

Hawaii

Haw. Rev. Stat. § 453-1.3(j); Haw. Rev. Stat. § 269-1; Haw. Rev. Stat. § 453-2(b)(7); Haw. Rev. Stat. § 453-2; Haw. Rev. Stat. § 453-1.3; Haw. Rev. Stat. § 453-1-3(f); Haw. Rev. Stat. § 453-1.3(e); Haw. Rev. Stat. § 453-2(b)(4); Haw. Rev. Stat. § 466J-6(a)(7); Haw. Rev. Stat. § 453-2(b)(5); Haw. Rev. Stat. § 466j-6(8); Haw. Rev. Stat. § 453-2(b)(7); Haw. Rev. Stat. § 269-1; Haw. Rev. Stat. § 453-1.3; Haw. Rev. Stat. § 432D-23.5

How is Telehealth Defined

“Telehealth” means the use of telecommunications as that term is defined in section 269-1, to encompass four modalities - store-and-forward technologies, remote monitoring, live consultation, and mobile health - and which shall include but not be limited to real-time videoconferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purposes of delivering enhanced health care services and information while a patient is at an originating site and the physician is at a distant site; establishing a physician-patient relationship; evaluating a patient; or treating a patient.

Haw. Rev. Stat. § 453-1.3(j).

“Telecommunications service” or **“telecommunications”** means the offering of transmission between or among points specified by a user of information of the user's choosing - including voice, data, image, graphics, and video, without change in the form or content of the information as sent and received - by means of electromagnetic transmission or other similarly capable means of transmission, with or without benefit of any closed transmission medium, and does not include cable service as defined in Section 440G-3.

Haw. Rev. Stat. § 269-1.

Standard telephone contacts, facsimile transmissions, e-mails, or texts, in combination or by themselves, do not constitute a telehealth service for the purposes of this paragraph.

Haw. Rev. Stat. § 453-2(b)(7).

Radiology: “Telehealth” means the use of telecommunications, as that term is defined in section 269-1, to encompass four modalities - store-and-forward technologies, remote monitoring, live consultation, and mobile health - and which shall include but not be limited to real-time videoconferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purpose of delivering enhanced health care services and information while a patient is at an originating site and the radiologist is at a distant site. Standard telephone contacts, facsimile transmissions, e-mails, or texts, in combination or by themselves, do not constitute a telehealth service for the purposes of this paragraph.

Haw. Rev. Stat. § 453-2.

Who Can Be a Telehealth Provider

For purposes of defining who can provide telehealth services: “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.

Haw. Rev. Stat. § 431:10A-116.3.

Scope of Practice/Practice Standards

It is the intent of the legislature to recognize the application of telehealth as a reimbursable service by which an individual shall receive medical services from a health care provider without face-to-face contact with the health care provider.

Haw. Rev. Stat. § 431:10A-116.3.

Telehealth services must include a documented patient evaluation; are held to the same standards as services provided in traditional settings; may be used to establish a physician-patient relationship with a Hawaii patient if the physician is licensed in Hawaii and the patient is referred by another health care provider who conducted an in-person consultation and provided all pertinent information to the physician; must be provided consistent with all federal and state privacy, security, and confidentiality laws; and may be used for any purpose once a physician-patient relationship is established.

Haw. Rev. Stat. § 453-1.3.

Once a provider-patient relationship is established, a patient or physician licensed in this State may use telehealth for any purpose, including consultation with a medical provider licensed in another state, authorized by this section or as otherwise provided by law.

Haw. Rev. Stat. § 453.1-3(f).

Electronic prescribing via telemedicine is held to the same standard of practice as in settings that do not include a face-to-face visit but where prescribing is appropriate.

Haw. Rev. Stat. § 453-1.3.

May be used for any purpose once a physician-patient relationship is established.

Haw. Rev. Stat. § 453-1.3.

Licensure Required

No special license or certification required. Physicians must be licensed to practice medicine in Hawaii in order to establish physician-patient relationships with patients in Hawaii through telehealth.

Haw. Rev. Stat. § 453-1.3(e).

