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 Statutory material to be repealed is bracketed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

16 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Telemedicine; Behavioral Health; License Exemption; Military Patients

Description:

Exempts from licensing requirement to practice medicine in the State any commissioned medical officer 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. Effective July 1, 2050. (SB548 HD1)

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

