

JAN 23 2025

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# A BILL FOR AN ACT

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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 physician or practitioner.  
3 "Interactive telecommunications system" may also include  
4 two-way, real-time, audio-only communication technology for any  
5 telehealth service furnished to a patient in the patient's home  
6 if the distant site physician or practitioner is technically  
7 capable of using an interactive telecommunications system but  
8 the patient is not capable of, or does not consent to, the use  
9 of video technology; provided that verification of the patient's  
10 lack of video capability or consent shall be appended to any  
11 claim for telehealth services furnished using two-way,  
12 real-time, audio-only communications technology.

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



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

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

19 **"§431:2-211 Annual report.** The commissioner, as early  
20 each year as accurate preparation enables, shall prepare and  
21 submit to the legislature a report [~~which~~] that shall contain:



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

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

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

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

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

1. By amending subsection (c) to read:

"(c) Reimbursement for 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~~  
~~prior to the initial or subsequent audio-only visit in this~~  
~~subsection shall not be provided using audio-only communication.~~  
~~Nothing in this section shall require a health care provider to~~  
~~be physically present with the patient at an originating site~~  
~~unless a health care provider at the distant site deems it~~  
~~necessary.] "~~

2. By amending subsection (g) to read:

"(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  
14 chapter 453, advanced practice registered nurses licensed under  
15 chapter 457, psychologists licensed under chapter 465, and  
16 dentists 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).~~] means multimedia communications  
20 equipment that includes, at a minimum, audio and video equipment  
21 permitting two-way, real-time interactive telecommunications



1 between the patient and distant site physician or practitioner.  
2 "Interactive telecommunications system" may also include  
3 two-way, real-time, audio-only communication technology for any  
4 telehealth service furnished to a patient in the patient's home  
5 if the distant site physician or practitioner is technically  
6 capable of using an interactive telecommunications system but  
7 the patient is not capable of, or does not consent to, the use  
8 of video technology; provided that verification of the patient's  
9 lack of video capability or consent shall be appended to any  
10 claim for telehealth services furnished using two-way,  
11 real-time, audio-only communications technology.

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. Except as provided through an interactive  
12 telecommunications system, standard telephone contacts,  
13 facsimile transmissions, or e-mail text, in combination or  
14 alone, do not constitute telehealth services."

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

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

18 "(c) Reimbursement for services provided through  
19 telehealth via an interactive telecommunications system shall be  
20 equivalent to reimbursement for the same services provided via  
21 in-person contact between a health care provider and a patient;



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

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

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



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  
11 chapter 453, advanced practice registered nurses licensed under  
12 chapter 457, psychologists licensed under chapter 465, and  
13 dentists licensed under chapter 448.

14 "Interactive telecommunications system" [~~has the same~~  
15 ~~meaning as the term is defined in title 42 Code of Federal~~  
16 ~~Regulations section 410.78(a).~~] means multimedia communications  
17 equipment that includes, at a minimum, audio and video equipment  
18 permitting two-way, real-time interactive telecommunications  
19 between the patient and distant site physician or practitioner.  
20 "Interactive telecommunications system" may also include  
21 two-way, real-time, audio-only communication technology for any



1 telehealth service furnished to a patient in the patient's home  
2 if the distant site physician or practitioner is technically  
3 capable of using an interactive telecommunications system but  
4 the patient is not capable of, or does not consent to, the use  
5 of video technology; provided that verification of the patient's  
6 lack of video capability or consent shall be appended to any  
7 claim for telehealth services furnished using two-way,  
8 real-time, audio-only communications technology.

9 "Originating site" means the location where the patient is  
10 located, whether accompanied or not by a health care provider,  
11 at the time services are provided by a health care provider  
12 through telehealth, including but not limited to a health care  
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  
16 location of a patient.

17 "Telehealth" means the use of telecommunications services,  
18 as defined in section 269-1, to encompass four modalities:  
19 store and forward technologies, remote monitoring, live  
20 consultation, and mobile health; and which shall include but not  
21 be limited to real-time video conferencing-based communication,



1 secure interactive and non-interactive web-based communication,  
2 and secure asynchronous information exchange, to transmit  
3 patient medical information, including diagnostic-quality  
4 digital images and laboratory results for medical interpretation  
5 and diagnosis, for the purpose of delivering enhanced health  
6 care services and information while a patient is at an  
7 originating site and the health care provider is at a distant  
8 site. Except as provided through an interactive  
9 telecommunications system, standard telephone contacts,  
10 facsimile transmissions, or e-mail text, in combination or  
11 alone, do not constitute telehealth services."

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

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

15 "(c) Reimbursement for services provided through  
16 telehealth via an interactive telecommunications system shall be  
17 equivalent to reimbursement for the same services provided via  
18 in-person contact between a health care provider and a patient;  
19 provided that ~~[reimbursement for two-way, real-time audio only~~  
20 ~~communication technology for purposes of diagnosis, evaluation,~~  
21 ~~or treatment of a mental health disorder to a patient in the~~



1 ~~patient's home shall be equivalent to eighty per cent of the~~  
2 ~~reimbursement for the same services provided via in-person~~  
3 ~~contact between a health care provider and a patient. To] to be~~  
4 reimbursed for telehealth via an interactive telecommunications  
5 system using two-way, real-time audio-only communication  
6 technology in accordance with this subsection, the health care  
7 provider shall first conduct an in-person visit ~~[or a telehealth~~  
8 ~~visit that is not audio only,]~~ within six months prior to the  
9 initial audio-only visit, or within twelve months prior to any  
10 subsequent audio-only visit. ~~[The telehealth visit required~~  
11 ~~prior to the initial or subsequent audio-only visit in this~~  
12 ~~subsection shall not be provided using audio-only communication.~~  
13 ~~Nothing in this section shall require a health care provider to~~  
14 ~~be 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:

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  
11 chapter 453, advanced practice registered nurses licensed under  
12 chapter 457, psychologists licensed under chapter 465, and  
13 dentists licensed under chapter 448.

