
A BILL FOR AN ACT

RELATING TO ACCESS TO BEHAVIORAL HEALTH SERVICES.

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

1 SECTION 1. The legislature finds that emergency
2 governmental proclamations to restrict and manage in-person
3 gatherings and meetings during the coronavirus disease 2019
4 (COVID-19) pandemic have suspended certain laws that exclude the
5 use of standard telephone contacts from the definition of
6 "telehealth" to enable health care providers and patients to
7 minimize in-person meetings while also ensure access to care.

8 The availability of insurance reimbursement for telehealth
9 provided through standard telephone contacts has greatly
10 increased access to care for vulnerable populations, including
11 the elderly, low-income, medically- and socially-complex
12 patients, and those in rural areas who do not have the broadband
13 capabilities, electronic equipment, financial means,
14 transportation options, or technological proficiency to operate
15 sophisticated digital video conferencing software. Allowing
16 standard telephone contacts to qualify as "telehealth" also



1 avoids problems with devices, internet, sufficient bandwidth,
2 power and battery charging capabilities, and digital literacy.

3 The legislature further finds that the prolonged nature of
4 the public health emergency created by COVID-19 and its
5 attendant personal, familial, work, social, and economic
6 disruptions have created chronic and unprecedented emotional
7 distress, anxiety, and mental conditions for all of Hawaii's
8 communities. The demand for mental health services has never
9 been so high.

10 Research has found standard telephone contacts to be an
11 effective, viable means for providing timely mental health
12 services to patients. Talk therapy and other audio-only
13 treatment modalities do not require physical examinations or
14 medical prescriptions. As recently noted by the Hawaii
15 department of human services in testimony submitted in support
16 of a similar measure (which was broadly and enthusiastically
17 supported by the medical community with the exception of the
18 health insurance companies), "telephone calls have been shown to
19 be clinically effective for some services such as behavioral
20 health." Moreover, standard telephone contacts for telehealth



1 purposes is endorsed nationally by the American Psychological
2 Association.

3 Therefore, the purpose of this Act is to allow for the use
4 and reimbursement of standard telephone contacts for telehealth
5 purposes by mental health professionals.

6 SECTION 2. Section 346-59.1, Hawaii Revised Statutes, is
7 amended by amending subsection (g) to read as follows:

8 "(g) For the purposes of this section:

9 "Distant site" means the location of the health care
10 provider delivering services through telehealth at the time the
11 services are provided.

12 "Health care provider" means a provider of services, as
13 defined in title 42 United States Code section 1395x(u), a
14 provider of medical and other health services, as defined in
15 title 42 United States Code section 1395x(s), other
16 practitioners licensed by the State and working within their
17 scope of practice, and any other person or organization who
18 furnishes, bills, or is paid for health care in the normal
19 course of business, including but not limited to primary care
20 providers, mental health providers, oral health providers,
21 physicians and osteopathic physicians licensed under chapter



1 453, advanced practice registered nurses licensed under chapter
2 457, psychologists licensed under chapter 465, and dentists
3 licensed under chapter 448.

4 "Originating site" means the location where the patient is
5 located, whether accompanied or not by a health care provider,
6 at the time services are provided by a health care provider
7 through telehealth, including but not limited to a health care
8 provider's office, hospital, critical access hospital, rural
9 health clinic, federally qualified health center, a patient's
10 home, and other non-medical environments such as school-based
11 health centers, university-based health centers, or the work
12 location of a patient.

13 "Telehealth" means the use of telecommunications services,
14 as defined in section 269-1, to encompass four modalities:
15 store and forward technologies, remote monitoring, live
16 consultation, and mobile health; and which shall include but not
17 be limited to real-time video conferencing-based communication,
18 secure interactive and non-interactive web-based communication,
19 and secure asynchronous information exchange, to transmit
20 patient medical information, including diagnostic-quality
21 digital images and laboratory results for medical interpretation



1 and diagnosis, for the purpose of delivering enhanced health
2 care services and information while a patient is at an
3 originating site and the health care provider is at a distant
4 site. Standard telephone contacts, facsimile transmissions, or
5 e-mail text, in combination or by itself, does not constitute a
6 telehealth service for the purposes of this section[-], except
7 for behavioral health services pursuant to section 453-1.3(h)."

8 SECTION 3. Section 431:10A-116.3, Hawaii Revised Statutes,
9 is amended by amending subsection (g) to read as follows:

10 "(g) For the purposes of this section:

11 "Distant site" means the location of the health care
12 provider delivering services through telehealth at the time the
13 services are provided.

14 "Health care provider" means a provider of services, as
15 defined in title 42 United States Code section 1395x(u), a
16 provider of medical and other health services, as defined in
17 title 42 United States Code section 1395x(s), other
18 practitioners licensed by the State and working within their
19 scope of practice, and any other person or organization who
20 furnishes, bills, or is paid for health care in the normal
21 course of business, including but not limited to primary care



1 providers, mental health providers, oral health providers,
2 physicians and osteopathic physicians licensed under chapter
3 453, advanced practice registered nurses licensed under chapter
4 457, psychologists licensed under chapter 465, and dentists
5 licensed under chapter 448.

6 "Originating site" means the location where the patient is
7 located, whether accompanied or not by a health care provider,
8 at the time services are provided by a health care provider
9 through telehealth, including but not limited to a health care
10 provider's office, hospital, health care facility, a patient's
11 home, and other nonmedical environments such as school-based
12 health centers, university-based health centers, or the work
13 location of a patient.

