

AMENDMENTS TO LB296

Introduced by Fredrickson, 20.

1 1. Strike section 11 and insert the following new sections:

2 Sec. 11. Section 44-312, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 44-312 (1) For purposes of this section:

5 (a)(i) Telehealth means the use of medical information
6 electronically exchanged from one site to another, whether synchronously
7 or asynchronously, to aid a health care provider in the diagnosis or
8 treatment of a patient.

9 (ii) Telehealth includes (A) services originating from a patient's
10 home or any other location where such patient is located, (B)
11 asynchronous services involving the acquisition and storage of medical
12 information at one site that is then forwarded to or retrieved by a
13 health care provider at another site for medical evaluation, and (C)
14 telemonitoring.

15 (iii) Telehealth also includes audio-only services for the delivery
16 of individual behavioral health services for an established patient, when
17 appropriate, or crisis management and intervention for an established
18 patient as allowed by federal law; and

19 (b) Telemonitoring means the remote monitoring of a patient's vital
20 signs, biometric data, or subjective data by a monitoring device which
21 transmits such data electronically to a health care provider for analysis
22 and storage.

23 (2) Any insurer offering (a) any individual or group sickness and
24 accident insurance policy, certificate, or subscriber contract delivered,
25 issued for delivery, or renewed in this state, (b) any hospital, medical,
26 or surgical expense-incurred policy, except for policies that provide
27 coverage for a specified disease or other limited-benefit coverage, or

1 (c) any self-funded employee benefit plan to the extent not preempted by
2 federal law, shall provide upon request to a policyholder, certificate
3 holder, or health care provider a description of the telehealth and
4 telemonitoring services covered under the relevant policy, certificate,
5 contract, or plan.

6 (3) The description shall include:

7 (a) A description of services included in telehealth and
8 telemonitoring coverage, including, but not limited to, any coverage for
9 transmission costs;

10 (b) Exclusions or limitations for telehealth and telemonitoring
11 coverage, including, but not limited to, any limitation on coverage for
12 transmission costs; and

13 (c) Requirements for the licensing status of health care providers
14 providing telehealth and telemonitoring services.

15 (4) Except as otherwise provided in section 44-793, the
16 reimbursement rate for any telehealth service shall, at a minimum, be the
17 same as a comparable in-person health care service if the licensed
18 provider providing the telehealth service also provides in-person health
19 care services at a physical location in Nebraska or is employed by or
20 holds medical staff privileges at a licensed facility in Nebraska and
21 such facility provides in-person health care services in Nebraska.

22 Sec. 12. (1) For purposes of this section:

23 (a) National Provider Identifier means the standard, unique health
24 identifier number for a health care provider that is issued by the
25 National Provider System in accordance with 45 C.F.R. part 162, as such
26 regulations existed on January 1, 2023; and

27 (b) Off-campus location means a facility:

28 (i) With operations that are directly or indirectly owned or
29 controlled by, in whole or in part, a hospital, or that is affiliated
30 with a hospital, regardless of whether such off-campus location is
31 operated by the same governing body as the hospital;

1 (ii) That is located in its entirety, including all real estate,
2 structures, and permanent fixtures, more than one mile from the main
3 campus of the hospital as measured from the closest real estate,
4 structure, or permanent fixture of the main campus;

5 (iii) That provides services which are organizationally and
6 functionally integrated with the hospital; and

7 (iv) That is an outpatient facility providing ambulatory surgery,
8 urgent care, or emergency room services.

9 (2) An off-campus location of a hospital shall obtain a National
10 Provider Identifier that is distinct from the National Provider
11 Identifier used by the main campus of the affiliated hospital and any
12 other off-campus location of such hospital and shall use such identifier
13 on all claims for reimbursement or payment for health care services
14 provided at such location.

15 Sec. 13. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this act
16 become operative on January 1, 2024. The other sections of this act
17 become operative on their effective date.

18 Sec. 14. Original section 44-312, Reissue Revised Statutes of
19 Nebraska, is repealed.