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## A BILL FOR AN ACT

RELATING TO TELEHEALTH.

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

1           SECTION 1. Advances in telecommunication technology have  
2 radically changed the ways in which people relate to one another  
3 and interact with the world around them. Time and distance,  
4 once prohibitive obstacles to the ebb and flow of commerce and  
5 communication, are no longer seen as the major impediments they  
6 once were. Whether it is a consumer ordering goods from an  
7 internet vendor, business real-time teleconferencing, or  
8 friendships forged across continents, telecommunication  
9 technology impact all our lives.

10           One area in which advanced telecommunication technology has  
11 made tremendous strides is in the development of telemedicine.  
12 In the past, the physician-patient relationship was bound by in-  
13 office, face-to-face encounters. With the advent of advanced  
14 telecommunication processes, an "office visit" can be an  
15 electronic encounter. This is particularly important in rural  
16 and medically underserved areas of the State where access to  
17 medical care and services may be limited; where consultations  
18 with medical specialists or utilization of specialized services



1 could mean the difference between life and death; for first-  
2 responders providing emergency care or disaster relief; and for  
3 persons with chronic conditions requiring constant monitoring  
4 while traveling or on extended leave.

5 The future of telecommunications in health care is almost  
6 limitless. "Telemedicine" is generally associated with services  
7 provided by physicians and surgeons; yet other health care  
8 professionals could conceivably benefit from the use of  
9 telecommunications in their health care practices. The term  
10 "telehealth" has been coined to encompass not only telemedicine,  
11 but also services by these other professions, including nursing,  
12 mental and behavioral health, speech language and audiology,  
13 dietitians, and occupational therapy.

14 Given the geographic isolation of our islands, as well as  
15 the disparity of health care services between urban and rural  
16 areas of the State, the legislature finds that Hawaii is ripe  
17 for the development and use of telehealth services for our  
18 citizens. The legislature finds, however, that the concerns, as  
19 well as the promises, of telehealth services must be  
20 appropriately studied to ensure the safety and welfare of our  
21 citizens and visitors alike.



1           The purpose of this Act, therefore, is to require the  
2 Hawaii medical board to conduct a study on telemedicine and  
3 telehealth.

4           SECTION 2. (a) The Hawaii medical board, in consultation  
5 with the telehealth community, shall review issues and concerns  
6 relating to telemedicine and telehealth, including:

7           (1) Legal authority of out-of-state health care providers  
8 when providing telehealth services, including the  
9 provision of prompt and accurate information to out-  
10 of-state providers on this State's standards and  
11 requirements for specific services to be performed and  
12 limits to an out-of-state provider's scope of  
13 practice;

14           (2) Enforcement and oversight of services of out-of-state  
15 practitioners who are not required to be licensed by  
16 the State when providing telehealth services;

17           (3) Insurance and other third-party payer reimbursements  
18 for telehealth services, including medicare  
19 reimbursements;

20           (4) Liability and malpractice insurance coverage for  
21 telehealth services;



1 (5) Limitations, if any, on the prescription of controlled  
2 substances;

3 (6) Mandated use of an electronic medical records system;  
4 and

5 (7) Expansion of telehealth services authorization to  
6 other health care providers, including but not limited  
7 to nursing, mental and behavioral health, speech  
8 language and audiology, dietitians, and occupational  
9 therapy.

10 (b) The Hawaii medical board shall also review different  
11 approaches used by other states to incorporate telehealth  
12 services into their licensing laws. These options shall include  
13 but not be limited to:

14 (1) Exemption from licensure for services rendered by an  
15 out-of-state physician to a patient in Hawaii;

16 (2) Granting a Hawaii license by endorsement or effecting  
17 reciprocity agreements with other states when an out-  
18 of-state physician provides services to a patient in  
19 Hawaii; and

20 (3) Entering into interstate compacts that provide for a  
21 special multi-state license to physicians while  
22 providing telehealth services.



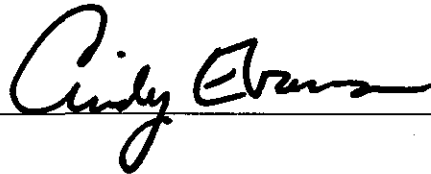
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1           (c) The Hawaii medical board shall submit its findings,  
2 recommendations, and proposed legislation, if any, to the  
3 legislature, no later than twenty days prior to the convening of  
4 the regular session of 2011.

5           SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
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JAN 20 2010



**Report Title:**

Telemedicine; Physicians and Surgeons; Regulations

**Description:**

Requires the Hawaii medical board to review issues relating to telemedicine and telehealth, including license portability or reciprocity. Report to legislature in 2011.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

