

Testimony of the Hawaii Medical Board

**Before the
House Committee on Consumer Protection & Commerce
Tuesday, March 23, 2021
2:00 p.m.
Via Videoconference**

**On the following measure:
S.B. 970, S.D. 2, H.D. 1, RELATING TO TELEHEALTH**

Chair Johanson and Members of the Committees:

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical (Board). The Board supports this bill.

The purpose of this bill is to authorize the establishment of a physician-patient relationship via a telehealth interaction, if the physician is licensed to practice medicine in the State.

The Board supports this bill because it recognizes that telehealth is: (1) essential to patient care and access to care, both during and outside of a pandemic, to diagnose, treat, and monitor illness; and (2) is a safe mechanism to provide care.

Lastly, the Board appreciates the efforts of the Healthcare Association of Hawaii to clarify the language in Hawaii Revised Statutes section 453-1.3, to make clear that a physician-patient relationship may be established via telehealth by a physician licensed to practice medicine in Hawaii.

Thank you for the opportunity to testify on this bill.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Consumer Protection & Commerce
Tuesday, March 23, 2021 at 2:00 p.m.

By

Jerris R. Hedges, MD, Dean
Lee Ellen Buenconsejo-Lum, MD, FAAFP
Associate Dean for Academic Affairs & DIO
John A. Burns School of Medicine
University of Hawai'i at Mānoa

SB 970 SD2 HD1 – RELATING TO TELEHEALTH

Chair Johanson, Vice Chair Kitagawa, and members of the Committee:

Thank you for this opportunity to testify in **strong support** of SB 970 SD2 HD1 which authorizes the establishment of a physician-patient relationship via a telehealth interaction when the physician is licensed to practice medicine in the state.

This bill amends language in HRS §453-1.3 to clarify that a physician-patient relationship may be established via telehealth, provided that the physician has a license to practice medicine in the State of Hawai'i. During the onset of the Coronavirus Pandemic, it was found that this language needed to be clarified in order to align with other statutory telehealth provisions that already allow for the establishment of a physician-patient relationship via a telehealth interaction; thus, it was addressed in the Governor's emergency proclamation and temporary waivers. This bill is needed to codify the changes permanently in law and align with other existing HRS allowances.

The COVID-19 pandemic has resulted in an increased use of telehealth services. However, the existing state law relating to the practice of telehealth is ambiguous regarding whether a patient can use telehealth to establish a relationship with a physician. The provision for establishing a physician-patient relationship via telehealth is now a common practice in the US and significantly aids in expanding access to health care services especially for patients and families who live in rural areas and/or are otherwise unable to receive the care they need.

Since 1999, the use and expansion of telehealth services and technology in Hawai'i has been recognized as a way to increase access and reduce delays to health care, particularly in rural areas of the. Many of the highest-risk patients reside in Medically Underserved Areas, are part of Medically Underserved Populations, or reside in federally-designated health professional shortage areas. Telehealth benefits many in these communities. Elderly, as well as medically- and socially-complex patients often face transportation barriers and difficulty navigating our collective system of health care. These determinants of health, as well as social- or cultural-isolation can often impede

seeking care or follow-up after a doctor's appointment or hospitalization. Being able to provide telehealth services at community health centers or in the home has tremendous potential for improving the health of patients, their families, as well as providing cost-savings to the entire health system by avoiding emergency department or hospitalization costs.

With the increase in the demand for and use of telehealth to diagnose, treat, and monitor illness, this measure greatly improves the understanding of the doctor-patient relationship when telehealth is utilized.

Thank you for this opportunity to testify in strong support of this measure.



SB970 SD2 HD1
RELATING TO TELEHEALTH
Ke Kōmike Hale o ka Ho‘omalū Mea Kemu a me ka ‘Oihana Kālepa
House Committee on Consumer Protection & Commerce

Malaki 23, 2021

2:00 p.m.

Lumi 329

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB970 SD2 HD1, which aims to expand access to healthcare by clarifying that a physician-patient relationship may be established via a telehealth appointment. **The COVID-19 pandemic has substantially increased the demand for telehealth services to diagnose, treat, and monitor illness, particularly for patients in rural, Native Hawaiian communities; this measure will help to address this increased demand, by clarifying whether and how such services may be delivered.**

OHA has made a longstanding and continued commitment to improving the quality of life of Native Hawaiians, including through its most recent strategic priority of Maui Ola (Health).¹ OHA therefore supports efforts to improve healthcare services for Native Hawaiians, and to address the barriers many may face in seeking to access to healthcare.

