

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
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Testimony in SUPPORT of SB1018
RELATING TO EFFECTIVE GOVERNMENT OPERATIONS.

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: February 8, 2021

Room Number: N/A

1 **Department Testimony:** The Department of Health (DOH) supports the intent of this measure
2 but defers to the Department of Commerce and Consumer Affairs (DCCA) regarding specific
3 amendments.

4 The establishment of telehealth as a community standard of care is a strategic priority for the
5 department. With the assistance of the Legislature and support from stakeholders such as the
6 University of Hawaii, DCCA, and private health systems, Hawaii is a national leader in
7 progressive telehealth policy. Findings from the annual Physician Workforce Assessment,
8 conducted by the UH John A. Burns School of Medicine, describe a steady increase in health
9 care provider encounters with telehealth from about 4% in 2013 to over 20% in 2019. The
10 COVID-19 pandemic has likely increased that percentage much higher. Telehealth, supported
11 by robust broadband access, is a key strategy to assure more equitable access to health care
12 resources.

13

14 **Offered Amendments:** N/A.

Testimony of the Hawaii Medical Board

**Before the
Senate Committee on Health
Monday, February 8, 2021
1:00 p.m.
Via Videoconference**

**On the following measure:
S.B. 970, RELATING TO TELEHEALTH**

Chair Keohokalole and Members of the Committee:

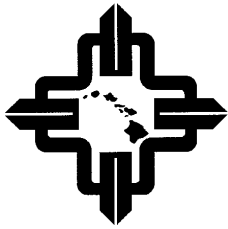
My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical (Board). The Board supports this bill.

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 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.



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Quality Healthcare For All"

SENATE COMMITTEE ON HEALTH

February 8, 2021
1:00 p.m.
Hawaii State Capitol
Via Videoconference

**Testimony Providing in SUPPORT of S.B. 970
RELATING TO TELEHEALTH.**

Authorizes the establishment of a physician-patient relationship via a telehealth interaction, if the physician is licensed to practice medicine in the State.

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

The Hawaii Health Systems Corporation (HHSC) **supports S.B 970.**

The neighbor islands have long needed the full array of options to support healthcare services for its communities. COVID-19 widened the consumer understanding and utilization of telehealth, as more recognize the benefits of access to quality care, especially in the rural areas of Hawaii.

Currently, the law is ambiguous. As written, a physician-patient relationship may be established via telehealth if the patient is referred to the telehealth provider by another health care provider who has conducted an in-person consultation and has provided all pertinent patient information to the telehealth provider. S.B. 970 will clarify and simplify this process.

Thank you for the opportunity to testify before this committee **in SUPPORT** of this measure.

Monday, February 8, 2021 at 1:00 PM
Via Video Conference

Senate Committee on Health

To: Senator Jarrett Keohokalole, Chair
Roselyn Baker, Vice Chair

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

Re: **Testimony in Support of SB 970
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.

I write in support of SB 970 which authorizes the establishment of a physician-patient relationship via a telehealth interaction when the physician is licensed to practice medicine in the state.

Since 1999, the use and expansion of telehealth services and technology in Hawaii 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 (MUA), are part of Medically Underserved Populations (MUP), 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.

The COVID-19 pandemic has resulted in an increase 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.



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Jarrett Keohokalole, Chair
The Honorable Rosalyn Baker, Vice Chair
Members, Senate Committee on Health

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

Date: February 8, 2021

Re: Support for SB970: 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, 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 Hospital Association of Hawai'i and thank you for allowing The Queen's Hospital Systems to testify in support of SB970.

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.

Testimony of
Jonathan Ching
Government Relations Manager

Before:
Senate Committee on Health
The Honorable Jarrett Keohokalole, Chair
The Honorable Rosalyn H. Baker, Vice Chair

February 8, 2021
1:00 p.m.
Via Videoconference

Re: SB 970, Relating to the Telehealth

Chair Keohokalole, Vice Chair Baker, and committee members, thank you for this opportunity to provide testimony on SB 970, 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 SB970.

