

JAN 22 2016

A BILL FOR AN ACT

RELATING TO TELEHEALTH.

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

1 SECTION 1. Section 453-1.3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§453-1.3 Practice of telehealth. (a) Subject to section
4 453-2(b), nothing in this section shall preclude any physician
5 acting within the scope of the physician's license to practice
6 from practicing telehealth as defined in this section. Nothing
7 in this section shall alter the scope of practice of any
8 physician or authorize the delivery of services in a setting, or
9 in a manner, not authorized by law.

10 (b) For the purposes of this section, "telehealth" means
11 the use of telecommunications as that term is defined in section
12 269-1, including but not limited to real-time video
13 conferencing-based communication, secure interactive and non-
14 interactive web-based communication, and secure asynchronous
15 information exchange, to transmit patient medical information,
16 including diagnostic-quality digital images and laboratory
17 results for medical interpretation and diagnosis, for the



1 purposes of delivering enhanced health care services and
2 information to parties separated by distance, establishing a
3 physician-patient relationship, evaluating a patient, or
4 treating a patient.

5 (c) Prior to the delivery of any services via telehealth,
6 the health care provider at the originating site shall verbally
7 inform the patient that telehealth may be used and obtain verbal
8 consent from the patient for this use. The health care provider
9 shall document the verbal consent in the patient's medical
10 record.

11 [~~(e)~~] (d) Telehealth services shall include a documented
12 patient evaluation, including history and a discussion of
13 physical symptoms adequate to establish a diagnosis and to
14 identify underlying conditions or contraindications to the
15 treatment recommended or provided.

16 [~~(d)~~] (e) Treatment recommendations made via telehealth,
17 including issuing a prescription via electronic means, shall be
18 held to the same standards of appropriate practice as those in
19 traditional physician-patient settings that do not include a
20 face-to-face visit but in which prescribing is appropriate,
21 including on-call telephone encounters and encounters for which



1 a follow-up visit is arranged. Issuing a prescription based
2 solely on an online questionnaire is not treatment for the
3 purposes of this section and does not constitute an acceptable
4 standard of care. For the purposes of prescribing a controlled
5 substance, a physician-patient relationship shall be established
6 pursuant to chapter 329.

7 [~~e~~] (f) All medical reports resulting from telehealth
8 services are part of a patient's health record and shall be made
9 available to the patient. Patient medical records shall be
10 maintained in compliance with all applicable state and federal
11 requirements including privacy requirements.

12 [~~f~~] (g) A physician shall not use telehealth to
13 establish a physician-patient relationship with a patient in
14 this State without a license to practice medicine in Hawaii.
15 Once a provider-patient relationship is established, a patient
16 or physician licensed in this State may use telehealth for any
17 purpose, including consultation with a medical provider licensed
18 in another state, authorized by this section or as otherwise
19 provided by law.

20 [~~g~~] (h) Reimbursement for behavioral health services
21 provided through telehealth shall be equivalent to reimbursement



1 for the same services provided via face-to-face contact between
2 a health care provider and a patient.

3 (i) No health insurance provider group, hospital, or
4 medical service plan regulated under article 10A of chapter 431
5 or article 1 of chapter 432 shall:

6 (1) Require that in-person contact occur between a
7 physician and a patient before the delivery of any
8 services via telehealth; or

9 (2) Limit the type of setting where telehealth services
10 are provided for the patient or by the health care
11 provider."

12 SECTION 2. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

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S.B. NO. 2469

Report Title:

Telehealth; Telemedicine; Health Insurance; Physicians

Description:

Requires patient approval prior to the delivery of any medical services through telehealth. Prohibits health insurance companies from limiting the setting where telehealth services are provided or requiring in-person contact between a patient and physician before the delivery of telehealth services.

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