
A BILL FOR AN ACT

RELATING TO TELEHEALTH.

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

1 SECTION 1. Section 346-59.1, Hawaii Revised Statutes, is
2 amended as follows:

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

4 "(b) 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 in-person contact between a health care provider and a patient[+
8 ~~provided that reimbursement for the diagnosis, evaluation, or~~
9 ~~treatment of a mental health disorder delivered through an~~
10 ~~interactive telecommunications system using two-way, real-time~~
11 ~~audio-only communication technology shall meet the requirements~~
12 ~~of title 42 Code of Federal Regulations section 410.78. Nothing~~
13 ~~in this section shall require a health care provider to be~~
14 ~~physically present with the patient at an originating site~~
15 ~~unless a health care provider at the distant site deems it~~
16 ~~necessary]."~~

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



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

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

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

18 "Interactive telecommunications system" [~~has the same~~
19 ~~meaning as the term is defined in title 42 Code of Federal~~
20 ~~Regulations section 410.78(a).~~] means multimedia communications
21 equipment that includes, at a minimum, audio and video equipment



1 permitting two-way, real-time interactive telecommunications
2 between the patient and distant site health care provider.
3 "Interactive telecommunications system" may also include
4 two-way, real-time, audio-only communications technology for
5 services furnished for the purposes of diagnosis, evaluation, or
6 treatment of a mental health disorder to a patient in the
7 patient's home if the distant site health care provider is
8 technically capable of using an interactive telecommunications
9 system but the patient is not capable of, or does not consent
10 to, the use of video technology; provided that a modifier
11 designated by the Centers for Medicaid and Medicare services
12 shall be appended to any claim for telehealth services furnished
13 using two-way, real-time, audio-only communications technology
14 to verify that the required conditions have been met.

15 "Originating site" means the location where the patient is
16 located, whether accompanied or not by a health care provider,
17 at the time services are provided by a health care provider
18 through telehealth, including but not limited to a health care
19 provider's office, hospital, critical access hospital, rural
20 health clinic, federally qualified health center, a patient's
21 home, and other nonmedical environments such as school-based



1 health centers, university-based health centers, or the work
2 location of a patient.

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

19 SECTION 2. Section 431:2-211, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "**§431:2-211 Annual report.** The commissioner, as early
2 each year as accurate preparation enables, shall prepare and
3 submit to the legislature a report ~~[which]~~ that shall contain:

4 (1) The condition of all insurers authorized to do
5 business in this State during the preceding year~~[-]~~;

6 (2) A summary of abuses and deficiencies in benefit
7 payments, the complaints made to the commissioner and
8 their disposition, and the extent of compliance and
9 noncompliance by each insurer with the provisions of
10 this code~~[-]~~;

11 (3) A summary of the telehealth claims reimbursed during
12 the preceding year, pursuant to Act , Session Laws
13 of Hawaii 2025; and

14 ~~[-(3) Such]~~ (4) Any additional information and comments
15 relative to insurance activities in this State ~~[as]~~
16 that the commissioner deems proper."

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

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

20 "(c) Reimbursement for services provided through
21 telehealth via an interactive telecommunications system shall be



1 equivalent to reimbursement for the same services provided via
2 in-person contact between a health care provider and a patient;
3 provided that ~~[reimbursement for two-way, real-time audio-only~~
4 ~~communication technology for purposes of diagnosis, evaluation,~~
5 ~~or treatment of a mental health disorder to a patient in the~~
6 ~~patient's home shall be equivalent to eighty per cent of the~~
7 ~~reimbursement for the same services provided via in-person~~
8 ~~contact between a health care provider and a patient. To] to be~~
9 reimbursed for telehealth via an interactive telecommunications
10 system using two-way, real-time audio-only communication
11 technology in accordance with this subsection, the health care
12 provider shall first conduct an in-person visit ~~[or a telehealth~~
13 ~~visit that is not audio only,]~~ within six months prior to the
14 initial audio-only visit, or within twelve months prior to any
15 subsequent audio-only visit. ~~[The telehealth visit required~~
16 ~~prior to the initial or subsequent audio-only visit in this~~
17 ~~subsection shall not be provided using audio-only communication.~~
18 ~~Nothing in this section shall require a health care provider to~~
19 ~~be physically present with the patient at an originating site~~
20 ~~unless a health care provider at the distant site deems it~~
21 ~~necessary.] "~~



2. By amending subsection (g) to read:

"(g) For the purposes of this section:

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

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

"Interactive telecommunications system" ~~[has the same meaning as the term is defined in title 42 Code of Federal Regulations section 410.78(a).]~~ means multimedia communications



equipment that includes, at a minimum, audio and video equipment
permitting two-way, real-time interactive telecommunications
between the patient and distant site health care provider.
"Interactive telecommunications system" may also include
two-way, real-time, audio-only communications technology for
services furnished for the purposes of diagnosis, evaluation, or
treatment of a mental health disorder to a patient in the
patient's home if the distant site health care provider is
technically capable of using an interactive telecommunications
system but the patient is not capable of, or does not consent
to, the use of video technology; provided that a modifier
designated by the Centers for Medicaid and Medicare services
shall be appended to any claim for telehealth services furnished
using two-way, real-time, audio-only communications technology
to verify that the required conditions have been met.