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 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 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 committees to PASS SB 970 unamended. Mahalo for the opportunity to testify on this important measure.



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**The State Legislature
The Senate
Committee on Health
Monday, February 8, 2021
1:00 p.m.**

TO: The Honorable Jarrett Keohokalole, Chair

RE: S.B. 970 Relating to Telehealth

Aloha Chair Keohokalole 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 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.

Sincerely,

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

Keali'i Lopez, AARP Hawai'i
State Director



February 8, 2021 at 1:00 pm
Via Videoconference

Senate Committee on Health

To: Chair Jarrett Keohokalole
Vice Chair Rosalyn H. Baker

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

Re: **Testimony in Support**
SB 970, 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.



SB970 Physician Can Use Telehealth

COMMITTEE ON HEALTH,

- Sen. Jarrett Keohokalole, Chair; Sen. Rosalyn Baker, Vice Chair
- Monday Feb 8, 2021: 1:00: Videoconference

Hawaii Substance Abuse Coalition Supports SB970:

GOOD MORNING 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.

LATE

SB-970

Submitted on: 2/8/2021 7:40:06 AM

Testimony for HTH on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ray Ogai	Individual	Support	No

Comments:

Aloha,

I support telehealth being an acceptable method for the first meeting between patient and professional, when appropriate e.g. during pandemic or when accessibility by patient or professional is limited.

Thank you.



February 8, 2021

AWAITING COMMITTEE ASSIGNMENT

RE: ATA SUPPORT FOR SENATE BILL 970

On behalf of the American Telemedicine Association (ATA) and the over 400 organizations we represent, I am writing to express our support for Senate Bill 970, which clarifies that a patient-practitioner relationship may be established during a telehealth appointment.

The ATA is the only national organization completely focused on advancing telehealth. We are committed to ensuring that everyone has access to safe, affordable, and high-quality care whenever and wherever they need it. This empowers the health care system to provide services to millions more patients every year in an efficacious manner. The ATA represents a broad and inclusive coalition of technology solution providers and payers, as well as partner organizations and alliances, working to advance industry adoption of telehealth, promote responsible policy, advocate for government and market normalization, and provide education and resources to help integrate virtual care into emerging, value-based modalities.

Senate Bill 970 serves as an important and rational expansion of Hawaii's state telehealth policy. The proposed legislation revises Hawaii's code covering the practice of telehealth, making clear that patients and practitioners are permitted to establish relationships via telehealth encounters. This policy is consistent with the 2014 Federation of State Medical Board's "Model Policy for the Use of Telemedicine Technology in the Practice of Medicine."

Across the United States, patients and consumers are seeking more cost-effective and efficient ways to access the health care they need. More recently, innovative telehealth technologies have enabled practitioners and patients to interact with each other at any place and any time from the comfort and safety of their private residences throughout the COVID-19 pandemic. Using appropriate technologies to eliminate barriers to access to health care is an effective means to expand access to health care, especially for the unserved and underserved.

The ATA applauds the legislature's efforts to expand Hawaiians' access to affordable, quality health care. Senate Bill 970 takes the important step of permitting practitioners to establish a valid professional relationship with patients through the use of the appropriate telehealth technologies. So long as the patient has consented to the use of telehealth as an acceptable mode of delivering health care services and the patient and practitioner have identified themselves and disclosed the appropriate credentials, a practitioner and patient should not be prevented from establishing a professional relationship through appropriate technologies.



Again, we thank you for your support of telehealth in Hawaii. In the context of the ongoing health crisis, it is essential that Hawaii residents have safe and efficacious access to the health care they need and deserve. We urge you and your colleagues to pass Senate Bill 970 in the interest of expanding Hawaiians' easy and efficient access to affordable, quality health care. Please do not hesitate to let us know how we can be helpful in your efforts to advance common-sense telehealth policy in Hawaii. If you have any questions or would like to discuss further the telehealth industry's perspective, please contact me at kzebley@americantelemed.org.

Kind regards,

A handwritten signature in black ink that reads "Kyle Zebley".

Kyle Zebley
Public Policy Director
American Telemedicine Association