

## HAWAII

### What is the definition of “telemedicine” or “telehealth”?

Hawaii’s Medical Practice Act defines “telehealth” as follows:

[T]he use of telecommunications as that term is defined in section 269-1 [(see below)], 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 video conferencing-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 healthcare 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\(i\).](#)

“Telecommunications” means the following:

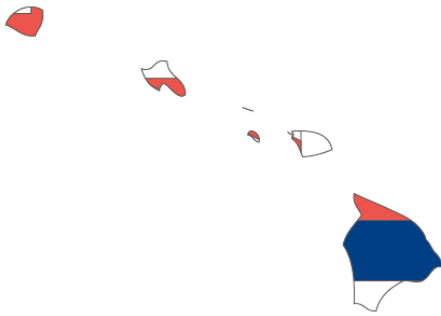
[T]he offering of transmission between or among points specified by a user, of information of the user’s choosing, including voice, data, image, graphics, and video without change in the form or content of the information, as sent and received, by means of electromagnetic transmission, or other similarly 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.](#)

Another section of Hawaii’s Medical Practice Act related to licensure requirements defines “telehealth” in this way:

[T]he use of telecommunications, as that term is defined in section 269-1, including but not limited to real-time video conferencing-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 to parties separated by distance. Standard telephone contacts, facsimile transmissions, or e-mail texts, in combination or by themselves, do not constitute a telehealth service for the purposes of this paragraph.

[HAW. REV. STAT. § 453-2\(b\)\(7\).](#)



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The Hawaii Board of Nursing defines “telehealth” as follows:

[T]he use of telecommunications as that term is defined in section 269-1 [(see above)], 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 video conferencing-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, to support long-distance clinical health care while a patient is at an originating site and the nurse is at a distant site, patient and professional health-related education, public health and health administration, to the extent that it relates to nursing.

[HAW. REV. STAT. § 457-2\(a\).](#)

Hawaii’s insurance parity provisions define “telehealth” as follows:

[T]he use of telecommunications services, as defined in section 269-1 [(see above)], including but not limited to real-time video conferencing-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 to parties separated by distance. Standard telephone contacts, facsimile transmissions, or e-mail text, in combination or by itself, does not constitute a telehealth service for the purposes of this chapter.

[HAW. REV. STAT. § 431:10A-116.3.](#)

## PSYCHIATRISTS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

Hawaii’s Medical Practice Act states the following:

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. . . . A physician-patient relationship may be established via telehealth if the patient is referred to the telehealth provider by another health care provider who has conducted an in-person consultation and has provided all pertinent patient

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information to the telehealth provider. 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\(e\)-\(f\).](#)

However, the licensing provisions within Hawaii's Medical Practice Act do not apply to the following:

[A]ny 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\(b\)\(4\).](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

"Telehealth services shall include a documented patient evaluation, including history and a discussion of physical symptoms adequate to establish a diagnosis and to identify underlying conditions or contraindications to the treatment recommended or provided."

[HAW. REV. STAT. § 453-1.3\(b\).](#)

"A physician-patient relationship may be established via telehealth if the patient is referred to the telehealth provider by another health care provider who has conducted an in-person consultation and has provided all pertinent patient information to the telehealth provider. Once a provider-patient relationship is established, a patient or physician

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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. . . . The physician-patient relationship pre-requisite under this section shall not apply to telehealth consultations for emergency department services.”

[HAW. REV. STAT. § 453-1.3\(f\)-\(g\).](#)

Hawaii’s insurance parity provisions provide the following:

- “There shall be no reimbursement for a telehealth consultation between health care providers unless a health care provider-patient relationship exists between the patient and one of the health care providers involved in the telehealth interaction.”
- “[I]n the event that a health care provider-patient relationship does not exist between the patient and the health care provider to be involved in a telehealth interaction between the patient and the health care provider, a telehealth mechanism may be used to establish a health care provider-patient relationship.”

