

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 967

FINAL READING

Introduced by Jacobson, 42; Hallstrom, 1.

Read first time January 12, 2026

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 44-150, 44-4055, 44-4059, 44-4064, 44-6122, 81-6,123,
3 81-6,125, 81-6,127, 81-6,128, 81-12,147, and 81-12,148, Reissue
4 Revised Statutes of Nebraska, sections 44-116 and 44-4605, Revised
5 Statutes Cumulative Supplement, 2024, and section 44-1523, Revised
6 Statutes Supplement, 2025; to change a transfer from the Department
7 of Insurance Cash Fund; to change provisions relating to reciprocal
8 licenses and retaliatory measures; to include pharmacy benefit
9 managers under the Unfair Insurance Trade Practices Act; to change
10 provisions relating to nonresident license requirements and the
11 process for issuance, verification, and termination of such licenses
12 under the Insurance Producers Licensing Act; to change fees under
13 the Insurance Producers Licensing Act; to provide certain penalties
14 and require notification of certain material changes under the
15 Pharmacy Benefit Manager Licensure and Regulation Act; to provide
16 requirements for electronic notice of annual meetings under the
17 Mutual Insurance Holding Company Act; to change requirements for
18 participation in the operation of the designated health information
19 exchange; to change membership and duties of the Health Information
20 Technology Board; to change eligible activities for and requirements
21 for assistance from the Site and Building Development Fund; to adopt
22 the Nebraska Protection of Seniors from Insurance Exploitation Act;

1 to prohibit health insurance plans from restricting certain claim
2 payment methods; to harmonize provisions; and to repeal the original
3 sections.

4 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 44-116, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 44-116 (1) All money collected by the Department of Insurance for
4 examination of the affairs of domestic, foreign, or alien insurance
5 companies and insurers as defined in and pursuant to the Insurers
6 Examination Act or any other provision of Chapter 44 or for valuing the
7 reserve liabilities of life insurance companies shall be remitted by the
8 department to the State Treasurer for credit to the Department of
9 Insurance Cash Fund, which fund is hereby created. Money in the
10 Department of Insurance Cash Fund may be used for transfers to the
11 General Fund at the direction of the Legislature. Any money in the
12 Department of Insurance Cash Fund available for investment shall be
13 invested by the state investment officer pursuant to the Nebraska Capital
14 Expansion Act and the Nebraska State Funds Investment Act.

15 (2) The State Treasurer shall transfer fourteen million dollars from
16 the Department of Insurance Cash Fund to the General Fund on or before
17 June 30, 2026, on such dates and in such amounts as directed by the
18 budget administrator of the budget division of the Department of
19 Administrative Services. The State Treasurer shall transfer thirteen
20 ~~eleven~~ million two hundred thousand dollars from the Department of
21 Insurance Cash Fund to the General Fund on or before June 30, 2027, on
22 such dates and in such amounts as directed by the budget administrator of
23 the budget division of the Department of Administrative Services. The
24 State Treasurer shall transfer eleven million dollars from the Department
25 of Insurance Cash Fund to the General Fund on or before June 30, 2028, on
26 such dates and in such amounts as directed by the budget administrator of
27 the budget division of the Department of Administrative Services. The
28 State Treasurer shall transfer eleven million dollars from the Department
29 of Insurance Cash Fund to the General Fund on or before June 30, 2029, on
30 such dates and in such amounts as directed by the budget administrator of
31 the budget division of the Department of Administrative Services.

1 **Sec. 2.** Section 44-150, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 44-150 (1) When by or pursuant to the laws of any other state or
4 foreign country any taxes, licenses and other fees, in the aggregate, or
5 any fines, penalties, deposit requirements, or other material
6 obligations, prohibitions, or restrictions, are or would be imposed upon
7 Nebraska insurers, or upon the agents or representatives of such
8 insurers, which are in excess of such taxes, licenses and other fees, in
9 the aggregate, or which are in excess of the fines, penalties, deposit
10 requirements, or other obligations, prohibitions, or restrictions
11 directly imposed upon similar insurers, or upon the agents or
12 representatives of such insurers, of such other state or country under
13 the statutes of this state, so long as such laws of such other state or
14 country continue in force or are so applied, the same taxes, licenses and
15 other fees, in the aggregate, or fines, penalties, deposit requirements,
16 or other material obligations, prohibitions, or restrictions of whatever
17 kind shall be imposed by the Director of Insurance upon the insurers, or
18 upon the agents or representatives of such insurers, of such other state
19 or country doing business or seeking to do business in Nebraska. Any tax,
20 license or other fee, or other obligation imposed by any city, county, or
21 other political subdivision or agency of such other state or country on
22 Nebraska insurers or their agents or representatives shall be deemed to
23 be imposed by such state or country within the meaning of this section.

24 (2) This section shall not apply as to personal income taxes, nor as
25 to ad valorem taxes on real or personal property nor as to special-
26 purpose obligations or assessments heretofore imposed by another state in
27 connection with particular kinds of insurance, other than property
28 insurance; except that deductions, from premium taxes or other taxes
29 otherwise payable, allowed on account of real estate or personal property
30 taxes paid shall be taken into consideration by the Director of Insurance
31 in determining the propriety and extent of retaliatory action under this

1 section.

2 ~~(3) Nothing in this section shall require retaliatory action because~~
3 ~~of fees, obligations, or prohibitions imposed on Nebraska insurance~~
4 ~~producers licensed pursuant to the Insurance Producers Licensing Act.~~

5 (3) (4) For the purposes of this section the domicile of an alien
6 insurer, other than insurers formed under the laws of Canada, shall be
7 that state designated by the insurer in writing filed with the Director
8 of Insurance at time of admission to this state or within twelve months
9 after September 28, 1959, whichever date is the later, and may be any one
10 of the following states: (a) That in which the insurer was first
11 authorized to transact insurance; (b) that in which is located the
12 insurer's principal place of business in the United States; or (c) that
13 in which is held the larger deposit of trusteed assets of the insurer for
14 the protection of its policyholders and creditors in the United States.

15 If the insurer makes no such designation its domicile shall be
16 deemed to be that state in which is located its principal place of
17 business in the United States.