Out-of-state physicians in consultation with Hawaii-licensed physicians are exempt from medical licensure requirements if the out-of-state physician does not open an office, appoint a place to meet patients, or receive calls within Hawaii about a Hawaii patient; the Hawaii physician remains responsible for the Hawaii patient's care; and contagious diseases laws are not violated.

Haw. Rev. Stat. § 453-2(b)(4).

Radiologists licensed to practice in another state that use telehealth while on location in Hawaii to provide services to Hawaii patients are exempt from licensure requirements if the services provided through telehealth are consistent with all federal and state privacy, security, and confidentiality laws.

Haw. Rev. Stat. § 466J-6(a)(7).

A physician shall not use telehealth to establish a physician-patient relationship with a patient in this State without a license to practice medicine in Hawaii.

Haw. Rev. Stat. § 453.1-3(e).

The prohibition against unlicensed practice does not apply to any practitioner of medicine and surgery from another state when in actual consultation, including in-person mail, electronic, telephonic, fiber-optic, or other telehealth consultation, with a licensed physician or osteopathic physician of this State, if the physician or osteopathic physician from another state at the time of consultation is licensed to practice in the state in which the physician or osteopathic physician resides; provided that (a) the physician or osteopathic physician from another state shall not open an office or appoint a place to meet patients in this State, or receive calls within the limits of the State, for the provision of care for a patient who is located in this State; (b) the licensed physician or osteopathic physician of this State retains control and remains responsible for the provision of care for the patient who is located in this State; and (c) the laws and rules relating to contagious diseases are not violated.

Haw. Rev. Stat. § 453-2(b)(4).

[Prohibitions do not apply to] services rendered by any person certified under part II of this chapter to provide emergency medical services, or any physician assistant, when the services are rendered under the direction and control of a physician or osteopathic physician licensed in this State except for final refraction resulting in a prescription for spectacles, contact lenses, or visual training as performed by an oculist or optometrist duly licensed by the State. The direction and control shall not be construed in every case to require the personal presence of the supervising and controlling physician or osteopathic physician. Any physician or osteopathic physician who employs or directs a person certified under part II of this chapter to provide emergency medical services, or a physician assistant, shall retain full professional and personal responsibility for any act that constitutes the practice of medicine when performed by the certified person or physician assistant.

Haw. Rev. Stat. § 453-2(b)(5).

Also exempt from licensure requirement: A radiologist duly licensed to practice medicine and radiology services in another state who uses telehealth while located in this State to provide radiology services to a patient who is located in the state in which the radiologist is licensed; provided that services provided by telehealth pursuant to this paragraph shall be consistent with all federal and state privacy, security, and confidentiality laws.

Haw. Rev. Stat. § 466j-6(8).

Out-of-state physicians in consultation with Hawaii-licensed physicians are exempt from medical licensure requirements if: the out-of-state physician does not open an office, appoint a place to meet patients or receive calls within Hawaii about a Hawaii patient.

Accepted Modalities

Telehealth encompasses four modalities - store-and-forward technologies, remote monitoring, live consultation, and mobile health - and which shall include but not be limited to real-time videoconferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purpose of delivering enhanced health care services and information while a patient is at an originating site and the radiologist is at a distant site. Standard telephone contacts, facsimile transmissions, e-mails, or texts, in combination or by themselves, do not constitute a telehealth service for the purposes of this paragraph.

Haw. Rev. Stat. § 453-2(b)(7).

"Telecommunications service" or "telecommunications" means the offering of transmission between or among points specified by a user of information of the user's choosing, including voice, data, image, graphics, and video, without change in the form or content of the information as sent and received, by means of electromagnetic transmission or other similarly capable means of transmission, with or without benefit of any closed transmission medium, and does not include cable service as defined in Section 440G-3.

Haw. Rev. Stat. § 269-1.

Excluded Services That Cannot be Provided Via Telehealth

For the purposes of prescribing opiates or medical cannabis, a physician-patient relationship shall only be established after an in-person consultation between the prescribing physician and the patient.

Haw. Rev. Stat. § 453-1.3.

Additional Reimbursement-Specific Requirements May Apply

Yes

Potential COVID Waivers

Yes

Active Patient Compensation Funds (PCF)

No