

STAND. COM. REP. NO. 2804

Honolulu, Hawaii

MAR 03 2022

RE: S.B. No. 2645  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2645, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ACCESS TO BEHAVIORAL HEALTH SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to allow for standard telephone contacts for telehealth purposes related to behavioral health services.

Your Committee received testimony in support of this measure from the Hawai'i State Council on Mental Health; University of Hawai'i System; Disability and Communication Access Board; Hawai'i Substance Abuse Coalition; Hawai'i Psychiatric Medical Association; Hawai'i Primary Care Association; Hawai'i Public Health Association; AARP Hawai'i; Center for Healing & Transformation; Clinical Psychology Services, LLC; Hawai'i Medical Association; Hawai'i Family Caregiver Coalition; Hawai'i Psychological Association; The Hawaiian Islands Association for Marriage and Family Therapy; National Association of Social Workers - Hawai'i Chapter; and three individuals. Your Committee received testimony in opposition to this measure from Hawai'i Medical Service Association and Hawai'i Association of Health Plans. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Human Services,



Healthcare Association of Hawai'i, The Queen's Health Systems, Kaiser Permanente Hawai'i, and Hawai'i Pacific Health.

Your Committee finds that many high-risk patients reside in medically underserved areas or in federally designated health professional shortage areas. It is also not uncommon for patients in these areas to lack access to, or proficiency with, sufficient technology for video telehealth. The use of audio-only telehealth services during the pandemic proved extremely helpful for many patients who could not receive services due to restrictions. Patients with certain behavioral health issues are especially vulnerable and require immediate attention and care. Accordingly, this measure recognizes the value of telephonic health care services and reduces unnecessary barriers to promote greater access to care.

Your Committee additionally finds that, under the 2022 Physician Fee Schedule, telephone services are an integral part of Medicaid and Medicare, which allow audio-only telecommunications for the diagnosis, evaluation, or treatment of a mental health disorder to a patient in their home if the patient is not capable of, or does not consent to, the use of video technology. Accordingly, the provisions of this measure do not constitute a new insurance mandate that would trigger an impact assessment report by the Auditor, but simply allows for an additional modality in existing telehealth coverage requirements.

Your Committee has amended this measure by:

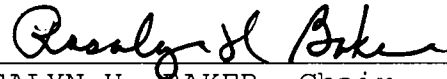
- (1) Amending section 1 to clarify that this measure is consistent with existing benefits offered under Medicare and Medicaid and that an impact assessment report under section 23-51, Hawaii Revised Statutes, is not required; and
- (2) Making a technical, nonsubstantive amendment for the purpose of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2645, S.D. 1, as amended herein, and



recommends that it pass Third Reading in the form attached hereto as S.B. No. 2645, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,



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ROSALYN H. BAKER, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

| Bill / Resolution No.:*<br><i>SB 2645, SD1</i>   | Committee Referral:<br><i>HTH, CPN</i> | Date:<br><i>02-22-2022</i> |                         |                                  |
|--|--|----------------------------|-------------------------|----------------------------------|
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |  |                            |                         |                                  |
| The Recommendation is:<br><input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |  |                            |                         |                                  |
| Members  | Aye                                    | Aye (WR)                   | Nay                     | Excused                          |
| BAKER, Rosalyn H. (C)  | X                                      |                            |                         |                                  |
| CHANG, Stanley (VC)  | X                                      |                            |                         |                                  |
| DECOITE, Lynn  | Y                                      |                            |                         |                                  |
| NISHIHARA, Clarence K.   | X                                      |                            |                         |                                  |
| RIVIERE, Gil   | X                                      |                            |                         |                                  |
| SAN BUENAVENTURA, Joy A.   | X                                      |                            |                         |                                  |
| FEVELLA, Kurt  | X                                      |                            |                         |                                  |
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| <b>TOTAL</b>   | <i>7</i>                               | <i>0</i>                   | <i>0</i>                | <i>0</i>                         |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |  |                            |                         |                                  |
| Chair's or Designee's Signature:<br><div style="text-align: center;"><i>[Handwritten Signature]</i></div>  |  |                            |                         |                                  |
| <b>Distribution:</b>   | Original<br>File with Committee Report | Yellow<br>Clerk's Office   | Pink<br>Drafting Agency | Goldenrod<br>Committee File Copy |

\*Only one measure per Record of Votes