18 In the case of an insurer formed under the laws of Canada or a
19 province thereof, its domicile shall be deemed to be that province in
20 which its head office is situated.

21 **Sec. 3.** Section 44-1523, Revised Statutes Supplement, 2025, is
22 amended to read:

23 44-1523 For purposes of the Unfair Insurance Trade Practices Act:

24 (1) Customer means an individual who purchases, applies to purchase,
25 or is solicited to purchase an insurance product primarily for personal,
26 family, or household purposes;

27 (2) Department means the Department of Insurance;

28 (3) Director means the Director of Insurance;

29 (4) Health insurance lead generator means a person that utilizes a
30 lead generating device to (a) publicize the availability of what is, or
31 what purports to be, a health insurance product or service that the

1 person is not licensed to sell directly to a customer, (b) identify a
2 customer who may want to learn about a health insurance product, or (c)
3 sell or transmit customer information to an insurer or producer for
4 follow-up contact and sales activity;

5 (5) Insured means the party named on a policy or certificate as the
6 individual with legal rights to the benefits provided by such policy or
7 certificate;

8 (6) Insurer means any person, reciprocal exchange, interinsurer,
9 Lloyds-type insurer or other similar group which includes an incorporated
10 and individual unincorporated underwriter, a fraternal benefit society,
11 or other legal entity engaged in the business of insurance, including an
12 agent, a broker, an insurance consultant, an adjuster, a pharmacy benefit
13 manager, or a third-party administrator. Insurer also includes a health
14 maintenance organization, a prepaid limited health service organization,
15 and a dental, optometric, or other similar health service plan. For
16 purposes of the Unfair Insurance Trade Practices Act, all such insurers
17 shall be deemed to be engaged in the business of insurance;

18 (7) Lead generating device means a communication directed to the
19 public that, regardless of form, content, or stated purpose, is intended
20 to result in the compilation or qualification of a list containing names
21 and other personal information to be used to solicit residents of this
22 state for the purchase of what is, or what purports to be, a health
23 insurance product or service;

24 (8) Person means a natural or artificial entity, including, but not
25 limited to, an individual, a partnership, a limited liability company, an
26 association, a trust, or a corporation, including a health insurance lead
27 generator operating as a natural or artificial entity;

28 (9) Policy or certificate means any contract of insurance,
29 indemnity, suretyship, or annuity issued, proposed for issuance, or
30 intended for issuance by an insurer; and

31 (10) Recording means an audio reproduction of sales and verification

1 of calls, including virtual technology calls, in its entirety, used in
2 the marketing of insurance.

3 **Sec. 4.** Section 44-4055, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 44-4055 (1) Unless denied licensure pursuant to section 44-4059, a
6 nonresident person shall receive a nonresident insurance producer license
7 if:

8 (a) The person is currently licensed as a resident and in good
9 standing in his or her home state;

10 (b) The person has submitted the proper request for licensure and
11 has paid the fees required by section 44-4064;

12 (c) The person has submitted or transmitted to the director the
13 application for licensure that the person submitted to his or her home
14 state, or in lieu of the same, a completed uniform application; and

15 (d) The person's home state awards nonresident producer licenses to
16 residents of this state on the same basis.

17 (2) The director may verify the insurance producer's licensing
18 status through the producer database maintained by the National
19 Association of Insurance Commissioners, ~~or~~ its affiliates or
20 subsidiaries, or any successor, or by contacting the person's home state
21 regulator.

22 (3) A nonresident insurance producer who moves from one state to
23 another state or a resident producer who moves from this state to another
24 state shall file a change of address and provide certification from the
25 new resident state within thirty days of the change of legal residence.
26 No fee or license application is required for the filing of the change of
27 address.

28 (4) Notwithstanding any other provision of the Insurance Producers
29 Licensing Act, a person licensed as a surplus lines insurance producer in
30 his or her home state shall receive a nonresident surplus lines producer
31 license pursuant to subsection (1) of this section. Except as to

1 subsection (1) of this section, nothing in this section otherwise amends
2 or supersedes any provision of the Surplus Lines Insurance Act.

3 (5) Notwithstanding any other provisions of the Insurance Producers
4 Licensing Act, a person licensed as a limited line credit insurance
5 producer, a limited line pre-need funeral insurance producer, or other
6 type of limited lines producer in his or her home state shall receive a
7 nonresident limited lines insurance producer license, pursuant to
8 subsection (1) of this section, granting the same scope of authority as
9 granted under the license issued by the producer's home state.

10 (6) If a nonresident licensee's license or authority in the
11 licensee's home state is no longer active, whether as a result of
12 suspension, revocation, termination, lapse, voluntary surrender, or other
13 action by the home state regulator, the director may cancel the
14 nonresident licensee's license or authority granted in this state by
15 sending an order of license revocation to the licensee. The licensee may
16 make written demand upon the director within thirty days after receiving
17 such order of license revocation for a hearing before the director to
18 provide proof the licensee is currently licensed as a resident and in
19 good standing in his or her home state. Such hearing shall be held within
20 thirty days after the date a request for hearing is received and shall be
21 held pursuant to the Administrative Procedure Act. If no hearing is
22 requested within thirty days after receipt of an order of license
23 revocation, the order of license revocation shall become a final order.

