
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 many residents in
2 underserved and low-income communities where cellular data plans
3 and broadband are inaccessible are unable to utilize telehealth
4 services that require internet connectivity. The legislature
5 further finds that medical professionals have used standard
6 telephone contacts for decades to provide necessary access to
7 primary care when a patient is homebound or otherwise unable to
8 access face-to-face care. The Centers for Medicare and Medicaid
9 Services continues to authorize coverage of audio-only
10 (telephone) services used in the treatment of mental health and
11 substance abuse in certain circumstances, allowing federally
12 qualified health centers and rural health clinics to use
13 telehealth to care for patients in patients' homes. Consistent
14 provisions for managed care plans and commercial health care
15 plans are warranted to ensure pay parity for telephonic and
16 telehealth services.



1 Accordingly, the purpose of this Act is to temporarily
2 allow for the reimbursement for services provided through an
3 interactive telecommunication system and two-way, real-time
4 audio-only communications for telehealth purposes, consistent
5 with the 2023 Medicare Physician Fee Schedule and impose certain
6 reimbursement limits and conditions for private insurers.

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

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

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

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

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



1 "Distant site" means the location of the health care
2 provider delivering services through telehealth at the time the
3 services are provided.

4 "Health care provider" means a provider of services, as
5 defined in title 42 United States Code section 1395x(u), a
6 provider of medical and other health services, as defined in
7 title 42 United States Code section 1395x(s), other
8 practitioners licensed by the State and working within their
9 scope of practice, and any other person or organization who
10 furnishes, bills, or is paid for health care in the normal
11 course of business, including but not limited to primary care
12 providers, mental health providers, oral health providers,
13 physicians and osteopathic physicians licensed under chapter
14 453, advanced practice registered nurses licensed under chapter
15 457, psychologists licensed under chapter 465, and dentists
16 licensed under chapter 448.

17 "Interactive telecommunications system" has the same
18 meaning as the term is defined in title 42 Code of Federal
19 Regulations section 410.78(a), as amended; provided that, as
20 used in the definition of "interactive telecommunications
21 system", "two-way, real-time audio-only communication" is



1 subject to the same meaning and conditions as in title 42 Code
2 of Federal Regulations section 410.78, as amended.

3 "Originating site" means the location where the patient is
4 located, whether accompanied or not by a health care provider,
5 at the time services are provided by a health care provider
6 through telehealth, including but not limited to a health care
7 provider's office, hospital, critical access hospital, rural
8 health clinic, federally qualified health center, a patient's
9 home, and other [~~non-medical~~] nonmedical environments such as
10 school-based health centers, university-based health centers, or
11 the work 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~~] Except as otherwise provided in this section,
4 standard telephone contacts, facsimile transmissions, or e-mail
5 text, in combination or [~~by itself, does~~] alone, do not
6 constitute [a] telehealth [~~service for the purposes of this~~
7 section.] services."

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

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

11 "(c) Reimbursement for services provided through
12 telehealth via an interactive telecommunications system shall be
13 equivalent to reimbursement for the same services provided via
14 face-to-face contact between a health care provider and a
15 patient[-]; provided that reimbursement for two-way, real-time
16 audio-only communication technology for purposes of diagnosis,
17 evaluation, or treatment of a mental health disorder to a
18 patient in their home shall be equivalent to eighty per cent of
19 the reimbursement for the same services provided via face-to-
20 face contact between a health care provider and a patient;
21 provided further that the health care provider has conducted an



1 in-person or telehealth visit with the patient no longer than
2 six months prior to the audio-only service and at least twelve
3 months prior to any subsequent audio-only visit. Nothing in
4 this section shall require a health care provider to be
5 physically present with the patient at an originating site
6 unless a health care provider at the distant site deems it
7 necessary."

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

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 "Interactive telecommunications system" has the same
6 meaning as the term is defined in title 42 Code of Federal
7 Regulations section 410.78(a), as amended; provided that, as
8 used in the definition of "interactive telecommunications
9 system", "two-way, real-time audio-only communication" is
10 subject to the same meaning and conditions as in title 42 Code
11 of Federal 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
6 patient medical information, including diagnostic-quality
7 digital images and laboratory results for medical interpretation
8 and diagnosis, for the purpose of delivering enhanced health
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 text, in combination or ~~[by itself, does]~~ alone, do
14 not constitute [a] telehealth ~~[service for the purposes of this~~
15 ~~chapter.]~~ services."

