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# A BILL FOR AN ACT

RELATING TO TELEMEDICINE.

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

1 SECTION 1. Section 453-1.3, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) [~~Nothing~~] Subject to section 453-2(b), nothing in  
4 this section shall preclude any physician acting within the  
5 scope of the physician's license to practice from practicing  
6 telemedicine as defined in this section."

7 SECTION 2. Section 453-2, Hawaii Revised Statutes, is  
8 amended by amending subsection (b) to read as follows:

9 "(b) Nothing herein shall:

10 (1) Apply to so-called Christian Scientists; provided that  
11 the Christian Scientists practice the religious tenets  
12 of their church without pretending a knowledge of  
13 medicine or surgery;

14 (2) Prohibit service in the case of emergency or the  
15 domestic administration of family remedies;

16 (3) Apply to any commissioned medical officer in the  
17 United States armed forces or public health service  
18 engaged in the discharge of one's official duty, [~~not~~]



1 including a commissioned medical officer employed by  
2 the United States Department of Defense, while  
3 providing direct telemedicine support or services to  
4 neighbor island beneficiaries within a Hawaii national  
5 guard armory on the island of Kauai, Hawaii, Molokai,  
6 or Maui; provided that the commissioned medical  
7 officer employed by the United States Department of  
8 Defense is credentialed by Tripler Army Medical  
9 Center;

10 (4) Apply to any practitioner of medicine and surgery from  
11 another state when in actual consultation, including  
12 in-person, mail, electronic, telephonic, fiber-optic,  
13 or other telemedicine consultation with a licensed  
14 physician or osteopathic physician of this State, if  
15 the physician or osteopathic physician from another  
16 state at the time of consultation is licensed to  
17 practice in the state in which the physician or  
18 osteopathic physician resides; provided that:

19 (A) The physician or osteopathic physician from  
20 another state shall not open an office, or  
21 appoint a place to meet patients in this State,  
22 or receive calls within the limits of the State



1 for the provision of care for a patient who is  
2 located in this State;

3 (B) The licensed physician or osteopathic physician  
4 of this State retains control and remains  
5 responsible for the provision of care for the  
6 patient who is located in this State; and

7 (C) The laws and rules relating to contagious  
8 diseases are not violated;

9 [~~4~~] (5) Prohibit services rendered by any person  
10 certified under part II of this chapter to provide  
11 emergency medical services, or any physician  
12 assistant, when the services are rendered under the  
13 direction and control of a physician or osteopathic  
14 physician licensed in this State except for final  
15 refraction resulting in a prescription for spectacles,  
16 contact lenses, or visual training as performed by an  
17 oculist or optometrist duly licensed by the State.  
18 The direction and control shall not be construed in  
19 every case to require the personal presence of the  
20 supervising and controlling physician or osteopathic  
21 physician. Any physician or osteopathic physician who  
22 employs or directs a person certified under part II of



1 this chapter to provide emergency medical services, or  
2 a physician assistant, shall retain full professional  
3 and personal responsibility for any act that  
4 constitutes the practice of medicine when performed by  
5 the certified person or physician assistant;

- 6 ~~[(5)]~~ (6) Prohibit automated external defibrillation by:  
7 (A) Any first responder personnel certified by the  
8 department of health to provide automated  
9 external defibrillation when it is rendered under  
10 the medical oversight of a physician or  
11 osteopathic physician licensed in this State; or  
12 (B) Any person acting in accordance with section 663-  
13 1.5(e); or

14 ~~[(6)]~~ (7) Prohibit a radiologist duly licensed to practice  
15 medicine and provide radiology services in another  
16 state from using telemedicine while located in this  
17 State to provide radiology services to a patient who  
18 is located in the state in which the radiologist is  
19 licensed. For the purposes of this paragraph:

20 "Radiologist" means a doctor of medicine or a  
21 doctor of osteopathy certified in radiology by the



1 American Board of Radiology or the American Board of  
2 Osteopathy.

3 "Telemedicine" means the use of  
4 telecommunications services, as that term is defined  
5 in section 269-1, including real-time video  
6 conferencing-based communication, secure interactive  
7 and non-interactive web-based communication, and  
8 secure asynchronous information exchange, to transmit  
9 patient medical information, such as diagnostic-  
10 quality digital images and laboratory results for  
11 medical interpretation and diagnosis, and deliver  
12 health care services and information to parties  
13 separated by distance."

14 SECTION 3. Section 465-3, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16 "(a) This chapter shall not apply to:

17 (1) Any person teaching, lecturing, consulting, or  
18 engaging in research in psychology insofar as the  
19 activities are performed as part of or are dependent  
20 upon employment in a college or university; provided  
21 that the person shall not engage in the practice of



1 psychology outside the responsibilities of the  
2 person's employment;

3 (2) Any person who performs any, or any combination of the  
4 professional services defined as the practice of  
5 psychology under the direction of a licensed  
6 psychologist in accordance with rules adopted by the  
7 board; provided that the person may use the term  
8 "psychological assistant", but shall not identify the  
9 person's self as a psychologist or imply that the  
10 person is licensed to practice psychology;

11 (3) Any person employed by a local, state, or federal  
12 government agency in a school psychologist or  
13 psychological examiner position, or a position that  
14 does not involve diagnostic or treatment services, but  
15 only at those times when that person is carrying out  
16 the functions of such government employment;

17 (4) Any person who is a student of psychology, a  
18 psychological intern, or a resident in psychology  
19 preparing for the profession of psychology under  
20 supervision in a training institution or facility and  
21 who is designated by a title as "psychology trainee",  
22 "psychology student", "psychology intern", or



1 "psychology resident", that indicates the person's  
2 training status; provided that the person shall not  
3 identify the person's self as a psychologist or imply  
4 that the person is licensed to practice psychology;

5 (5) Any person who is a member of another profession  
6 licensed under the laws of this jurisdiction to render  
7 or advertise services, including psychotherapy, within  
8 the scope of practice as defined in the statutes or  
9 rules regulating the person's professional practice;  
10 provided that, notwithstanding section 465-1, the  
11 person does not represent the person's self to be a  
12 psychologist or does not represent that the person is  
13 licensed to practice psychology;

14 (6) Any person who is a member of a mental health  
15 profession not requiring licensure; provided that the  
16 person functions only within the person's professional  
17 capacities; and provided further that the person does  
18 not represent the person to be a psychologist, or the  
19 person's services as psychological; [e~~r~~]

20 (7) Any person who is a duly recognized member of the  
21 clergy; provided that the person functions only within  
22 the person's capacities as a member of the clergy; and



1 provided further that the person does not represent  
2 the person to be a psychologist, or the person's  
3 services as psychological [-]; or

4 (8) Any psychologist employed by the United States  
5 Department of Defense, while engaged in the discharge  
6 of the psychologist's official duty and providing  
7 direct telehealth support or services, as defined in  
8 section 431:10A-116.3, to neighbor island  
9 beneficiaries within a Hawaii national guard armory on  
10 the island of Kauai, Hawaii, Molokai, or Maui;  
11 provided that the psychologist employed by the United  
12 States Department of Defense is credentialed by  
13 Tripler Army Medical Center."

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.  
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**Report Title:**

Telemedicine; Behavioral Health; License Exemption; Military Patients

**Description:**

Exempts from licensing requirements in the State any commissioned medical officer or psychologist employed by the U.S. Department of Defense, who is credentialed by Tripler Army Medical Center, while providing direct telemedicine support or services to neighbor island beneficiaries within a Hawaii national guard armory on the island of Kauai, Hawaii, Molokai, or Maui. (CD1)

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