14 "Interactive telecommunications system" [~~has the same~~  
15 ~~meaning as the term is defined in title 42 Code of Federal~~  
16 ~~Regulations section 410.78(a).~~] means multimedia communications  
17 equipment that includes, at a minimum, audio and video equipment  
18 permitting two-way, real-time interactive telecommunications  
19 between the patient and distant site physician or practitioner.  
20 "Interactive telecommunications system" may also include  
21 two-way, real-time, audio-only communication technology for any



1 telehealth service furnished to a patient in the patient's home  
2 if the distant site physician or practitioner is technically  
3 capable of using an interactive telecommunications system but  
4 the patient is not capable of, or does not consent to, the use  
5 of video technology; provided that verification of the patient's  
6 lack of video capability or consent shall be appended to any  
7 claim for telehealth services furnished using two-way,  
8 real-time, audio-only communications technology.

9 "Originating site" means the location where the patient is  
10 located, whether accompanied or not by a health care provider,  
11 at the time services are provided by a health care provider  
12 through telehealth, including but not limited to a health care  
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  
16 location of a patient.

17 "Telehealth" means the use of telecommunications services,  
18 as defined in section 269-1, to encompass four modalities:  
19 store and forward technologies, remote monitoring, live  
20 consultation, and mobile health; and which shall include but not  
21 be limited to real-time video conferencing-based communication,





1 secure interactive and non-interactive web-based communication,  
2 and secure asynchronous information exchange, to transmit  
3 patient medical information, including diagnostic-quality  
4 digital images and laboratory results for medical interpretation  
5 and diagnosis, for the purpose of delivering enhanced health  
6 care services and information while a patient is at an  
7 originating site and the health care provider is at a distant  
8 site. Except as provided through an interactive  
9 telecommunications system, standard telephone contacts,  
10 facsimile transmissions, or e-mail text, in combination or  
11 alone, do not constitute telehealth services."

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

14 1. By amending subsection (h) to read:

15 "(h) Unless otherwise provided by law, reimbursement for  
16 behavioral health services provided through telehealth via an  
17 interactive telecommunications system shall be equivalent to  
18 reimbursement for the same services provided via in-person  
19 contact between a health care provider and a patient; provided  
20 that ~~[reimbursement for two-way, real-time audio-only~~  
21 ~~communication technology for purposes of diagnosis, evaluation,~~



1 ~~or treatment of a mental health disorder to a patient in the~~  
2 ~~patient's home shall be equivalent to eighty per cent of the~~  
3 ~~reimbursement for the same services provided via in-person~~  
4 ~~contact between a health care provider and a patient. To] to be~~  
5 reimbursed for telehealth via an interactive telecommunications  
6 system using two-way, real-time audio-only communication  
7 technology in accordance with this subsection, the health care  
8 provider shall first conduct an in-person visit ~~[or a telehealth~~  
9 ~~visit that is not audio only,]~~ within six months prior to the  
10 initial audio-only visit, or within twelve months prior to any  
11 subsequent audio-only visit. ~~[The telehealth visit required~~  
12 ~~prior to the initial or subsequent audio-only visit in this~~  
13 ~~subsection shall not be provided using audio-only~~  
14 ~~communication.]"~~

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

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

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

20 "Interactive telecommunications system" ~~[has the same~~  
21 ~~meaning as the term is defined in title 42 Code of Federal~~



1 ~~Regulations section 410.78(a).~~] means multimedia communications  
2 equipment that includes, at a minimum, audio and video equipment  
3 permitting two-way, real-time interactive telecommunications  
4 between the patient and distant site physician or practitioner.  
5 "Interactive telecommunications system" may also include  
6 two-way, real-time, audio-only communication technology for any  
7 telehealth service furnished to a patient in the patient's home  
8 if the distant site physician or practitioner is technically  
9 capable of using an interactive telecommunications system but  
10 the patient is not capable of, or does not consent to, the use  
11 of video technology; provided that verification of the patient's  
12 lack of video capability or consent shall be appended to any  
13 claim for telehealth services furnished using two-way,  
14 real-time, audio-only communications technology.

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 physician through  
18 telehealth, including but not limited to a physician's office,  
19 hospital, health care facility, a patient's home, and other  
20 non-medical environments such as school-based health centers,



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

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

20 SECTION 7. Beginning with the regular session of 2026 and  
21 each regular session thereafter, the insurance commissioner's



1 annual report to the legislature shall include the total number  
2 of claims reimbursed in the previous calendar year for:

- 3 (1) Telehealth services;
- 4 (2) Telehealth services related to mental health;
- 5 (3) Audio-only telehealth services related to mental  
6 health;
- 7 (4) Telehealth services not related to mental health; and
- 8 (5) Audio-only telehealth services not related to mental  
9 health.

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

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

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



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

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

4

INTRODUCED BY: 



# S.B. NO. 1281

**Report Title:**

Telehealth; Audio-Only; Medicare; Insurance Reimbursement

**Description:**

Updates the State's laws on telehealth services to conform with federal Medicare regulations. 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, Session Laws of Hawaii 2023.

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