16 SECTION 4. Section 432:1-601.5, Hawaii Revised Statutes,
17 is amended as follows:

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

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



1 face-to-face contact between a health care provider and a
 2 patient[-]; provided that reimbursement for two-way, real-time
 3 audio-only communication technology for purposes of diagnosis,
 4 evaluation, or treatment of a mental health disorder to a
 5 patient in their home shall be equivalent to eighty per cent of
 6 the reimbursement for the same services provided via face-to-
 7 face contact between a health care provider and a patient;
 8 provided further that the health care provider has conducted an
 9 in-person or telehealth visit with the patient no longer than
 10 six months prior to the audio-only service and at least twelve
 11 months prior to any subsequent audio-only visit. Nothing in
 12 this section shall require a health care provider to be
 13 physically present with the patient at an originating site
 14 unless a health care provider at the distant site deems it
 15 necessary."

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

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

18 "Health care provider" means a provider of services, as
 19 defined in title 42 United States Code section 1395x(u), a
 20 provider of medical and other health services, as defined in
 21 title 42 United States Code section 1395x(s), other



1 practitioners licensed by the State and working within their
2 scope of practice, and any other person or organization who
3 furnishes, bills, or is paid for health care in the normal
4 course of business, including but not limited to primary care
5 providers, mental health providers, oral health providers,
6 physicians and osteopathic physicians licensed under chapter
7 453, advanced practice registered nurses licensed under chapter
8 457, psychologists licensed under chapter 465, and dentists
9 licensed under chapter 448.

10 "Interactive telecommunications system" has the same
11 meaning as the term is defined in title 42 Code of Federal
12 Regulations section 410.78(a), as amended; provided that, as
13 used in the definition of "interactive telecommunications
14 system", "two-way, real-time audio-only communication" is
15 subject to the same meaning and conditions as in title 42 Code
16 of Federal Regulations section 410.78, as amended.

17 "Originating site" means the location where the patient is
18 located, whether accompanied or not by a health care provider,
19 at the time services are provided by a health care provider
20 through telehealth, including but not limited to a health care
21 provider's office, hospital, health care facility, a patient's



1 home, and other nonmedical environments such as school-based
2 health centers, university-based health centers, or the work
3 location of a patient.

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



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

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

4 "(c) Reimbursement for services provided through
5 telehealth via an interactive telecommunications system shall be
6 equivalent to reimbursement for the same services provided via
7 face-to-face contact between a health care provider and a
8 patient[-]; provided that reimbursement for two-way, real-time
9 audio-only communication technology for purposes of diagnosis,
10 evaluation, or treatment of a mental health disorder to a
11 patient in their home shall be equivalent to eighty per cent of
12 the reimbursement for the same services provided via face-to-
13 face contact between a health care provider and a patient;
14 provided further that the health care provider has conducted an
15 in-person or telehealth visit with the patient no longer than
16 six months prior to the audio-only service and at least twelve
17 months prior to any subsequent audio-only visit. Nothing in
18 this section shall require a health care provider to be
19 physically present with the patient at an originating site
20 unless a health care provider at the distant site deems it
21 necessary."



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

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

3 "Distant site" means the location of the health care
4 provider delivering services through telehealth at the time the
5 services are provided.

6 "Health care provider" means a provider of services, as
7 defined in title 42 United States Code section 1395x(u), a
8 provider of medical and other health services, as defined in
9 title 42 United States Code section 1395x(s), other
10 practitioners licensed by the State and working within their
11 scope of practice, and any other person or organization who
12 furnishes, bills, or is paid for health care in the normal
13 course of business, including but not limited to primary care
14 providers, mental health providers, oral health providers,
15 physicians and osteopathic physicians licensed under chapter
16 453, advanced practice registered nurses licensed under chapter
17 457, psychologists licensed under chapter 465, and dentists
18 licensed under chapter 448.

19 "Interactive telecommunications system" has the same
20 meaning as the term is defined in title 42 Code of Federal
21 Regulations section 410.78(a), as amended; provided that, as



1 used in the definition of "interactive telecommunications
2 system", "two-way, real-time audio-only communication" is
3 subject to the same meaning and conditions as in title 42 Code
4 of Federal Regulations section 410.78, as amended.

5 "Originating site" means the location where the patient is
6 located, whether accompanied or not by a health care provider,
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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
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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~~] Except as otherwise provided in this section,
5 standard telephone contacts, facsimile transmissions, or e-mail
6 text, in combination or [~~by itself, does~~] alone, do not
7 constitute [a] telehealth [~~service for the purposes of this~~
8 ~~chapter.~~] services."

9 SECTION 6. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on December 31,
12 2050; provided that on December 31, 2025, this Act shall be
13 repealed and sections 346-59.1, 431:10A-116.3, 432:1-601.5, and
14 432D-23.5, Hawaii Revised Statutes, shall be reenacted in the
15 form in which they read on the day prior to the effective date
16 of this Act.



Report Title:

Telehealth; Interactive Telecommunications System; Mental Health Disorders

Description:

Temporarily allows for the reimbursement of services provided through telehealth via an interactive telecommunications system and two-way, real-time audio-only communications in certain circumstances. Defines "interactive telecommunications system". Effective 12/31/2050. Repeals 12/31/2025. (SD2)

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