and QUEST. The  
18 department shall not require:



1       (1) The department's approval for a health plan under the  
2       department's medicaid or QUEST program to deliver  
3       services using a telehealth service; or

4       (2) In-person visits to qualify any telehealth service for  
5       coverage under the department's medicaid or QUEST  
6       program.

7       For the purposes of this section, "telehealth" means the  
8       use of telecommunications services, as defined in section 269-1,  
9       including real-time video conferencing-based communication,  
10      secure interactive and non-interactive web-based communication,  
11      and secure asynchronous information exchange, to transmit  
12      patient medical information, including diagnostic-quality  
13      digital images and laboratory results for medical interpretation  
14      and diagnosis, for the purpose of delivering enhanced health  
15      care services and information to parties separated by distance.

16      A standard telephone contact, facsimile transmission, or an  
17      email text, in combination or by itself, does not constitute a  
18      telehealth service for the purposes of this section. This  
19      section shall only apply to a mobile medical van program  
20      operating in a county with a population of less than 250,000."

21



1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

3

