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# A BILL FOR AN ACT

RELATING TO INSURANCE.

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

PART I

SECTION 1. Section 87A-16, Hawaii Revised Statutes, is amended to read as follows:

"~~§87A-16~~ **Health benefits plan; carriers.** (a) The board shall establish the health benefits plan or plans, which shall be exempt from the minimum group requirements of chapter 431.

(b) The board may contract for health benefits plans or provide health benefits through a noninsured schedule of benefits.

(c) Notwithstanding any law to the contrary, the board shall, during open enrollment and other enrollment periods, offer an employee-beneficiary or dependent-beneficiary eligible for enrollment and currently enrolled in a health benefits plan established under this section, coverage for prescription drug benefits that is identical to the coverage provided under the employee-beneficiary's or dependent-beneficiary's current plan.



1 For the purposes of this subsection:

2 "Coverage" means the benefits, costs, and requirements for  
3 patient access to medical products and services as enumerated in  
4 the written explanation of benefits document issued by the board  
5 or pharmacy benefits manager.

6 "Identical" means the exact benefit as provided in the  
7 written explanation of benefits document issued by the board or  
8 pharmacy benefits manager.

9 "Prescription drug benefits" means the prescription drug  
10 benefits as defined in the explanation of benefits document  
11 issued by the board or pharmacy benefits manager that describes  
12 the cost, cost-sharing, and available medications, as well as  
13 any utilization management requirements that patients must meet  
14 to access the prescribed drug."

15 PART II

16 SECTION 2. The purpose of this part is to improve access  
17 to the full range of health care services to Medicaid and QUEST  
18 members, by ensuring that Medicaid and QUEST health plans have  
19 the flexibility to provide appropriate health services via  
20 technological means such as telehealth.



1 SECTION 3. Chapter 346, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§346- Telehealth services; Medicaid and QUEST. The  
5 department shall not require:

6 (1) The department's approval for a health plan under the  
7 department's Medicaid or QUEST program to deliver  
8 services using a telehealth service; or

9 (2) In-person visits to qualify any telehealth service for  
10 coverage under the department's Medicaid or QUEST  
11 program.

12 For the purposes of this section, "telehealth" means the use of  
13 telecommunications services, as defined in section 269-1,  
14 including real-time video conferencing-based communication,  
15 secure interactive and non-interactive web-based communication,  
16 and secure asynchronous information exchange, to transmit  
17 patient medical information, including diagnostic-quality  
18 digital images and laboratory results for medical interpretation  
19 and diagnosis, for the purpose of delivering enhanced health  
20 care services and information to parties separated by distance.  
21 A standard telephone contact, facsimile transmission, or an



1 email text, in combination or by itself, does not constitute a  
2 telehealth service for the purposes of this section."

3 SECTION 4. Part II of this Act does not affect rights and  
4 duties that matured, penalties that were incurred, and  
5 proceedings that were begun before its effective date.

6 SECTION 5. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2020;  
9 provided that the provisions of section 87A-16(c), Hawaii  
10 Revised Statutes, in section 1 of this Act shall retroactively  
11 apply to prescription drug plans of employee-beneficiaries and  
12 dependent-beneficiaries of the employer-union health benefits  
13 trust fund enrolled in health plans as of the effective date of  
14 this Act, who enrolled during the open enrollment periods ending  
15 on:

16 (1) For active employees, December 7, 2009; and

17 (2) For retirees, November 30, 2009;

18 provided further that notwithstanding the close of these open  
19 enrollment periods, these beneficiaries shall prior to  
20 be offered the coverage for prescription drug benefits required  
21 under section 87A-16(c), Hawaii Revised Statutes, in section 1  
22 of this Act.



**Report Title:**

Health Insurance; Drug Coverage; EUTF; Telehealth; Medicaid;  
QUEST

**Description:**

Requires EUTF health benefits plans to allow enrollees to continue the same prescription drug coverage for current enrollees, and applies this provision retroactively to the 2009 EUTF open enrollment period. Prohibits the Department of Human Services from requiring its approval for a Medicaid or QUEST health plan to deliver services through telehealth, and from requiring in-person health care visits to qualify telehealth services for coverage under these health plans.

Effective July 1, 2020. (SB2494 HD2)

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