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# A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 PART I

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

4 "[+]§87A-16[+] Health benefits plan; carriers. (a) The  
5 board shall establish the health benefits plan or plans, which  
6 shall be exempt from the minimum group requirements of chapter  
7 431.

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

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





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 programs 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 programs.

12 For the purposes of this section, "telehealth" means the use of  
13 telecommunications services, as defined in section 269-1,  
14 including but not limited to real-time video conferencing-based  
15 communication, secure interactive and non-interactive web-based  
16 communication, and secure asynchronous information exchange, to  
17 transmit patient medical information, including diagnostic-  
18 quality digital images and laboratory results for medical  
19 interpretation and diagnosis, for the purpose of delivering  
20 enhanced health care services and information to parties  
21 separated by distance. A standard telephone contact, facsimile  
22 transmission, or an email text, in combination or by itself,



1 does not constitute a telehealth service for the purposes of  
2 this section."

3 SECTION 4. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 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 be  
20 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 HD1)

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

