
A BILL FOR AN ACT

RELATING TO TELEHEALTH.

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

1 SECTION 1. The legislature finds that telehealth has
2 served as a lifeline of access to essential health care services
3 for residents with adequate broadband coverage. However, many
4 residents that live in rural and underprivileged communities are
5 often cut off from receiving essential health care through
6 telehealth because they lack the broadband coverage necessary to
7 access this care. As a result, many of these residents will put
8 off receiving care until the point of requiring emergency room
9 admission, which in turn adds strain to a system already
10 experiencing resource and staffing shortages.

11 The legislature further finds that the use of standard
12 telephone contact in telehealth during the COVID-19 pandemic
13 demonstrated the effectiveness of this tool as a mode of
14 essential health care delivery, especially for residents living
15 in rural, isolated, and underprivileged communities. For kupuna
16 and others who may have limited digital literacy, the ability to



1 use a landline telephone to receive care was a lifeline resource
2 during the pandemic.

3 The purpose of this Act is to authorize reimbursement
4 services provided through telehealth by way of an interactive
5 telecommunications system.

6 SECTION 2. Section 346-59.1, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsection (b) to read:

9 "(b) Reimbursement for services provided through
10 telehealth by way of an interactive telecommunications system
11 shall be equivalent to reimbursement for the same services
12 provided via face-to-face contact between a health care provider
13 and a patient. Nothing in this section shall require a health
14 care provider to be physically present with the patient at an
15 originating site unless a health care provider at the distant
16 site deems it necessary."

17 2. By amending subsection (g) to read:

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

19 "Distant site" means the location of the health care
20 provider delivering services through telehealth at the time the
21 services are provided.



1 "Health care provider" means a provider of services, as
2 defined in title 42 United States Code section 1395x(u), a
3 provider of medical and other health services, as defined in
4 title 42 United States Code section 1395x(s), other
5 practitioners licensed by the State and working within their
6 scope of practice, and any other person or organization who
7 furnishes, bills, or is paid for health care in the normal
8 course of business, including but not limited to primary care
9 providers, mental health providers, oral health providers,
10 physicians and osteopathic physicians licensed under chapter
11 453, advanced practice registered nurses licensed under chapter
12 457, psychologists licensed under chapter 465, and dentists
13 licensed under chapter 448.

14 "Interactive telecommunications system" has the same
15 meaning as in title 42 Code of Federal Regulations section
16 410.78, as amended. For purposes of this definition, "two-way
17 real-time audio-only communication" has the same meaning and is
18 subject to the same conditions as in title 42 Code of Federal
19 Regulations section 410.78, as amended.

20 "Originating site" means the location where the patient is
21 located, whether accompanied or not by a health care provider,



1 at the time services are provided by a health care provider
2 through telehealth, including but not limited to a health care
3 provider's office, hospital, critical access hospital, rural
4 health clinic, federally qualified health center, a patient's
5 home, and other non-medical environments such as school-based
6 health centers, university-based health centers, or the work
7 location of a patient.

8 "Telehealth" means the use of telecommunications services,
9 as defined in section 269-1, to encompass four modalities:
10 store and forward technologies, remote monitoring, live
11 consultation, and mobile health; and which shall include but not
12 be limited to real-time video conferencing-based communication,
13 secure interactive and non-interactive web-based communication,
14 and secure asynchronous information exchange, to transmit
15 patient medical information, including diagnostic-quality
16 digital images and laboratory results for medical interpretation
17 and diagnosis, for the purpose of delivering enhanced health
18 care services and information while a patient is at an
19 originating site and the health care provider is at a distant
20 site. [~~Standard~~] Except as otherwise provided for in this
21 section, standard telephone contacts, facsimile transmissions,



1 or [~~e-mail~~] electronic mail text, in combination or by itself,
2 does not constitute a telehealth service [~~for the purposes of~~
3 ~~this section~~]."

4 SECTION 3. Section 431:10A-116.3, Hawaii Revised Statutes,
5 is amended as follows:

6 1. By amending subsection (c) to read:

7 "(c) Reimbursement for services provided through
8 telehealth by way of an interactive telecommunications system
9 shall be equivalent to reimbursement for the same services
10 provided via face-to-face contact between a health care provider
11 and a patient. Nothing in this section shall require a health
12 care provider to be physically present with the patient at an
13 originating site unless a health care provider at the distant
14 site deems it necessary."

15 2. By amending subsection (g) to read:

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

17 "Distant site" means the location of the health care
18 provider delivering services through telehealth at the time the
19 services are provided.

20 "Health care provider" means a provider of services, as
21 defined in title 42 United States Code section 1395x(u), a



1 provider of medical and other health services, as defined in
2 title 42 United States Code section 1395x(s), other
3 practitioners licensed by the State and working within their
4 scope of practice, and any other person or organization who
5 furnishes, bills, or is paid for health care in the normal
6 course of business, including but not limited to primary care
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8 physicians and osteopathic physicians licensed under chapter
9 453, advanced practice registered nurses licensed under chapter
10 457, psychologists licensed under chapter 465, and dentists
11 licensed under chapter 448.