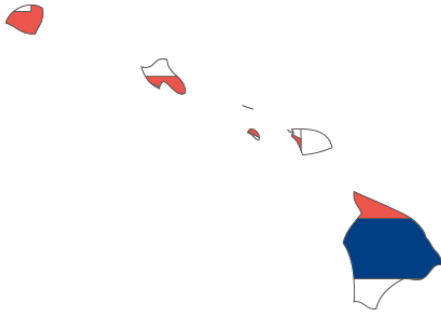
[HAW. REV. STAT. § 431:10A-116.3.](#)

Hawaii’s Controlled Substances Act defines the “physician-patient relationship” as follows:

[T]he collaborative relationship between physicians and their patients. To establish this relationship, the treating physician or the physician’s designated member of the health care team, at a minimum shall:

- (1) Personally perform face-to-face history and physical examination of the patient that is appropriate to the specialty training and experience of the physician or the designated member of the physician’s health care team, make a diagnosis and formulate a therapeutic plan, or personally treat a specific injury or condition;
- (2) Discuss with the patient the diagnosis or treatment, including the benefits of other treatment options; and
- (3) Ensure the availability of appropriate follow-up care.

[HAW. REV. STAT. § 329-1.](#)



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Does a psychiatrist have prescribing authority? If so, under what conditions/limits may a psychiatrist prescribe via telemedicine/telehealth?

Hawaii's Medical Practice Act states the following:

Treatment recommendations made via telehealth, including issuing a prescription via electronic means, shall be held to the same standards of appropriate practice as those in traditional physician-patient settings that do not include a face-to-face visit but in which prescribing is appropriate, including on-call telephone encounters and encounters for which a follow-up visit is arranged. Issuing a prescription based solely on an online questionnaire is not treatment for the purposes of this section and does not constitute an acceptable standard of care. For the purposes of prescribing opiates or medical marijuana, 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\(c\).](#)

## PSYCHOLOGISTS

What are the restrictions on the scope of practice for psychologists practicing via telemedicine/telehealth?

None identified.

However, Hawaii's Psychology Practice Act notes that "[e]xcept as otherwise provided in this chapter, it shall be unlawful to represent one's self as a psychologist or engage in the practice of psychology without having first obtained a license as provided in this chapter."

[HAW. REV. STAT. § 465-2.](#)

An exception to this rule applies to "[a]ny psychologist employed in the United States Department of Defense, while engaged in the discharge of the psychologist's official duty and providing direct telehealth support or services, as defined in section 431:10A-116.3, to neighbor island beneficiaries within a Hawaii national guard armory on the island of Kauai, Hawaii, Molokai, or Maui; provided that the psychologist employed by the United States Department of Defense is credentialed by Tripler Army Medical Center."

[HAW. REV. STAT. § 465-3.](#)



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Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

None identified.

However, Hawaii's Psychology Practice Act notes that "[e]xcept as otherwise provided in this chapter, it shall be unlawful to represent one's self as a psychologist or engage in the practice of psychology without having first obtained a license as provided in this chapter."

[HAW. REV. STAT. § 465-2.](#)

An exception to this rule applies to "[a]ny psychologist employed in the United States Department of Defense, while engaged in the discharge of the psychologist's official duty and providing direct telehealth support or services, as defined in section 431:10A-116.3, to neighbor island beneficiaries within a Hawaii national guard armory on the island of Kauai, Hawaii, Molokai, or Maui; provided that the psychologist employed by the United States Department of Defense is credentialed by Tripler Army Medical Center."

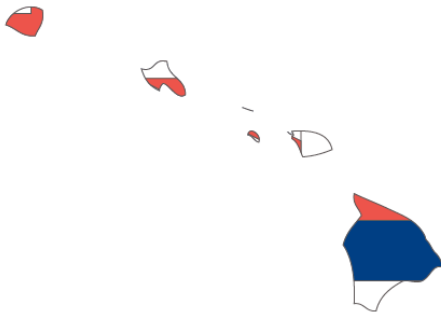
[HAW. REV. STAT. § 465-3.](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Hawaii's insurance parity provisions (which expressly apply to psychologists) provide the following:

- "There shall be no reimbursement for a telehealth consultation between health care providers unless a health care provider-patient relationship exists between the patient and one of the health care providers involved in the telehealth interaction."
- "[I]n the event that a health care provider-patient relationship does not exist between the patient and the health care provider to be involved in a telehealth interaction between the patient and the health care provider, a telehealth mechanism may be used to establish a health care provider-patient relationship."

[HAW. REV. STAT. § 431:10A-116.3.](#)



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Does a psychologist have prescribing authority? If so, under what conditions/limits may a psychologist prescribe via telemedicine/telehealth?

No. However, proposed legislation has been introduced that, if passed, would allow psychologists to obtain prescriptive authority (provided they meet certain education, training, and registration requirements). See [SB384](#).