24 **Sec. 5.** Section 44-4059, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 44-4059 (1) The director may suspend, revoke, or refuse to issue or
27 renew an insurance producer's license or may levy an administrative fine
28 in accordance with subsection (5) ~~(4)~~ of this section, or any combination
29 of actions, for any one or more of the following causes:

30 (a) Providing incorrect, misleading, incomplete, or materially
31 untrue information in the license application;

1 (b) Violating any insurance law or violating any rule, regulation,
2 subpoena, or order of the director or of another state's insurance
3 commissioner or director;

4 (c) Obtaining or attempting to obtain a license through
5 misrepresentation or fraud;

6 (d) Improperly withholding, misappropriating, or converting any
7 money or property received in the course of doing insurance business;

8 (e) Intentionally misrepresenting the terms of an actual or proposed
9 insurance contract or application for insurance;

10 (f) Having been convicted of a felony or a Class I, II, or III
11 misdemeanor;

12 (g) Having admitted or been found to have committed any insurance
13 unfair trade practice, any unfair claims settlement practice, or fraud;

14 (h) Using fraudulent, coercive, or dishonest practices, or
15 demonstrating incompetence, untrustworthiness, or financial
16 irresponsibility in the conduct of business in this state or elsewhere;

17 (i) Having an insurance producer license, or its equivalent, denied,
18 suspended, placed on probation, or revoked in Nebraska or in any other
19 state, province, district, or territory;

20 (j) Forging another's name to an application for insurance or to any
21 document related to an insurance transaction;

22 (k) Improperly using notes or any other reference material to
23 complete an examination for an insurance license;

24 (l) Knowingly accepting insurance business from an individual who is
25 not licensed;

26 (m) Failing to comply with an administrative or court order imposing
27 a child support obligation pursuant to the License Suspension Act; and

28 (n) Failing to pay state income tax or comply with any
29 administrative or court order directing payment of state income tax. ÷
30 ~~and~~

31 (2) If the director has notice that a nonresident licensee failed to

1 maintain, in good standing, a resident license in the insurance
2 producer's home state, the nonresident license shall be automatically
3 revoked by the director and the director shall not be required to issue
4 an order of license revocation in accordance with subsection (6) of
5 section 44-4055 or renew such license.

6 ~~(o) Failing to maintain in good standing a resident license in the~~
7 ~~insurance producer's home state.~~

8 (3) (2) If the director does not renew or denies an application for
9 a license, the director shall notify the applicant or licensee and
10 advise, in writing, the applicant or licensee of the reason for the
11 denial or nonrenewal of the applicant's or licensee's license. The
12 applicant or licensee may make written demand upon the director within
13 thirty days for a hearing before the director to determine the
14 reasonableness of the director's action. The hearing shall be held within
15 thirty days and shall be held pursuant to the Administrative Procedure
16 Act.

17 (4) (3) The license of a business entity may be suspended, revoked,
18 or refused if the director finds, after notice and hearing, that an
19 individual licensee's violation was known or should have been known by
20 one or more of the partners, officers, or managers acting on behalf of
21 the business entity and the violation was neither reported to the
22 director nor corrective action taken.

23 (5) (4) In addition to or in lieu of any applicable denial,
24 suspension, or revocation of a license, any person violating the
25 Insurance Producers Licensing Act may, after notice and hearing, be
26 subject to an administrative fine of not more than one thousand dollars
27 per violation. Such fine may be enforced in the same manner as civil
28 judgments. Any person charged with a violation of the act may waive his
29 or her right to a hearing and consent to such discipline as the director
30 determines is appropriate. The Administrative Procedure Act shall govern
31 all hearings held pursuant to such act.

1 ~~(6)~~ (5) The director shall retain the authority to enforce the
2 provisions of and impose any penalty or remedy authorized by the
3 Insurance Producers Licensing Act against any person who is under
4 investigation for or charged with a violation of the act even if the
5 person's license or registration has been surrendered or has lapsed by
6 operation of law. No disciplinary proceeding shall be instituted against
7 any licensed person after the expiration of three years from the
8 termination of such license.

9 **Sec. 6.** Section 44-4064, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 44-4064 (1) Before any license or appointment is issued or renewed
12 under the Insurance Producers Licensing Act or before any appointment is
13 terminated, the person requesting such license shall pay or cause to be
14 paid to the director the following fee or fees, if applicable, as
15 established by the director:

16 (a) For each insurance producer license, a fee not to exceed one
17 hundred dollars, except that if any other state imposes additional or
18 greater fees, obligations, or prohibitions on Nebraska resident insurance
19 producers, then such additional or greater fees, obligations, or
20 prohibitions shall be imposed upon similar insurance producers of such
21 other state applying for a license in Nebraska;

22 (b) For each annual appointment, a fee not to exceed ten dollars;

23 (c) For each termination of an appointment, a fee not to exceed ten
24 dollars;

25 (d) A late renewal fee not to exceed one hundred twenty-five
26 dollars;

27 (e) A reinstatement fee not to exceed one hundred seventy-five
28 dollars; and

29 (f) For each business entity license, a fee not to exceed fifty
30 dollars, except that if any other state imposes additional or greater
31 fees, obligations, or prohibitions on Nebraska business entities, then

1 such additional or greater fees, obligations, or prohibitions shall be
2 imposed upon similar business entities of such other state applying for a
3 license in Nebraska.

4 (2) If a licensed person (a) desires to add a line or lines of
5 insurance to his or her existing license, (b) seeks to change any other
6 information contained in the license for any reason, or (c) applies for a
7 duplicate license, such person shall pay to the director a fee
8 established by the director to cover the expense of replacing the
9 license.

10 (3) The director shall not prorate fees imposed pursuant to
11 subsection (1) of this section and shall not refund fees to any person in
12 the event of a license denial. The director may refund fees paid pursuant
13 to this section if the payment has been made in error.

14 **Sec. 7.** Section 44-4605, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 44-4605 (1) A person shall not establish or operate as a pharmacy
17 benefit manager in this state for a health benefit plan without first
18 obtaining a license from the director under the Pharmacy Benefit Manager
19 Licensure and Regulation Act.

20 (2) The director may adopt and promulgate rules and regulations
21 establishing the licensing application, financial, and reporting
22 requirements for pharmacy benefit managers under the act.

23 (3) A person applying for a pharmacy benefit manager license shall
24 submit an application for licensure in the form and manner prescribed by
25 the director.

26 (4) A person submitting an application for a pharmacy benefit
27 manager license shall include with the application a nonrefundable
28 application fee. The director shall establish the nonrefundable
29 application fee in an amount not to exceed five hundred dollars.

30 (5) The director may refuse to issue or renew a license if the
31 director determines that the applicant or any individual responsible for

1 the conduct of affairs of the applicant is not competent, trustworthy,
2 financially responsible, or of good personal and business reputation, has
3 been found to have violated the insurance laws of this state or any other
4 jurisdiction, or has had an insurance or other certificate of authority
5 or license denied or revoked for cause by any jurisdiction.

