



EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

April 29, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: Senate Bill No. 1676 SD2

On April 28, 2009, Senate Bill No. 1676, entitled "A Bill for an Act Relating to Health" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to clarify that telemedicine is within the scope of a physician's practice and sets requirements and standards for the practice of telemedicine services. Telemedicine means the use of telecommunications services, such as video or web conferencing, telephone, or internet links between a physician and a patient to evaluate or treat a patient.

Modern technology has given us the ability to perform activities not imagined just a few years ago. The advent of telemedicine is a recent phenomenon that now allows patients to contact their doctor outside of the normal medical office arrangements. This technology also allows doctors to provide services to remote or hard to reach locations, as well as consult in real time video conferences with colleagues and specialists out of state who can help diagnose a disease or recommend a specific treatment program not available locally.

Senate Bill No. 1676 attempts to foster the use of telemedicine by better defining the practice, setting forth the circumstances under which treatment recommendations can be made, clarifying the medical licensing requirements for telemedicine practices, and reaffirming that medical insurance covers this technique for delivering medical services.

Modern technology also brings new issues and concerns that have not been adequately addressed in this bill. Three areas in particular are of concern to the medical community and deserve further attention in forthcoming legislative sessions.

First, there remains an understandable concern that a face-to-face relationship should be developed first between a primary care physician and a patient before the doctor is allowed to

The Honorable Colleen Hanabusa, President  
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Page 2

provide diagnoses or treatments via telemedicine. The Hawaii Medical Board has acknowledged this preference and believes it is fundamental to the delivery of appropriately provided medical services within generally accepted community standards of care.

Second, as written, the bill appears to allow both an individual patient, as well as that patient's doctor, to consult with and obtain treatments from an out-of-state physician or other non-Hawaii-based medical services provider. It would appear more prudent for these out-of-state consultations to be restricted to doctor-to-doctor discussions where the Hawaii-based physicians know their consulting colleague and can ensure the discussions are technically and medically accurate.

Third, enforcement oversight issues for out-of-state physicians have not been adequately addressed in this bill. Neither the Hawaii Medical Board nor the Regulated Industries Complaints Office of the State Department of Commerce and Consumer Affairs has jurisdiction over out-of-state practitioners and cannot sanction them for actions that may not meet Hawaii's standards of medical care. As the medical community seeks out and uses specialists and medical providers outside of Hawaii, it is important that states like Hawaii work with other jurisdictions to address how best to ensure that the out-of-state individuals providing medical advice meet the educational, licensing, and ethical standards we have established for our own medical community.

For the foregoing reasons, I allowed Senate Bill No. 1676 to become law as Act 20, effective April 28, 2009, without my signature.

Sincerely,



LINDA LINGLE