OHA notes that access to primary health care and mental health services is a key need in our rural communities, many of which have large Native Hawaiian populations.² Innovative strategies are necessary to address this need, such as by facilitating telehealth services that would allow physicians to provide basic health and medical care, nutritional services and education, cardiometabolic disease care, and behavioral and mental health interventions in isolated, rural communities across Hawai‘i.³

Expanding access to quality healthcare by clarifying that a physician-patient relationship may be created via a telehealth appointment will help to increase Native Hawaiians’ access to services and reduce delays in receiving care, particularly for rural communities in critical need.

¹ For more on OHA’s commitment to Health in the Native Hawaiian community, please visit <https://www.oha.org/health>.

² MELE A. LOOK, ET AL., ASSESSMENT AND PRIORITIES FOR HEALTH & WELL-BEING IN NATIVE HAWAIIANS AND OTHER PACIFIC PEOPLES (2013), available at https://www2.jabsom.hawaii.edu/native/docs/community/DNHH_Assessment&Priorities_Report_2013.pdf.

³ *Id.*

Accordingly, we urge the Committee to **PASS** SB970 SD2 HD1. Mahalo nui loa for the opportunity to testify.



March 23, 2021 at 2:00 pm
Via Videoconference

House Committee on Consumer Protection and Commerce

To: Chair Aaron Ling Johanson
Vice Chair Lisa Kitagawa

From: Paige Heckathorn Choy
Director of Government Affairs
Healthcare Association of Hawaii

Re: **Testimony in Support**
SB 970 SD 2 HD 1, Relating to Telehealth

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities, and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 20,000 people statewide.

Thank you for the opportunity to provide testimony in strong **support** of this bill. This bill makes a change to HRS §453-1.3 to clarify that telehealth can be used to establish a physician-patient relationship if the physician is licensed to practice in Hawaii by changing the relevant section of law from a negative statement to a positive one to provide needed clarity and align §453-1.3 with other telehealth allowance throughout HRS.

The pandemic has caused a major shift in how patients receive care by both necessity and preference. Even now, many patients are hesitant to make in-person visits and residents of rural areas may have more limited options on how to access care. Ensuring that a legitimate relationship can be established via telehealth is an important flexibility that has enabled providers to better use telehealth to diagnose, treat, and monitor illnesses that might have otherwise gone unaddressed due to pandemic-related and other barriers. We believe that this simple change to clarify this statute will increase access to care as we continue to fight through this pandemic and beyond.

Thank you for the opportunity to provide supportive testimony for this bill.

SB-970-HD-1

Submitted on: 3/21/2021 3:07:56 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

Planned Parenthood Votes Northwest and Hawaii supports SB 970, SD2, HD1. Thank you!

Tuesday, March 23, 2021 at 2:00 PM
Via Video Conference

House Committee on Consumer Protection & Commerce

To: Representative Aaron Johanson, Chair
Representative Lisa Kitagawa, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

**Re: Testimony in Support of SB 970, SD2, HD1
Relating to Telehealth**

My name is Michael Robinson, and I am the Vice President of Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

HPH writes in **strong support** of SB 970, SD2, HD1 which authorizes the establishment of a physician-patient relationship via a telehealth interaction when the physician is licensed to practice medicine in the state.

The pandemic has caused a major shift in how patients receive care by both necessity and preference. Even now, many patients are hesitant to make in-person visits and residents of rural areas may have more limited options on how to access care. Ensuring that a legitimate relationship can be established via telehealth is an important flexibility that has enabled providers to better use telehealth to diagnose, treat, and monitor illnesses that might have otherwise gone unaddressed due to pandemic-related and other barriers. We believe that this simple change to clarify this statute will increase access to care as we continue to fight through this pandemic and beyond.

The COVID-19 pandemic has resulted in increased use of telehealth services. However, the existing state law relating to the practice of telehealth is ambiguous regarding whether a patient can use telehealth to establish a relationship with a physician. This could result in delayed access to care in many instances where access to care could be prudently and appropriately initiated through telehealth.

With the increase in the demand for and use of telehealth to diagnose, treat, and monitor illness, this measure greatly improves the understanding of the doctor-patient relationship when telehealth is utilized. Thank you for the opportunity to testify.



