
A BILL FOR AN ACT

RELATING TO TELEHEALTH.

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

1 SECTION 1. The legislature finds that the adoption of
2 telehealth to deliver healthcare services in Hawaii is
3 increasing. The report of findings from the 2017 Hawaii
4 Physician Workforce Assessment Project estimates that
5 approximately fifteen per cent of healthcare providers report a
6 telehealth experience, a significant increase from less than
7 five per cent in 2014. This increase coincides with the
8 enactment of Act 159, Session Laws of Hawaii 2014, and Act 226,
9 Session Laws of Hawaii 2016, both of which increased telehealth
10 adoption by adopting policies such as reimbursement parity with
11 face-to-face visits and malpractice insurance coverage reform.

12 However, despite this favorable policy environment,
13 telehealth utilization remains frustratingly low. A continuum
14 of issues across multiple sectors must be addressed, such as
15 providing incentives for healthcare provider adoption,
16 increasing patient comfort with new technology, improving health
17 care workforce training, updating technology and



1 telecommunications infrastructure, and promoting administrative
2 simplification among health systems.

3 Accordingly, the purpose of this Act is to establish
4 resources to achieve Hawaii's goal of establishing telehealth as
5 a community standard for health care access.

6 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
7 amended by adding a new part to be appropriately designated and
8 to read as follows:

9 **"PART . TELEHEALTH**

10 **§321- Definitions.** As used in this part, unless the
11 context requires otherwise:

12 "Telehealth" means the use of telecommunications services,
13 as defined in section 269-1, to encompass four modalities:
14 store and forward technologies, remote monitoring, live
15 consultation, and mobile health; which shall include real-time
16 video conferencing-based communication, secure interactive and
17 non-interactive web-based communication, and secure asynchronous
18 information exchange, to transmit patient medical information,
19 including diagnostic-quality digital images and laboratory
20 results for medical interpretation and diagnosis, for the
21 purpose of delivering enhanced health care services and



1 information while a patient is at an originating site and the
2 health care provider is at a distant site. Standard telephone
3 contacts, facsimile transmissions, or e-mail text, alone or in
4 combination, does not constitute a telehealth service for the
5 purposes of this part.

6 **§321- State telehealth policy, roles, and**

7 **responsibilities.** (a) It shall be the policy of the State to
8 promote telehealth to deliver health care from a distance as an
9 effective way of overcoming certain barriers to accessing care,
10 particularly for communities located in rural and remote areas.

11 (b) The department of health is authorized to lead
12 statewide efforts to ensure consumer choice, reduce disparities
13 in access to care, enhance health care provider availability,
14 and improve quality of care through telehealth.

15 **§321- State telehealth and health care access**

16 **coordinator.** (a) There is established a full-time state
17 telehealth and health care access coordinator to support the
18 state strategic telehealth advisory council. The state
19 telehealth and health care access coordinator shall facilitate
20 the establishment of infrastructure and policies across all



- 1 agencies of the State and private sector to promote the
2 expansion of telehealth in the State, including:
- 3 (1) Providing administrative support to the state
4 strategic telehealth advisory council;
 - 5 (2) Coordinating with the department of commerce and
6 consumer affairs on issues relating to professional
7 and vocational licensing and insurance regulation as
8 related to telehealth;
 - 9 (3) Coordinating with the department of commerce and
10 consumer affairs and department of business, economic
11 development, and tourism on broadband connectivity;
 - 12 (4) Coordinating with the department of education,
13 department of public safety, department of human
14 services, Hawaii employer-union health benefits trust
15 fund, and other state agencies that finance or provide
16 health care services to promote the use of telehealth;
 - 17 (5) Coordinating with the University of Hawaii and other
18 agencies on telehealth research to ensure quality,
19 cost-effectiveness, and efficacy;
 - 20 (6) Coordinating with the department of labor and
21 industrial relations, University of Hawaii, department



1 of education, and other agencies to encourage a
2 telehealth-capable workforce;

3 (7) Coordinating with the office of enterprise technology
4 services on matters related to cybersecurity; and

5 (8) Coordinating with the private sector to ensure
6 alignment and consistency with state goals.

7 (b) The state telehealth and health care access
8 coordinator shall be selected by the director of health."