12 "Interactive telecommunications system" has the same
13 meaning as in title 42 Code of Federal Regulations section
14 410.78, as amended. For purposes of this definition, "two-way
15 real-time audio-only communication" has the same meaning and is
16 subject to the same conditions as in title 42 Code of Federal
17 Regulations section 410.78, as amended.

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19 located, whether accompanied or not by a health care provider,
20 at the time services are provided by a health care provider
21 through telehealth, including but not limited to a health care



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2 home, and other nonmedical environments such as school-based
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4 location of a patient.

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6 as defined in section 269-1, to encompass four modalities:
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8 consultation, and mobile health; and which shall include but not
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15 care services and information while a patient is at an
16 originating site and the health care provider is at a distant
17 site. [~~Standard~~] Except as otherwise provided for in this
18 section, standard telephone contacts, facsimile transmissions,
19 or [~~e-mail~~] electronic mail text, in combination or by itself,
20 does not constitute a telehealth service for the purposes of
21 this chapter."



1 SECTION 4. Section 432:1-601.5, Hawaii Revised Statutes,
2 is amended as follows:
3 1. By amending subsection (c) to read:
4 "(c) Reimbursement for services provided through
5 telehealth by way of an interactive telecommunications system
6 shall be equivalent to reimbursement for the same services
7 provided via face-to-face contact between a health care provider
8 and a patient. Nothing in this section shall require a health
9 care provider to be physically present with the patient at an
10 originating site unless a health care provider at the distant
11 site deems it necessary."
12 2. By amending subsection (g) to read:
13 "(g) For the purposes of this section:
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



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2 physicians and osteopathic physicians licensed under chapter
3 453, advanced practice registered nurses licensed under chapter
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5 licensed under chapter 448.

6 "Interactive telecommunications system" has the same
7 meaning as in title 42 Code of Federal Regulations section
8 410.78, as amended. For purposes of this definition, "two-way
9 real-time audio-only communication" has the same meaning and is
10 subject to the same conditions as in title 42 Code of Federal
11 Regulations section 410.78, as amended.

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

20 "Telehealth" means the use of telecommunications services,
21 as defined in section 269-1, to encompass four modalities:



1 store and forward technologies, remote monitoring, live
2 consultation, and mobile health; and which shall include but not
3 be limited to real-time video conferencing-based communication,
4 secure interactive and non-interactive web-based communication,
5 and secure asynchronous information exchange, to transmit
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9 care services and information while a patient is at an
10 originating site and the health care provider is at a distant
11 site. [~~Standard~~] Except as otherwise provided for in this
12 section, standard telephone contacts, facsimile transmissions,
13 or [~~e-mail~~] electronic mail text, in combination or by itself,
14 does not constitute a telehealth service for the purposes of
15 this chapter."

16 SECTION 5. Section 432D-23.5, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By amending subsection (c) to read:

19 "(c) Reimbursement for services provided through
20 telehealth by way of an interactive telecommunications system
21 shall be equivalent to reimbursement for the same services



1 provided via face-to-face contact between a health care provider
2 and a patient. Nothing in this section shall require a health
3 care provider to be physically present with the patient at an
4 originating site unless a health care provider at the distant
5 site deems it necessary."

6 2. By amending subsection (g) to read:

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

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

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13 provider of medical and other health services, as defined in
14 title 42 United States Code section 1395x(s), other
15 practitioners licensed by the State and working within their
16 scope of practice, and any other person or organization who
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18 course of business, including but not limited to primary care
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20 physicians and osteopathic physicians licensed under chapter
21 453, advanced practice registered nurses licensed under chapter



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4 meaning as in title 42 Code of Federal Regulations section
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6 real-time audio-only communication" has the same meaning and is
7 subject to the same conditions as in title 42 Code of Federal
8 Regulations section 410.78, as amended.

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13 provider's office, hospital, health care facility, a patient's
14 home, and other nonmedical environments such as school-based
15 health centers, university-based health centers, or the work
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18 as defined in section 269-1, to encompass four modalities:
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20 consultation, and mobile health; and which shall include but not
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6 care services and information while a patient is at an
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8 site. [~~Standard~~] Except as otherwise provided for in this
9 section, standard telephone contacts, facsimile transmissions,
10 or [~~e-mail~~] electronic mail text, in combination or by itself,
11 does not constitute a telehealth service for the purposes of
12 this chapter."

13 SECTION 6. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on June 30, 3000.

16



H.B. NO. 907
H.D. 1

Report Title:

Telehealth; Accident and Health or Sickness Insurance; Mutual Benefit Societies; Health Maintenance Organizations

Description:

Authorizes reimbursement of telehealth services provided by way of an interactive telecommunications system be reimbursed. Effective 6/30/3000. (HD1)

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