### SOCIAL WORKERS

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Hawaii's insurance parity provisions (which expressly apply to mental health providers) provide the following:

- "There shall be no reimbursement for a telehealth consultation between health care providers unless a health care provider-patient relationship exists between the patient and one of the health care providers involved in the telehealth interaction."
- "[I]n the event that a health care provider-patient relationship does not exist between the patient and the health care provider to be involved in a telehealth interaction between the patient and the health care provider, a telehealth mechanism may be used to establish a health care provider-patient relationship."

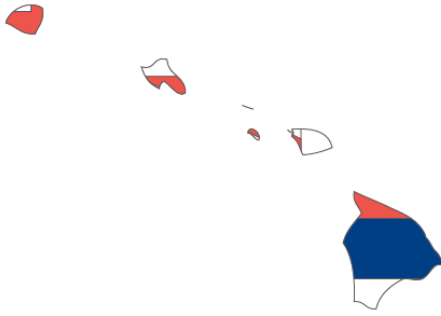
[HAW. REV. STAT. § 431:10A-116.3](#).

### COUNSELORS

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Hawaii's insurance parity provisions (which expressly apply to mental health providers) provide the following:

- "There shall be no reimbursement for a telehealth consultation between health care providers unless a health care provider-patient relationship exists between the patient and one of the health care providers involved in the telehealth interaction."



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- “[I]n the event that a health care provider-patient relationship does not exist between the patient and the health care provider to be involved in a telehealth interaction between the patient and the health care provider, a telehealth mechanism may be used to establish a health care provider-patient relationship.”

[HAW. REV. STAT. § 431:10A-116.3.](#)

### MARRIAGE/FAMILY THERAPISTS

Are there any licensing requirements specific to telemedicine/telehealth (e.g., requirements to be licensed in the state where the patient is located)?

None identified.

However, under the Hawaii Marriage and Family Therapist Act, “no person shall use the title marriage and family therapist or licensed marriage and family therapist without first having secured a license under this chapter.”

[HAW. REV. STAT. § 451J-5.](#)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Hawaii’s insurance parity provisions (which expressly apply to mental health providers) provide the following:

- “There shall be no reimbursement for a telehealth consultation between health care providers unless a health care provider-patient relationship exists between the patient and one of the health care providers involved in the telehealth interaction.”
- “[I]n the event that a health care provider-patient relationship does not exist between the patient and the health care provider to be involved in a telehealth interaction between the patient and the health care provider, a telehealth mechanism may be used to establish a health care provider-patient relationship.”

[HAW. REV. STAT. § 431:10A-116.3.](#)





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### ADVANCED PRACTICE REGISTERED NURSES (APRNs)

What are the criteria for establishing a practitioner-patient relationship via telemedicine/telehealth?

Hawaii's insurance parity provisions (which expressly apply to APRNs) provide the following:

- “There shall be no reimbursement for a telehealth consultation between health care providers unless a health care provider-patient relationship exists between the patient and one of the health care providers involved in the telehealth interaction.”
- “[I]n the event that a health care provider-patient relationship does not exist between the patient and the health care provider to be involved in a telehealth interaction between the patient and the health care provider, a telehealth mechanism may be used to establish a health care provider-patient relationship.”

[HAW. REV. STAT. § 431:10A-116.3.](#)

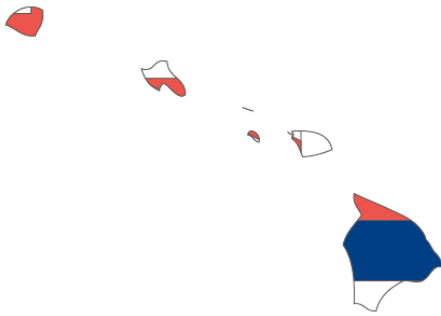
Does an APRN have prescribing authority? If so, under what conditions/limits may an APRN prescribe via telemedicine/telehealth?

Hawaii's Medical Practice Act states the following:

Treatment recommendations made via telehealth, including issuing a prescription via electronic means, shall be held to the same standards of appropriate practice as those in traditional physician-patient settings that do not include a face-to-face visit but in which prescribing is appropriate, including on-call telephone encounters and encounters for which a follow-up visit is arranged. Issuing a prescription based solely on an online questionnaire is not treatment for the purposes of this section and does not constitute an acceptable standard of care. For the purposes of prescribing opiates or medical marijuana, 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\(c\).](#)

Further, in Hawaii's Administrative Rules pertaining to nurses, it is stated that “APRNs who are granted prescriptive authority shall only prescribe drugs appropriate to their



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practice specialties as recognized by the board and in accordance with the exclusionary formulary.”