9 **SECTION 3. State strategic telehealth advisory council.**

10 (a) There is established within the department of health for
11 administrative purposes the state strategic telehealth advisory
12 council. The advisory council shall:

13 (1) Advise the governor on the development and
14 implementation of a comprehensive plan to establish
15 telehealth as high quality, cost-effective, and
16 reliable means of health care access; and

17 (2) Make timely recommendations to the governor and the
18 director of health regarding potential sources of
19 federal and private grants, loans, and other sources
20 that may fund the establishment or enhancement of
21 broadband infrastructure in rural areas of Hawaii,



1 including the pursuit of funds from the Federal
2 Communications Commission Connect America Fund, the
3 United States Department of Agriculture ReConnect
4 Program, and the United States Department of
5 Agriculture ReConnect Loan and Grant Program.

6 (b) The membership of the state strategic telehealth
7 advisory council shall be appointed by the governor without
8 regard to section 26-34, Hawaii Revised Statutes. The director
9 of health or a designee shall serve as an ex officio nonvoting
10 member of the advisory council.

11 (c) In establishing the advisory council, the governor
12 shall appoint at least:

13 (1) Two members of organizations that represent health
14 care facilities, one of whom shall be a representative
15 of a hospital;

16 (2) Two members of organizations that represent health
17 insurers, one of whom shall be a representative of an
18 organization that primarily serves medicaid
19 beneficiaries;



- 1 (3) One member of an organization that represents
- 2 broadband infrastructure or telecommunications
- 3 services;
- 4 (4) One member from the office of the governor;
- 5 (5) Two members of long-term care service providers, one
- 6 of whom shall be a representative of a nursing home
- 7 and one of whom shall be a representative of a home
- 8 health agency or community-based health services
- 9 program;
- 10 (6) Two health care practitioners, each of whom practices
- 11 primarily in a rural county; and
- 12 (7) One member of an organization that represents mental
- 13 health service providers;

14 provided that there shall be at least one state strategic
15 telehealth advisory council member from each county in the
16 State. The advisory council shall select a chairperson from
17 among its members.

18 The members shall serve without compensation but shall be
19 reimbursed for actual expenses, including travel expenses, that
20 are necessary for the performance of their duties.



1 (d) The number of members necessary to constitute a quorum
2 to do business shall consist of a majority of all members who
3 have accepted the nomination to the advisory council. When a
4 quorum is in attendance, the concurrence of a majority of the
5 members in attendance shall make any action of the council
6 valid.

7 (e) Two or more members of the council, but less than the
8 number of members that would constitute a quorum for the
9 council, may discuss between themselves matters relating to
10 official business of the council to enable them to faithfully
11 perform their duties to the council and the organizations they
12 represent, as long as no commitment to vote is made or sought.
13 Such discussions shall be a permitted interaction under section
14 92-2.5, Hawaii Revised Statutes.

15 (f) The state strategic telehealth advisory council shall
16 be dissolved on July 1, 2023.

17 SECTION 4. **Telehealth administrative simplification**
18 **working group.** The department of health shall establish and
19 convene a telehealth administrative simplification working group
20 to research and make recommendations to reduce administrative
21 barriers to telehealth, which may include health care system



1 credentialing, privileging, and other processes that contribute
2 to delays and inefficiencies for health care providers
3 delivering care to patients. The telehealth administrative
4 simplification working group shall be exempt from part I of
5 chapter 92, Hawaii Revised Statutes.

6 The telehealth administrative simplification working group
7 shall submit a report of its findings and recommendations,
8 including any proposed legislation, to the legislature no later
9 than twenty days before the convening of the regular session of
10 2021.

11 SECTION 5. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$110,000 or so much
13 thereof as may be necessary for fiscal year 2020-2021 for the
14 establishment of one full-time equivalent (1.0 FTE) permanent
15 state telehealth and health care access coordinator position
16 within the department of health.

17 The sum appropriated shall be expended by the department of
18 health for the purposes of this Act.



H.B. NO. 1690

1 SECTION 6. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:

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JAN 14 2020



H.B. NO. 1690

Report Title:

Telehealth; State Strategic Telehealth Advisory Council; State Telehealth and Health Care Access Coordinator; Working Group; Appropriation

Description:

Establishes goals for the adoption and proliferation of telehealth to increase health care access. Establishes the State Strategic Telehealth Advisory Council and permanent State Telehealth and Health Care Access Coordinator position. Dissolves the Advisory Council on 7/1/2023. Establishes the Telehealth Administrative Simplification Working Group to research, make recommendations, and report to the Legislature. Appropriates funds.

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