"Originating site" means the location where the patient is
located, whether accompanied or not by a health care provider,
at the time services are provided by a health care provider
through telehealth, including but not limited to a health care
provider's office, hospital, health care facility, a patient's
home, and other nonmedical environments such as school-based



1 health centers, university-based health centers, or the work
2 location of a patient.

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

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

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



1 "(c) Reimbursement for services provided through
2 telehealth via an interactive telecommunications system shall be
3 equivalent to reimbursement for the same services provided via
4 in-person contact between a health care provider and a patient;
5 provided that ~~[reimbursement for two-way, real-time audio-only~~
6 ~~communication technology for purposes of diagnosis, evaluation,~~
7 ~~or treatment of a mental health disorder to a patient in the~~
8 ~~patient's home shall be equivalent to eighty per cent of the~~
9 ~~reimbursement for the same services provided via in-person~~
10 ~~contact between a health care provider and a patient. To] to be~~
11 reimbursed for telehealth via an interactive telecommunications
12 system using two-way, real-time audio-only communication
13 technology in accordance with this subsection, the health care
14 provider shall first conduct an in-person visit ~~[or a telehealth~~
15 ~~visit that is not audio-only,]~~ within six months prior to the
16 initial audio-only visit, or within twelve months prior to any
17 subsequent audio-only visit. ~~[The telehealth visit required~~
18 ~~prior to the initial or subsequent audio-only visit in this~~
19 ~~subsection shall not be provided using audio-only communication.~~
20 ~~Nothing in this section shall require a health care provider to~~
21 ~~be physically present with the patient at an originating site~~



1 ~~unless a health care provider at the distant site deems it~~
2 ~~necessary.]"~~

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

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

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

18 "Interactive telecommunications system" [~~has the same~~
19 ~~meaning as the term is defined in title 42 Code of Federal~~
20 ~~Regulations section 410.78(a).~~] means multimedia communications
21 equipment that includes, at a minimum, audio and video equipment



1 permitting two-way, real-time interactive telecommunications
2 between the patient and distant site health care provider.
3 "Interactive telecommunications system" may also include
4 two-way, real-time, audio-only communications technology for
5 services furnished for the purposes of diagnosis, evaluation, or
6 treatment of a mental health disorder to a patient in the
7 patient's home if the distant site health care provider is
8 technically capable of using an interactive telecommunications
9 system but the patient is not capable of, or does not consent
10 to, the use of video technology; provided that a modifier
11 designated by the Centers for Medicaid and Medicare services
12 shall be appended to any claim for telehealth services furnished
13 using two-way, real-time, audio-only communications technology
14 to verify that the required conditions have been met.

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



1 health centers, university-based health centers, or the work
2 location of a patient.

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

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

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



1 "(c) Reimbursement for services provided through
2 telehealth via an interactive telecommunications system shall be
3 equivalent to reimbursement for the same services provided via
4 in-person contact between a health care provider and a patient;
5 provided that ~~[reimbursement for two-way, real-time audio-only~~
6 ~~communication technology for purposes of diagnosis, evaluation,~~
7 ~~or treatment of a mental health disorder to a patient in the~~
8 ~~patient's home shall be equivalent to eighty per cent of the~~
9 ~~reimbursement for the same services provided via in-person~~
10 ~~contact between a health care provider and a patient. To] to be~~
11 reimbursed for telehealth via an interactive telecommunications
12 system using two-way, real-time audio-only communication
13 technology in accordance with this subsection, the health care
14 provider shall first conduct an in-person visit ~~[or a telehealth~~
15 ~~visit that is not audio-only,]~~ within six months prior to the
16 initial audio-only visit, or within twelve months prior to any
17 subsequent audio-only visit. ~~[The telehealth visit required~~
18 ~~prior to the initial or subsequent audio-only visit in this~~
19 ~~subsection shall not be provided using audio-only communication.~~
20 ~~Nothing in this section shall require a health care provider to~~
21 ~~be physically present with the patient at an originating site~~



1 ~~unless a health care provider at the distant site deems it~~
2 ~~necessary.] "~~

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

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

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

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



1 "Interactive telecommunications system" [~~has the same~~
2 ~~meaning as the term is defined in title 42 Code of Federal~~
3 ~~Regulations section 410.78(a).~~] means multimedia communications
4 equipment that includes, at a minimum, audio and video equipment
5 permitting two-way, real-time interactive telecommunications
6 between the patient and distant site health care provider.
7 "Interactive telecommunications system" may also include
8 two-way, real-time, audio-only communications technology for
9 services furnished for the purposes of diagnosis, evaluation, or
10 treatment of a mental health disorder to a patient in the
11 patient's home if the distant site health care provider is
12 technically capable of using an interactive telecommunications
13 system but the patient is not capable of, or does not consent
14 to, the use of video technology; provided that a modifier
15 designated by the Centers for Medicaid and Medicare services
16 shall be appended to any claim for telehealth services furnished
17 using two-way, real-time, audio-only communications technology
18 to verify that the required conditions have been met.