HIPHI Board

*Kilikina Mahi, MBA
Chair
KM Consulting LLC*

*Michael Robinson, MBA, MA
Immediate Past Chair
Hawai'i Pacific Health*

*JoAnn Tsark, MPH
Secretary
John A. Burns School of
Medicine, Native Hawaiian
Research Office*

*Debbie Erskine
Treasurer
Kamehameha Schools*

*Keshia Adolpho, LCSW
Molokai Community Health
Center*

*Keawe'aimoku
Kaholokula, PhD
John A. Burns School of
Medicine, Department of
Native Hawaiian Health*

*Mark Levin, JD
William S. Richardson School
of Law*

*Rachel Novotny, PhD, RDN, LD
University of Hawai'i at
Mānoa, College of Tropical
Agriculture and Human
Resources*

*May Okihiro, MD, MS
John A. Burns School of
Medicine, Department of
Pediatrics*

*Misty Pacheco, DrPH
University of Hawai'i at Hilo,
Department of Kinesiology and
Exercise Sciences*

*Garret Sugai
Kaiser Permanente*

Date: March 22, 2021

To: Representative Aaron Ling Johanson, Chair
Representative Lisa Kitagawa, Vice Chair
Members of the Consumer Protection & Commerce Committee

Re: Support for SB 970, SD2, HD1, Relating to Telehealth

Hrg: March 23, 2021 at 2:00 PM via Videoconference

The Hawai'i Public Health Instituteⁱ (HIPHI) offers testimony in **Support of SB 970, SD2, HD1**, which authorizes the establishment of a physician-patient relationship via a telehealth interaction, if the physician is licensed to practice medicine in the State.

HIPHI supports increased access to healthcare services through telehealth services. Telehealth is especially beneficial for neighbor islands and rural areas, where access may be more limited. The COVID-19 pandemic has increased the need and use of telehealth services. This bill would provide needed clarity that telehealth can be used to establish a physician-patient relationship as long as the physician is licensed to practice medicine in Hawai'i which will increase access to care beyond the pandemic.

Mahalo for the opportunity to provide testimony in support of SB970, SD2, HD1.

Mahalo,

A handwritten signature in black ink that reads 'Jessica Yamauchi'.

Jessica Yamauchi
Executive Director

ⁱ Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.



1001 Bishop Street | Suite 625 | Honolulu, HI 96813-2830
1-866-295-7282 | Fax: 808-536-2882
aarp.org/hi | aarphi@aarp.org | twitter.com/AARPHawaii
facebook.com/AARPHawaii

**The State Legislature
The House
Committee on Consumer Protection and Commerce
Tuesday, March 23, 2021
2:00 p.m.**

TO: The Honorable Aaron Johanson, Chair

RE: S.B. 970. SD 2, HD1 Relating to Telehealth

Aloha Chair Johanson and Members of the Committees:

My name is Keali'i Lopez and I am the State Director for AARP Hawai'i. AARP is a membership organization of people age fifty and over, with nearly 145,000 members in Hawai'i.

AARP Hawai'i supports S.B. 970, SD 2, HD1 which expands access to care and reduces delays by clarifying that a physician-patient relationship may be established via a telehealth appointment.

The recent pandemic has significantly increase the use of telehealth for patients to connect with their physicians for medical consultation and monitoring. This has improved access especially for the kupuna and many others who are homebound; or reside in rural communities and unable to see their physicians in-person. This bill clarifies Section 453.1.3 in the Hawaii Revised Statutes by amending the subsections (e) and (f) to clearly state that "A physician-patient relationship may be established via a telehealth interaction: provided that the physician has a license to practice medicine in Hawaii."

Thank you very much for the opportunity to support S.B. 970, SD 2, HD1.

Sincerely,

A handwritten signature in black ink, appearing to read "Keali'i Lopez".

Keali'i Lopez, AARP Hawai'i
State Director



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair
Members, House Committee on Consumer Protection & Commerce

From: Jacce S. Mikulanec, Manager, Government Relations, The Queen's Health Systems

Date: March 23, 2021

Re: Support for SB970, SD2, HD1: Relating to Telehealth

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, and more than 1,500 affiliated physicians and providers statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the opportunity to provide testimony in support of SB970, SD2, HD1 relating to telehealth. This measure addresses the need to eliminate an existing provision under the law (HRS 453-1.3(e)) which prevents physicians from utilizing telehealth modalities to establish a physician-patient relationship. The ability to expand access of medical care via telehealth during the COVID19 pandemic is an important tool in ensuring more members of our community are able to access healthcare safely and responsibly.

Queen's provides a number of telemedicine specialties in areas such as, but not limited to, stroke and neurology, pulmonology, psychiatry, wound care, and critical care. Telehealth programs assist with connecting our four hospitals and allow our health care workers to provide care to patients in their local communities. In particular, Since the start of the COVID-19 pandemic, Queen's has made substantial strides in shifting to telehealth as a modality of quality care for patients. In 2019, Queen's had approximately 1,700 telehealth visits; by comparison in April 2020 we had 13,000 telehealth visits and in September we had 16,000. Furthermore, all of QHS facilities saw increases in the use of telemedicine since the COVID-19 pandemic began with the largest percentage at QHS-Punchbowl.