6 (6)(a) Unless surrendered, suspended, or revoked by the director, a
7 license issued under this section is valid as long as the pharmacy
8 benefit manager continues to do business in this state and remains in
9 compliance with the provisions of the act and any applicable rules and
10 regulations, including the completion of a renewal application on a form
11 prescribed by the director and payment of an annual license renewal fee.
12 The director shall establish the annual license renewal fee in an amount
13 not to exceed two hundred fifty dollars.

14 (b) Such application and renewal fee shall be received by the
15 director on or before thirty days prior to the anniversary of the
16 effective date of the pharmacy benefit manager's initial or most recent
17 license.

18 (c) Subject to subdivision (6)(d) of this section, if a pharmacy
19 benefit manager fails to comply with subdivision (6)(b) of this section:

20 (i) Such pharmacy benefit manager shall pay a fine of one hundred
21 dollars for each day such failure continues and the pharmacy benefit
22 manager continues to transact any business in this state; and

23 (ii) In addition to the fine required under subdivision (6)(c)(i) of
24 this section, if the renewal application and fee are not received prior
25 to the anniversary of the effective date of the pharmacy benefit
26 manager's initial or most recent license, the pharmacy benefit manager's
27 license shall be suspended until the pharmacy benefit manager has
28 complied with subdivision (6)(b) of this section, any rules and
29 regulations adopted and promulgated under this section, and any orders
30 issued under this section. The director shall remit all such fines to the
31 State Treasurer for distribution in accordance with Article VII, section

1 5, of the Constitution of Nebraska.

2 (d) For good and sufficient cause shown, the director may grant a
3 reasonable extension of time not to exceed thirty days within which the
4 renewal application and fee may be filed as required under subdivision
5 (6)(b) of this section without the fine required under subdivision (6)(c)
6 (i) of this section and without any suspension authorized under
7 subdivision (6)(c)(ii) of this section.

8 (7) A pharmacy benefit manager shall immediately notify the director
9 of any material change in its ownership or control or other fact or
10 circumstance affecting its qualification for a license as a pharmacy
11 benefit manager in this state.

12 **Sec. 8.** Section 44-6122, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 44-6122 Sections 44-6122 to 44-6143 and section 9 of this act shall
15 be known and may be cited as the Mutual Insurance Holding Company Act.

16 **Sec. 9.** (1) A mutual insurance holding company shall provide notice
17 of its annual meeting to its members as provided by the company's bylaws
18 or, if the bylaws are silent, in a manner that is reasonable. Electronic
19 notice, either by direct electronic transmission, publication on a
20 designated website, or comparable technology, is reasonable if:

21 (a) For notice by direct electronic transmission, the notice is sent
22 to an electronic address or account that the member has designated for
23 receipt of notices or to an electronic address the company reasonably
24 believes will reach the recipient; or

25 (b) For notice published on a designated website, the company has
26 previously informed its members of the time, location, and procedure for
27 accessing notices published on a designated website.

28 (2) The notice described in subsection (1) of this section shall
29 include all information otherwise required by law, including instructions
30 for accessing meeting materials and for voting or participating in the
31 meeting if electronic participation or voting is permitted.

1 (3) Notice shall be effective on the date that such notice is sent,
2 or if published on a designated website, on the date the notice is
3 published. The company shall demonstrate delivery to the electronic
4 address or account or publication on a designated website, by
5 contemporaneous logs, delivery receipts, or portal access records.

6 (4) Nothing in this section precludes a company from using
7 electronic means or publication on its website to provide meeting
8 materials, proxies, ballots, or other member communications if the
9 company complies with the requirements of this section.

10 (5) After receipt of notice, a member may contact the company to
11 request that printed meeting materials be sent via United States mail at
12 no cost to the member.

13 (6) A mutual insurance holding company may also provide notice of an
14 annual meeting to members as part of policy language, a policy
15 endorsement, a rider, or an amendment.

16 **Sec. 10.** Section 81-6,123, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 81-6,123 Sections 81-6,123 to 81-6,128 ~~81-6,126~~ shall be known and
19 may be cited as the Population Health Information Act.

20 **Sec. 11.** Section 81-6,125, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 81-6,125 (1) The purpose of the Population Health Information Act is
23 to designate a health information exchange to provide the data
24 infrastructure needed to assist in creating a healthier Nebraska and
25 operating the electronic health records initiative.

26 (2) The designated health information exchange shall:

27 (a) Enable the secure and seamless exchange of health information in
28 real-time between health care providers and health care entities for the
29 purposes of evaluating and monitoring a patient's care and treatment and
30 reducing health care costs;

31 (b) (a) Aggregate clinical information from health care entities

1 needed to support the operation of the medical assistance program under
2 the Medical Assistance Act;

3 ~~(c) (b)~~ Act as the designated entity for purposes of access to, and
4 analysis of, health data;

5 ~~(d) (e)~~ Collect and analyze data for purposes of informing the
6 Legislature, the department, health care providers, and health care
7 entities as to the cost of, access to, and quality of health care in
8 Nebraska; and

9 ~~(e) (d)~~ Act as a collector and reporter of public health data for
10 registry submissions, electronic laboratory reporting, immunization
11 reporting, and syndromic surveillance from an electronic health record,
12 which does not include claims data. ~~;~~ and

13 ~~(e) Enable any health care provider or health care entity to access~~
14 ~~information available within the designated health information exchange~~
15 ~~to evaluate and monitor care and treatment of a patient in accordance~~
16 ~~with the privacy and security provisions set forth in the federal Health~~
17 ~~Insurance Portability and Accountability Act of 1996, Public Law 104-191.~~

18 (3)(a) On or before January 1, 2027 ~~September 30, 2021~~, each health
19 care facility listed in subdivision (b) of this subsection shall
20 participate in the designated health information exchange through sharing
21 of clinical information. Subject to subsection (5) of this section, such
22 ~~Such~~ clinical information shall include the clinical data that the health
23 care facility captured in its existing electronic health record as
24 permitted by state and federal laws, rules, and regulations. Any patient
25 health information shared with the designated health information exchange
26 as determined by the rules and regulations ~~policies~~ adopted by the Health
27 Information Technology Board shall be provided in accordance with the
28 privacy and security provisions set forth in the federal Health Insurance
29 Portability and Accountability Act of 1996 and regulations adopted under
30 the act.

