



February 10, 2023

The Honorable Sharon Moriwaki
Chair, Senate Committee on Labor and Technology
State Capitol
Room 223
Honolulu, HI 96813
senmoriwaki@capitol.hawaii.gov

The Honorable Chris Lee
Vice-Chair, Senate Committee on Labor and Technology
State Capitol
Room 216
Honolulu, HI 96813
senlee@capitol.hawaii.gov

RE: ATA ACTION SUPPORT WITH AMENDMENT OF S.B. 684

Dear Chair Moriwaki and Vice-Chair Lee,

On behalf of ATA Action, I am writing you to express our support with amendment of Senate Bill 684 relating to Medicaid and insurance coverage for telehealth.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services across the care continuum. ATA Action supports the enactment of state and federal telehealth policies to secure telehealth access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

Senate Bill 684 would amend the Social Services and Insurance Codes to define “interactive telecommunications systems” as audio and video equipment permitting two-way, real-time interactive communications between patients and providers unless the provider is delivering mental health services, in which case two-way, real-time audio-only modalities qualify as interactive telecommunications systems. The legislation also includes standard phone contacts in the list of technologies which are not considered telehealth services.

While we approve of the Legislature's efforts to enable providers delivering mental health services to utilize audio-only technologies while delivering virtual care, we urge the Legislature to adopt a truly technology-neutral definition of telehealth. Our organization believes that telehealth providers should be able to use the full range of innovative technologies at their

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disposal so long as the technologies being used are sufficient to meet the standard of care for the condition presented by the patient. We maintain that state policymakers should refrain from implementing policies which disfavor certain modalities, such as standard telephone contacts and emails, instead deferring to the licensed providers delivering virtual care as to which technologies are appropriate for use in any given telehealth interaction under the applicable standard of care.

Precluding standard phone contacts from the list of modalities considered telehealth services will make it more difficult for Hawaiians to receive high-quality health care. According to BroadbandNow, an organization that monitors Internet accessibility in all 50 states, although nearly all Hawaiian have access to broadband internet, eight in ten Hawaiians are not able to purchase broadband at an affordable price. By enabling Hawaiians to receive telehealth services through the use of audio-only technologies, the Legislature would ensure that unserved and underserved citizens, particularly those in rural and remote areas, receive the same level of access to high-quality health care as those who are able to take advantage of more reliable internet connections.

As far as the rate of reimbursement for telehealth services provided via interactive telecommunications systems is concerned, ATA Action believes that policymakers should set rational guidelines that are both fair to the provider of such services and reflect the cost savings the effective use of telehealth technologies offers to the health care system. In some instances, reimbursement parity may be appropriate; in other instances, it may not. We suggest including language which prohibits health care plans from requiring providers to accept reimbursement amounts greater than the amount these providers are willing to charge.

Thank you for the opportunity to comment. We urge the Committee to support Senate Bill 684 with the suggested amendment to expand Hawaiians' access to high-quality, affordable health care and drive better care coordination throughout the state. If you have any questions or would like to discuss the telehealth industry's perspective further, please contact me at kzebley@ataaction.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", is written over a light gray rectangular background.

Kyle Zebley
Executive Director
ATA Action

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