

JAN 21 2022

S.B. NO. 2645

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# 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  
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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



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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  
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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  
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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,



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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.

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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:

Randy H. Baker



**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.*