31 (b) This subsection applies to an ambulatory surgical center, a

1 critical access hospital, a general acute hospital, a health clinic, a
2 hospital, an intermediate care facility, a long-term care hospital, a
3 mental health substance use treatment center, a PACE center, a pharmacy,
4 a psychiatric or mental hospital, a public health clinic, or a
5 rehabilitation hospital, as such terms are defined in the Health Care
6 Facility Licensure Act, or a diagnostic, laboratory, or imaging center.

7 (c) This subsection does not apply to (i) a state-owned or state-
8 operated facility or (ii) an assisted-living facility, a nursing
9 facility, or a skilled nursing facility, as such terms are defined in the
10 Health Care Facility Licensure Act.

11 (d) Any connection established by July 1, 2021, between a health
12 care facility and the designated health information exchange to
13 facilitate such participation shall be at no cost to the participating
14 health care facility.

15 ~~(e) A health care facility may apply to the board for a waiver from~~
16 ~~the requirement to participate under this subsection due to a~~
17 ~~technological burden. The board shall review the application and~~
18 ~~determine whether to waive the requirement. If the board waives the~~
19 ~~requirement for a health care facility, the board shall review the waiver~~
20 ~~annually to determine if the health care facility continues to qualify~~
21 ~~for the waiver.~~

22 (e) ~~(f)~~ The board shall not require a health care facility to
23 purchase or contract for an electronic records management system or
24 service.

25 (4)(a) On or before January 1, 2022, each health insurance plan
26 shall participate in the designated health information exchange through
27 sharing of information. Subject to subsection (6) ~~(5)~~ of this section,
28 such information shall be determined by rules and regulations policies
29 adopted by the Health Information Technology Board and shall be provided
30 in accordance with the privacy and security provisions set forth in the
31 federal Health Insurance Portability and Accountability Act of 1996 and

1 regulations adopted under the act.

2 (b) For purposes of this subsection:

3 (i) Health insurance plan includes any group or individual sickness
4 and accident insurance policy, health maintenance organization contract,
5 subscriber contract, employee medical, surgical, or hospital care benefit
6 plan, or self-funded employee benefit plan to the extent not preempted by
7 federal law; and

8 (ii) Health insurance plan does not include (A) accident-only,
9 disability-income, hospital confinement indemnity, dental, hearing,
10 vision, or credit insurance, (B) coverage issued as a supplement to
11 liability insurance, (C) insurance provided as a supplement to medicare,
12 (D) insurance arising from workers' compensation provisions, (E)
13 automobile medical payment insurance, (F) insurance policies that provide
14 coverage for a specified disease or any other limited benefit coverage,
15 or (G) insurance under which benefits are payable with or without regard
16 to fault and which is statutorily required to be contained in any
17 liability insurance policy.

18 (5) The designated health information exchange shall not require a
19 health care facility or health insurance plan to submit data or
20 information except that required by rules and regulations adopted by the
21 Health Information Technology Board.

22 (6) ~~(5)~~ The designated health information exchange and the
23 department shall enter into an agreement to allow the designated health
24 information exchange to collect, aggregate, analyze, report, and release
25 de-identified data, as defined by the federal Health Insurance
26 Portability and Accountability Act of 1996, that is derived from the
27 administration of the medical assistance program. Such written agreement
28 shall be executed no later than September 30, 2021.

29 (7) ~~(6)~~ In addition to the right to opt out as provided in section
30 71-2454, an individual shall have the right to opt out of the designated
31 health information exchange or the sharing of information required under

1 subsections (3) and (4) of this section. The designated health
2 information exchange shall adopt a patient opt-out policy consistent with
3 the federal Health Insurance Portability and Accountability Act of 1996
4 and other applicable federal requirements. Such policy shall not apply to
5 mandatory public health reporting requirements.

6 **Sec. 12.** Section 81-6,127, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 81-6,127 (1) The Health Information Technology Board is created. The
9 board shall have twenty-one ~~seventeen~~ members. Except for members
10 designated in subdivision (2)(o) of this section, the members shall be
11 appointed by the Governor with the approval of a majority of the members
12 of the Legislature. The members may begin to serve immediately following
13 appointment and prior to approval by the Legislature. ~~The members shall~~
14 ~~be appointed by February 1, 2021, and the board shall begin meeting on or~~
15 ~~before April 1, 2021.~~

16 (2) Members designated under subdivisions (b), (c), (d), (e), (g),
17 (h), and (i) of this subsection shall hold a credential under the Uniform
18 Credentialing Act. Except as otherwise provided in subsection (4) of this
19 section, the board shall consist of:

20 (a) One individual who has experience in operating the prescription
21 drug monitoring program created under section 71-2454;

22 (b) Two physicians, one of whom shall be a family practice
23 physician, who are in active practice and in good standing with the
24 Department of Health and Human Services appointed from a list of
25 physicians provided by a statewide organization representing physicians;

26 (c) One pharmacist who is in active practice and in good standing
27 with the department appointed from a list of pharmacists provided by a
28 statewide organization representing pharmacists;

29 (d) One alcohol and drug counselor providing services for a state-
30 licensed alcohol and drug abuse addiction treatment program;

31 (e) One health care provider who is board-certified in pain

1 management;

2 (f) ~~Two~~ ~~One~~ hospital administrators ~~administrator~~ appointed from a
3 list of hospital administrators provided by a statewide organization
4 representing hospital administrators, only one of which shall represent
5 critical access hospitals as defined in section 71-409;

6 (g) One dentist who is in active practice and in good standing with
7 the department appointed from a list of dentists provided by a statewide
8 organization representing dentists;

9 (h) One nurse practitioner who is in active practice and in good
10 standing with the department authorized to prescribe medication appointed
11 from a list of nurse practitioners authorized to prescribe medication
12 provided by a statewide organization representing such nurse
13 practitioners;