[HAW. CODE R. § 16-89-116.](#)

Under Hawaii’s Controlled Substances Act, “[i]t shall be unlawful for any person subject to part III of this chapter [(includes prescribing APRNs)] except a pharmacist, to administer, prescribe, or dispense any controlled substance without a bona fide physician-patient relationship.”

[HAW. REV. STAT. § 329-41.](#)

### PRIVACY/CONFIDENTIALITY

Are there privacy/confidentiality requirements specifically related to telemental/telebehavioral/telepsychiatric health services?

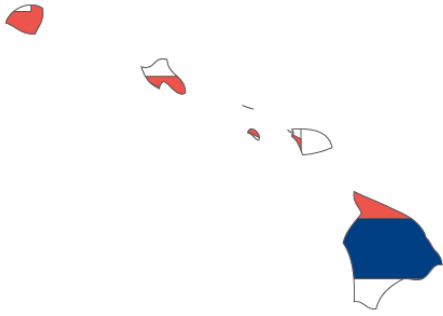
**Updated link:** [HAW. REV. STAT. § 453-1.3\(d\).](#)

### COVERAGE & REIMBURSEMENT

Does the state have a parity statute in place mandating coverage by private insurers for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services) on par with those provided in face-to-face/in-person encounters?

Hawaii’s insurance parity provisions provide the following:

- “No accident and health or sickness insurance plan that is issued, amended, or renewed shall require face-to-face contact between a health care provider and a patient as a prerequisite for payment for services appropriately provided through telehealth in accordance with generally accepted health care practices and standards prevailing in the applicable professional community at the time the services were provided. The coverage required in this section may be subject to all terms and conditions of the plan agreed upon among the enrollee or subscriber, the insurer, and the provider.”
- “There shall be no reimbursement for a telehealth consultation between health care providers unless a health care provider-patient relationship exists between the patient and one of the health care providers involved in the telehealth interaction.”



## 50-State Survey of Telemental/Telebehavioral Health

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- “For the purposes of this section, ‘health care provider’ means a provider of services, as defined in 42 U.S.C. 1395x(u), a provider of medical and other health services, as defined in 42 U.S.C. 1395x(s), and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.”

[HAW. REV. STAT. § 431:10A-116.3.](#)

Also, Hawaii’s Medical Practice Act specifically provides that “[r]eimbursement for behavioral health services provided through telehealth shall be equivalent to reimbursement for the same services provided via face-to-face contact between a health care provider and a patient.”

[HAW. REV. STAT. § 453-1.3\(h\).](#)

Are there provisions requiring certain reimbursement levels/amounts for telemedicine/telehealth services (including telemental/telebehavioral/telepsychiatric health services)?

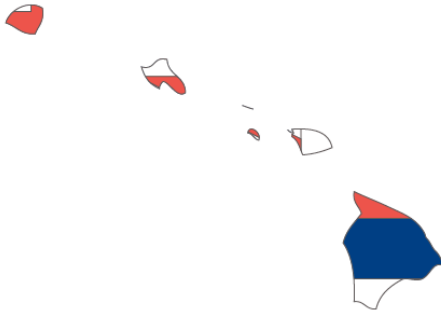
Hawaii’s Medical Practice Act specifically provides that “[r]eimbursement for behavioral health services provided through telehealth shall be equivalent to reimbursement for the same services provided via face-to-face contact between a health care provider and a patient.”

[HAW. REV. STAT. § 453-1.3\(h\).](#)**CONTROLLED SUBSTANCES**

What are the requirements/laws governing the prescribing of “controlled” substances?”

Under Hawaii’s Controlled Substances Act, “[e]very person who:

- (1) Manufactures, distributes, prescribes, or dispenses any controlled substance within this State;
- (2) Proposes to engage in the manufacture, distribution, prescription, or dispensing of any controlled substance within this State; or



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(3) Dispenses or proposes to dispense any controlled substance for use in this State by shipping, mailing, or otherwise delivering the controlled substance from a location outside this State;

shall obtain a registration issued by the department of public safety in accordance with the department's rules."

[HAW. REV. STAT. § 329-32.](#)

"For the purposes of prescribing opiates or medical marijuana, 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\(c\).](#)

"A scheduled II controlled substance prescription shall:

- Be filled within seven days following the date the prescription was issued to the patient; and
- Be supplied to a patient only if the prescription has been filled and held by the pharmacy for not more than seven days."

[HAW. REV. STAT. § 329-38.](#) ***See full text of statute for additional requirements.***