14 "Telehealth" means the use of telecommunications services,
15 as defined in section 269-1, to encompass four modalities:
16 store and forward technologies, remote monitoring, live
17 consultation, and mobile health; and which shall include but not
18 be limited to real-time video conferencing-based communication,
19 secure interactive and non-interactive web-based communication,
20 and secure asynchronous information exchange, to transmit
21 patient medical information, including diagnostic-quality



1 digital images and laboratory results for medical interpretation
2 and diagnosis, for the purpose of delivering enhanced health
3 care services and information while a patient is at an
4 originating site and the health care provider is at a distant
5 site. Standard telephone contacts, facsimile transmissions, or
6 e-mail text, in combination or by itself, does not constitute a
7 telehealth service for the purposes of this chapter[?], except
8 for behavioral health services pursuant to section 453-1.3(h)."

9 SECTION 4. Section 432:1-601.5, Hawaii Revised Statutes,
10 is amended by amending subsection (g) to read as follows:

11 "(g) For the purposes of this section:

12 "Health care provider" means a provider of services, as
13 defined in title 42 United States Code section 1395x(u), a
14 provider of medical and other health services, as defined in
15 title 42 United States Code section 1395x(s), other
16 practitioners licensed by the State and working within their
17 scope of practice, and any other person or organization who
18 furnishes, bills, or is paid for health care in the normal
19 course of business, including but not limited to primary care
20 providers, mental health providers, oral health providers,
21 physicians and osteopathic physicians licensed under chapter



1 453, advanced practice registered nurses licensed under chapter
2 457, psychologists licensed under chapter 465, and dentists
3 licensed under chapter 448.

4 "Originating site" means the location where the patient is
5 located, whether accompanied or not by a health care provider,
6 at the time services are provided by a health care provider
7 through telehealth, including but not limited to a health care
8 provider's office, hospital, health care facility, a patient's
9 home, and other nonmedical environments such as school-based
10 health centers, university-based health centers, or the work
11 location of a patient.

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; and which shall include but not
16 be limited to real-time video conferencing-based communication,
17 secure interactive and non-interactive web-based communication,
18 and secure asynchronous information exchange, to transmit
19 patient medical information, including diagnostic-quality
20 digital images and laboratory results for medical interpretation
21 and diagnosis, for the purpose of delivering enhanced health



1 care services and information while a patient is at an
2 originating site and the health care provider is at a distant
3 site. Standard telephone contacts, facsimile transmissions, or
4 e-mail text, in combination or by itself, does not constitute a
5 telehealth service for the purposes of this chapter[+], except
6 for behavioral health services pursuant to section 453-1.3(h)."

7 SECTION 5. Section 432D-23.5, Hawaii Revised Statutes, is
8 amended by amending subsection (g) to read as follows:

9 "(g) For the purposes of this section:

10 "Distant site" means the location of the health care
11 provider delivering services through telehealth at the time the
12 services are provided.

13 "Health care provider" means a provider of services, as
14 defined in title 42 United States Code section 1395x(u), a
15 provider of medical and other health services, as defined in
16 title 42 United States Code section 1395x(s), other
17 practitioners licensed by the State and working within their
18 scope of practice, and any other person or organization who
19 furnishes, bills, or is paid for health care in the normal
20 course of business, including but not limited to primary care
21 providers, mental health providers, oral health providers,



1 physicians and osteopathic physicians licensed under chapter
2 453, advanced practice registered nurses licensed under chapter
3 457, psychologists licensed under chapter 465, and dentists
4 licensed under chapter 448.

5 "Originating site" means the location where the patient is
6 located, whether accompanied or not by a health care provider,
7 at the time services are provided by a health care provider
8 through telehealth, including but not limited to a health care
9 provider's office, hospital, health care facility, a patient's
10 home, and other nonmedical environments such as school-based
11 health centers, university-based health centers, or the work
12 location of a patient.

13 "Telehealth" means the use of telecommunications services,
14 as defined in section 269-1, to encompass four modalities:
15 store and forward technologies, remote monitoring, live
16 consultation, and mobile health; and which shall include but not
17 be limited to real-time video conferencing-based communication,
18 secure interactive and non-interactive web-based communication,
19 and secure asynchronous information exchange, to transmit
20 patient medical information, including diagnostic-quality
21 digital images and laboratory results for medical interpretation



1 and diagnosis, for the purpose of delivering enhanced health
2 care services and information while a patient is at an
3 originating site and the health care provider is at a distant
4 site. Standard telephone contacts, facsimile transmissions, or
5 e-mail text, in combination or by itself, does not constitute a
6 telehealth service for the purposes of this chapter[-], except
7 for behavioral health services pursuant to section 453-1.3(h)."

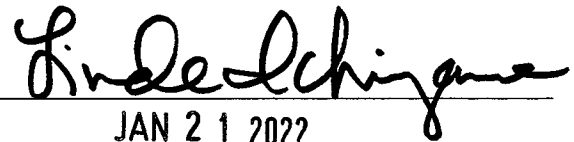
8 SECTION 6. Section 453-1.3, Hawaii Revised Statutes, is
9 amended by amending subsection (h) to read as follows:

10 "(h) Reimbursement for behavioral health services provided
11 through telehealth, including standard telephone contacts, shall
12 be equivalent to reimbursement for the same services provided
13 via face-to-face contact between a health care provider and a
14 patient."

15 SECTION 7. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 8. This Act shall take effect upon its approval.

18 INTRODUCED BY:


JAN 21 2022



H.B. NO. 1708

Report Title:

Telehealth; Behavioral Health Services; Standard Telephone
Contacts; Insurance

Description:

Allows for standard telephone contacts for telehealth purposes
related to behavior health services.

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