14 (i) One veterinarian who is in active practice and in good standing
15 with the department appointed from a list of veterinarians provided by a
16 statewide organization representing veterinarians;

17 (j) Two representatives ~~One representative~~ of the Department of
18 Health and Human Services including one representative from the Division
19 of Medicaid and Long-Term Care of the Department of Health and Human
20 Services;

21 (k) One representative of a delegate as defined in section 71-2454;

22 (l) One health care payor as defined in section 25-21,247 or an
23 employee of a health care payor;

24 (m) One credentialed health information management professional
25 appointed from a list of such professionals provided by a statewide
26 organization representing such professionals;

27 (n) One representative of the statewide health information exchange
28 described in section 71-2455; ~~and~~

29 (o) The chairperson of the Health and Human Services Committee of
30 the Legislature and the chairperson of the Appropriations Committee of
31 the Legislature, both of whom are nonvoting, ex officio members; -

1 (p) One representative of an insurer, as defined in section 44-103,
2 who offers at least one health insurance plan as defined in section
3 81-6,125; and

4 (q) One individual with experience in the electronic exchange of
5 sensitive information.

6 (3) Except for members designated in subdivisions (2)(a) and (o) of
7 this section:

8 (a) A minimum of three members shall be appointed from each
9 congressional district;

10 (b) Each member shall be appointed for a five-year term ~~beginning on~~
11 ~~April 1, 2021,~~ and may serve for any number of such terms; and

12 ~~(c) Any member appointed prior to April 1, 2021, shall begin to~~
13 ~~serve immediately upon appointment and continue serving for the term~~
14 ~~beginning on April 1, 2021; and~~

15 (c) (d) Any vacancy in membership, other than by expiration of a
16 term, shall be filled within ninety days by the Governor by appointment
17 for the vacant position as provided in subsection (2) of this section.

18 (4) If, after appointment, the classification of a member's
19 credential changes or a member's credential classification is terminated
20 and if such credential was a qualification for appointment, the member
21 shall be permitted to continue to serve as a member of the board until
22 the expiration of the term for which appointed unless the member loses
23 the credential due to disciplinary action.

24 (5) The members shall be reimbursed for their actual and necessary
25 expenses incurred in serving on the board as provided in section 71-2455.

26 (6) A simple majority of members shall constitute a quorum for the
27 transaction of all business.

28 **Sec. 13.** Section 81-6,128, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 81-6,128 (1) The Health Information Technology Board shall:

31 (a) Establish criteria for data collection and disbursement by the

1 statewide health information exchange described in section 71-2455 and
2 the prescription drug monitoring program created under section 71-2454 to
3 improve the quality of information provided to clinicians. Such data
4 shall not include proprietary or confidential financial information
5 maintained by a health care provider or health care entity;

6 (b) Establish the framework and standards necessary to ensure the
7 secure and seamless exchange of health information in real-time between
8 health care providers and health care entities through the statewide
9 health information exchange;

10 (c) {b} Evaluate and ensure that the statewide health information
11 exchange is meeting technological standards for reporting of data for the
12 prescription drug monitoring program, including the data to be collected
13 and reported and the frequency of data collection and disbursement;

14 (d) {e} Provide the governance oversight necessary to ensure that
15 any health information in the statewide health information exchange and
16 the prescription drug monitoring program may be accessed, used, or
17 disclosed only in accordance with the privacy and security protections
18 set forth in the federal Health Insurance Portability and Accountability
19 Act of 1996, Public Law 104-191, and regulations promulgated thereunder.
20 All protected health information is privileged, is not a public record,
21 and may be withheld from the public pursuant to section 84-712.05; and

22 (e) {d} Provide recommendations to the statewide health information
23 exchange on any other matters referred to the board.

24 (2) The board, upon the recommendation of the department, shall
25 adopt rules and regulations policies and procedures necessary to carry
26 out the Population Health Information Act its duties. Notwithstanding
27 section 71-2455, the department shall draft, promulgate, and enforce such
28 rules and regulations.

29 (3) The authority of the board to direct the use or release of data
30 under this section or section 71-2454 shall apply only to requests
31 submitted to the board after September 1, 2021.

1 (4) The board may hold meetings by telecommunication or electronic
2 communication subject to the Open Meetings Act. Any official action or
3 vote of the members of the board shall be preserved in the records of the
4 board.

5 (5) By November 15, 2021, and November 15 of each year thereafter,
6 the board shall develop and submit an annual report to the Governor and
7 the Health and Human Services Committee of the Legislature regarding
8 considerations undertaken, decisions made, accomplishments, and other
9 relevant information. The report submitted to the Legislature shall be
10 submitted electronically.

11 **Sec. 14.** Section 81-12,147, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 81-12,147 (1) Except as provided in subsection (2) of this section,
14 the Department of Economic Development shall use the Site and Building
15 Development Fund to finance loans, grants, subsidies, credit
16 enhancements, and other financial assistance for industrial site and
17 building development and for expenses of the department as appropriated
18 by the Legislature for administering the fund. The following activities
19 are eligible for assistance from the fund:

20 (a) Grants or zero-interest loans to villages, cities, or counties
21 to acquire land, infuse infrastructure, or otherwise make large sites and
22 buildings ready for industrial development;

23 (b) Matching funds for new construction, rehabilitation, or
24 acquisition of land and buildings to assist villages, cities, and
25 counties;

26 (c) Technical assistance, design and finance services, and
27 consultation for villages, cities, and counties for the preparation and
28 creation of industrial-ready sites and buildings;

29 (d) Loan guarantees for eligible projects;

30 (e) Projects making industrial-ready sites and buildings more
31 accessible to business and industry;

1 (f) Infrastructure projects necessary for the development of
2 industrial-ready sites and buildings;

3 (g) Projects that mitigate the economic impact of a closure or
4 downsizing of a private-sector entity by making necessary improvements to
5 buildings and infrastructure;

6 (h) Public and private sector initiatives that will improve the
7 military value of military installations by making necessary improvements
8 to buildings and infrastructure, including, but not limited to, a grant
9 for the establishment of the United States Strategic Command Nuclear
10 Command, Control, and Communications public-private-partnership facility;