We concur with the testimony submitted by the Healthcare Association of Hawai'i and thank you for allowing The Queen's Hospital Systems to testify in support of this measure.

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.



SB970 SD2 HD1 Physician Can Use Telehealth

COMMITTEE ON CONSUMER PROTECTION,

- Rep, Aaron Johanson, Chair; Rep. Lisa Kitagawa, Vice Chair

Tuesday Mar 23, 2021: 2:00: Videoconference

Hawaii Substance Abuse Coalition Supports SB970 SD2 HD1:

ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization of over 30 substance use disorder and co-occurring mental health disorder treatment and prevention agencies.

HSAC is in full support that a physician can use Telehealth, especially during a pandemic, without first having a face to face interview.

We appreciate the opportunity to provide testimony and are available for questions.



Government Relations

Testimony of
Jonathan Ching
Government Relations Manager

Before:
House Committee on Consumer Protection & Commerce
The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair

March 23, 2021
2:00 p.m.
Via Videoconference

Re: SB 970 SD2 HD1, Relating to the Telehealth

Chair Johanson, Vice Chair Kitagawa and committee members, thank you for this opportunity to provide testimony on SB 970 SD2 HD1, which authorizes the establishment of a physician-patient relationship via a telehealth interaction, if the physician is licensed to practice medicine in the State.

Kaiser Permanente Hawai'i STRONGLY SUPPORTS SB 970 SD2 HD1.

Kaiser Permanente Hawai'i is Hawai'i's largest integrated health system that provides care and coverage for approximately 260,000 members. Each day, more than 4,400 dedicated employees and more than 600 Hawai'i Permanente Medical Group physicians and providers come to work at Kaiser Permanente Hawai'i to care for our members at our 20 medical facilities, including Moanalua Medical Center, providing high-quality care for our members and delivering on our commitment to improve the health of the 1.4 million people living in the communities we serve.

Kaiser Permanente Hawai'i supports SB 970 SD2 HD1 because it clarifies that telehealth can be used to establish a physician-patient relationship if the physician is licensed to practice in Hawai'i.

Since the COVID-19 pandemic began in 2020, the use of telehealth in Hawai'i has dramatically increased as telehealth has been critical to limit the risk of person-to-person transmission while helping to avoid overwhelming our healthcare facilities. At Kaiser Permanente Hawai'i, we have seen a dramatic increase in the use of telehealth visits between 2019 and 2020. In 2019, we had approximately 1,000 of our outpatient visits by video. In stark contrast, in 2020, we had approximately 67,00 video visits. We expect this number to continue to increase in 2021.

SB 970 SD2 HD1 will enable us to establish provider-patient relationships between specialists on Oahu and the mainland and neighbor island members – increasing access without incurring

the inconvenience and expense of travel, especially for those specialties with significant provider shortages.

We ask the committee to PASS SB 970 SD2 HD1. Mahalo for the opportunity to testify on this important measure.

SB-970-HD-1

Submitted on: 3/19/2021 7:36:57 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

If the pandemic has taught us anything, it is we need telemedicine. Last year I used it twice, in instances where I could not meet in person with my doctor.

SB-970-HD-1

Submitted on: 3/21/2021 2:44:33 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelley Withy	Individual	Support	No

Comments:

Kelley Withy, MD, PhD

kellywithy@gmail.com

I am writing to offer my full support for Senate Bill 970, to facilitate telehealth for Hawaii patients by Hawaii providers. I believe that telehealth is beneficial for all areas of Hawaii, especially the rural areas. Although it will never meet all our healthcare needs, for many situations telehealth provides more rapid and sometimes even more satisfactory care.

As you probably know, we have a shortage of over 1,000 physicians compared to a community of a similar size and composition on the Continent. Many of the highest-risk patients reside in Medically Underserved Areas, are part of Medically Underserved Populations, or reside in federally-designated health professional shortage areas. Elderly, as well as medically- and socially-complex patients often face transportation barriers. These determinants of health, as well as social- or cultural-isolation can often impede seeking care or follow-up after a doctor's appointment or hospitalization.

I believe that a Healthcare Provider is able to establish care via telehealth as well as s/he would in person, therefore telehealth should be able to be used for establishment of care. In this way, we can expand the reach of our limited healthcare system.

Thank you for considering this important matter.

Mahalo for your consideration, Kelley Withy, MD, PhD