19 "Originating site" means the location where the patient is
20 located, whether accompanied or not by a health care provider,
21 at the time services are provided by a health care provider



1 through telehealth, including but not limited to a health care
2 provider's office, hospital, health care facility, a patient's
3 home, and other nonmedical environments such as school-based
4 health centers, university-based health centers, or the work
5 location of a patient.

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



SECTION 6. Section 453-1.3, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (h) to read:

"(h) Unless otherwise provided by law, reimbursement for behavioral health services provided through telehealth via an interactive telecommunications system shall be equivalent to reimbursement for the same services provided via in-person contact between a health care provider and a patient; provided that ~~[reimbursement for two-way, real-time audio-only communication technology for purposes of diagnosis, evaluation, or treatment of a mental health disorder to a patient in the patient's home shall be equivalent to eighty per cent of the reimbursement for the same services provided via in-person contact between a health care provider and a patient. To]~~ to be reimbursed for telehealth via an interactive telecommunications system using two-way, real-time audio-only communication technology in accordance with this subsection, the health care provider shall first conduct an in-person visit ~~[or a telehealth visit that is not audio-only,]~~ within six months prior to the initial audio-only visit, or within twelve months prior to any subsequent audio-only visit. ~~[The telehealth visit required~~



1 ~~prior to the initial or subsequent audio-only visit in this~~
2 ~~subsection shall not be provided using audio-only~~
3 ~~communication.] "~~

4 2. By amending subsection (j) to read:

5 "(j) For the purposes of this section:

6 "Distant site" means the location of the physician
7 delivering services through telehealth at the time the services
8 are provided.

9 "Interactive telecommunications system" ~~[has the same~~
10 ~~meaning as the term is defined in title 42 Code of Federal~~
11 ~~Regulations section 410.78(a).]~~ means multimedia communications
12 equipment that includes, at a minimum, audio and video equipment
13 permitting two-way, real-time interactive telecommunications
14 between the patient and distant site physician. "Interactive
15 telecommunications system" may also include two-way, real-time,
16 audio-only communication technology for services furnished for
17 the purposes of diagnosis, evaluation, or treatment of a mental
18 health disorder to a patient in the patient's home if the
19 distant site physician is technically capable of using an
20 interactive telecommunications system but the patient is not
21 capable of, or does not consent to, the use of video technology;



1 provided that a modifier designated by the Centers for Medicaid
2 and Medicare services shall be appended to any claim for
3 telehealth services furnished using two-way, real-time, audio-
4 only communications technology to verify that the required
5 conditions have been met.

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 physician through
9 telehealth, including but not limited to a physician's office,
10 hospital, health care facility, a patient's home, and other
11 non-medical environments such as school-based health centers,
12 university-based health centers, or the work location of a
13 patient.

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



1 and laboratory results for medical interpretation and diagnosis,
2 for the purposes of: delivering enhanced health care services
3 and information while a patient is at an originating site and
4 the physician is at a distant site; establishing a
5 physician-patient relationship; evaluating a patient; or
6 treating a patient. Except as provided through an interactive
7 telecommunications system, standard telephone contacts,
8 facsimile transmissions, or e-mail text, in combination or
9 alone, do not constitute telehealth services."

10 SECTION 7. Beginning with the regular session of 2026 and
11 each regular session thereafter, the insurance commissioner's
12 annual report to the legislature shall include the total number
13 of claims reimbursed in the previous calendar year for:

- 14 (1) Telehealth services;
- 15 (2) Telehealth services related to mental health;
- 16 (3) Audio-only telehealth services related to mental
17 health; and
- 18 (4) Telehealth services not related to mental health.

19 SECTION 8. Act 107, Session Laws of Hawaii 2023, is
20 amended by amending section 8 to read as follows:



1 "SECTION 8. This Act shall take effect upon its approval[~~+~~
2 ~~provided that on December 31, 2025, this Act shall be repealed~~
3 ~~and sections 346-59.1, 431:10A-116.3, 432:1-601.5, 432D-23.5,~~
4 ~~and 453-1.3, Hawaii Revised Statutes, shall be reenacted in the~~
5 ~~form in which they read on the day prior to the effective date~~
6 ~~of this Act]."~~

7 SECTION 9. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

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

12 SECTION 11. This Act shall take effect upon its approval.



Report Title:

Telehealth; Interactive Telecommunications systems; Insurance
Reimbursement

Description:

Amends the definition of "interactive telecommunications system" for purposes of reimbursement for services provided through telehealth. Requires health care providers to append a modifier to any claim for telehealth services using two-way, real-time, audio-only communications technology. Requires the Insurance Commissioner to report to the Legislature on reimbursements claimed in the previous year for certain telehealth services. Repeals the sunset date of Act 107, SLH 2023. (HD1)

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