11 (i) A grant to a city of the second class that is served by two
12 first-class railroads, that is within fifteen miles of two state borders,
13 and that partners with public power utilities for purposes of expanding
14 electrical system capacities and enhancing redundancy and resilience;

15 (j) A grant of two million dollars to a city of the first class
16 located in the third congressional district if the property previously
17 housed a university or college that is no longer extant and if the
18 improvement and revitalization of the real property is for purposes of
19 supporting the housing, employment, and program needs of youth exiting
20 the foster care system. In addition, the real property may be used for
21 youth exiting juvenile court supervision in an out-of-home placement;

22 (k) Public and private sector initiatives that will improve the
23 value of cities of the second class that have partnered with the United
24 States Department of Defense or its contractors on upgrades to ground-
25 based nuclear deterrence. Such improvements include the construction of
26 electrical, drinking water, and clean water infrastructure; and

27 (l) Identification, evaluation, and development of large commercial
28 and industrial sites and building infrastructure to attract major
29 investment and employment opportunities for advanced manufacturing,
30 processing, trade, technology, aerospace, automotive, clean energy, life
31 science, and other transformational industries in Nebraska by means of

1 the department providing grants to or partnering with political
2 subdivisions, including inland port authorities under the Municipal
3 Inland Port Authority Act, or nonprofit economic development corporations
4 and entering into contracts for consulting, engineering, and development
5 studies to identify, evaluate, and develop large commercial and
6 industrial sites in Nebraska; and -

7 (m) Grants to political subdivisions and nationally and state
8 accredited golf associations to construct golf facilities and related
9 infrastructure. Such facilities shall be located within the boundaries of
10 a city of the metropolitan class.

11 (2) The Department of Economic Development shall use the subaccount
12 of the Site and Building Development Fund described in subsection (2) of
13 section 81-12,146 to provide financial assistance to any inland port
14 authority created under the Municipal Inland Port Authority Act to help
15 finance large shovel-ready commercial and industrial sites developed
16 under such act.

17 **Sec. 15.** Section 81-12,148, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 81-12,148 (1) Governmental subdivisions and Nebraska nonprofit
20 organizations are eligible to receive assistance under the Site and
21 Building Development Act. Any entity receiving assistance under
22 subsection (1) of section 81-12,147 shall provide, or cause to be
23 provided, matching funds for the eligible activity in an amount
24 determined by the Department of Economic Development, which amount shall
25 be at least equal to one hundred percent of the amount of assistance
26 provided by the Site and Building Development Fund. Nothing in the act
27 shall be construed to allow individuals or businesses to receive direct
28 loans from the fund.

29 (2) An applicant for a grant for development of a public-private-
30 partnership facility under subdivision (1)(h) of section 81-12,147 shall
31 provide the Director of Economic Development with a letter of support

1 from the United States Strategic Command prior to approval of the
2 application and with proof of the availability of twenty million dollars
3 in private or other funds for the facility. No funds shall be expended or
4 grants awarded until receipt of proof of the availability of twenty
5 million dollars in private or other funds for the facility and
6 certification is provided by the Director of Economic Development to the
7 budget administrator of the budget division of the Department of
8 Administrative Services.

9 (3) An applicant for a grant for development under subdivision (1)
10 (k) of section 81-12,147 is not required to meet the matching fund
11 requirements pursuant to this section but shall provide the Director of
12 Economic Development a letter from the United States Department of
13 Defense or contractor providing upgrades to ground-based nuclear
14 deterrence that infrastructure improvements, including the construction
15 of electrical, drinking water, and clean water infrastructure, will not
16 be included in the scope of the project. No grants shall be awarded or
17 funds expended until such letter is received.

18 (4)(a) An applicant for a grant for construction of a golf facility
19 under subdivision (1)(m) of section 81-12,147 shall, prior to approval of
20 the application, provide the Director of Economic Development with:

21 (i) Documentation demonstrating the facility's programming for
22 veterans;

23 (ii) Documentation demonstrating the facility's programming for
24 youth;

25 (iii) A letter of support from a nationally accredited golf
26 association;

27 (iv) A letter of support from a state accredited golf association;

28 (v) A letter of support from the mayor of the city of the
29 metropolitan class where the facility will be located; and

30 (vi) Proof of funding for at least eighty percent of the total costs
31 of the construction.

1 (b) A grant issued under this subsection shall not exceed twenty
2 percent of the total costs of the construction.

3 (5) (4) This section does not apply to any inland port authority
4 receiving assistance under subsection (2) of section 81-12,147.

5 **Sec. 16.** Sections 16 to 25 of this act shall be known and may be
6 cited as the Nebraska Protection of Seniors from Insurance Exploitation
7 Act.

8 **Sec. 17.** (1) It is the intent of the Legislature to provide legal
9 protection to insurers and insurance producers so that they have the
10 discretion to take action to assist in detecting and preventing financial
11 exploitation.

12 (2) The Legislature recognizes that insurers and insurance producers
13 are in a unique position to potentially discover financial exploitation
14 when conducting transactions on behalf of and at the request of their
15 customers.

16 (3) The Legislature recognizes that insurers and insurance producers
17 have duties imposed by contract and duties imposed by both federal and
18 state law to conduct transactions requested by their customers faithfully
19 and timely in accordance with the customer's instructions.

20 (4) The Legislature recognizes that insurers and insurance producers
21 do not have a duty to contravene the valid instructions of their
22 customers and nothing in the Nebraska Protection of Seniors from
23 Insurance Exploitation Act creates such a duty.

24 **Sec. 18.** For purposes of the Nebraska Protection of Seniors from
25 Insurance Exploitation Act, unless the context otherwise requires:

26 (1) Director means the Director of Insurance;

27 (2) Disbursement means any attempt to withdraw money or access a
28 benefit from a life insurance policy or an annuity irrespective of
29 whether the request is classified as a surrender, loan, withdrawal,
30 partial withdrawal, accelerated benefit, or otherwise;

31 (3) Eligible adult means:

1 (a) A senior adult as defined in section 28-366.01; or

2 (b) A vulnerable adult as defined in section 28-371;

3 (4) Financial exploitation means:

4 (a) The wrongful or unauthorized taking, withholding, appropriation,
5 or use of money, assets, or other property of an eligible adult by any
6 person; or

7 (b) Any act or omission taken by a person, including through the use
8 of a power of attorney, guardianship, or conservatorship of an eligible
9 adult, to:

10 (i) Obtain control, through deception, intimidation, or undue
11 influence, over the eligible adult's money, assets, or other property to
12 deprive the eligible adult of the ownership, use, benefit, or possession
13 of his or her money, assets, or other property; or

14 (ii) Convert money, assets, or other property of the eligible adult
15 to deprive such eligible adult of the ownership, use, benefit, or
16 possession of his or her money, assets, or other property;

17 (5) Insurer means any insurance company as defined in section 44-103
18 regulated under laws administered by the Director of Insurance;

19 (6) Permissible third party means any individual previously
20 designated by the eligible adult who may be contacted about the eligible
21 adult's insurance policy, contract, or account, or a person otherwise
22 permitted to be contacted by any state or federal law, rule, or
23 regulation; and

24 (7) Trained individual means any of the following:

25 (a) An insurance producer who has taken at least two hours of
26 continuing education focused on how to identify the suspected or
27 attempted financial exploitation of an eligible adult, which included
28 identifying common signs indicating the financial exploitation of an
29 eligible adult and how to provide notification regarding the suspected or
30 attempted financial exploitation of an eligible adult; or

31 (b) A person who has received training pursuant to section 23 of

1 this act.

2 **Sec. 19.** An insurer or trained individual who, acting reasonably
3 and in good faith, makes a disclosure of information to the director
4 pursuant to the Nebraska Protection of Seniors from Insurance
5 Exploitation Act or the Insurance Fraud Act shall be immune from
6 administrative or civil liability that might otherwise arise from such
7 disclosure or for any failure to notify the eligible adult of the
8 disclosure. This section shall not abrogate or modify any existing
9 statutory or common law privileges or immunities.

10 **Sec. 20.** (1) If an insurer or trained individual reasonably
11 believes financial exploitation of an eligible adult may have occurred,
12 has been attempted, or is being attempted, the insurer or trained
13 individual may notify a permissible third party. Notification to a
14 permissible third party is not required prior to any insurer's, trained
15 individual's, director's, or relevant agency's review or investigation of
16 financial exploitation.

17 (2) Insurers and trained individuals shall not notify a permissible
18 third party if the insurer or trained individual reasonably suspects that
19 such permissible third party has financially exploited or otherwise
20 abused the eligible adult.

21 (3) An insurer or trained individual who, acting reasonably and in
22 good faith, complies with this section shall be immune from any
23 administrative or civil liability that might otherwise arise from such
24 notification.

25 **Sec. 21.** (1) If an insurer or trained individual reasonably
26 believes a disbursement or transaction will likely result in or
27 contribute to the financial exploitation of an eligible adult, the
28 insurer or trained individual may initiate an internal review of the
29 requested disbursement or transaction.

30 (2) An insurer may delay a disbursement or transaction from an
31 eligible adult's insurance policy, contract, or account on which an

1 eligible adult is a beneficiary if all of the following apply:

2 (a) The insurer reasonably believes, after an internal review is
3 initiated pursuant to subsection (1) of this section, that the requested
4 disbursement or transaction will likely result in or contribute to the
5 financial exploitation of an eligible adult;

6 (b) Immediately, but in no event more than seven business days after
7 the disbursement or transaction is delayed, the insurer provides written
8 notification of the delay and the reason for the delay to all persons
9 authorized to transact business on the insurance policy, contract, or
10 account. An insurer shall not notify a person authorized to transact
11 business on the insurance policy, contract, or account if the insurer
12 reasonably believes such person has committed or attempted financial
13 exploitation or other abuse of an eligible adult or committed or
14 attempted insurance fraud;

15 (c) Within seven business days after the disbursement or transaction
16 is delayed, the insurer notifies the director of the delay and provides
17 to the director the reason for the delay, including the status of the
18 internal review initiated pursuant to subsection (1) of this section; and

19 (d) The insurer continues the internal review of the suspected or
20 attempted financial exploitation of the eligible adult, as necessary, and
21 provides the director with updates of such review upon request.

22 (3) Any delay of a disbursement or transaction authorized by this
23 section shall expire upon the first to occur of any of the following:

24 (a) A final determination by the insurer that the disbursement or
25 transaction will not result in or contribute to financial exploitation of
26 the eligible adult;

27 (b) Fifteen business days after the date on which the insurer first
28 delayed the disbursement or transaction, unless extended pursuant to
29 subdivision (3)(c) or (3)(d) of this section;

30 (c) If the internal review initiated pursuant to subsection (1) of
31 this section continues to support the insurer's reasonable belief that

1 the disbursement or transaction will likely result in or contribute to
2 the financial exploitation of an eligible adult, twenty-five business
3 days after the date on which the insurer first delayed the disbursement
4 or the transaction, unless extended pursuant to subdivision (3)(d) of
5 this section; or

6 (d) If the internal review initiated pursuant to subsection (1) of
7 this section continues to support the insurer's reasonable belief that
8 the disbursement or transaction will likely result in or contribute to
9 the financial exploitation of an eligible adult, fifty-five business days
10 after the date on which the insurer first delayed the disbursement or
11 transaction.

12 (4) Notwithstanding subsection (3) of this section, upon the
13 petition of the director, an insurer who initiated a delay of
14 disbursement or transaction pursuant to this section, or another
15 interested party, a court of competent jurisdiction may enter an order
16 terminating, extending, or modifying the delay of the disbursement or
17 transaction and may order other protective relief.

18 **Sec. 22.** (1) An insurer or trained individual who, acting
19 reasonably and in good faith, complies with section 21 of this act or the
20 Insurance Fraud Act shall be immune from any administrative or civil
21 liability that might otherwise arise from such delay in a disbursement or
22 transaction or any other actions or omissions related to the
23 administration of the Nebraska Protection of Seniors from Insurance
24 Exploitation Act. An insurer or trained individual shall be immune from
25 administrative or civil liability for not choosing to implement a program
26 to comply with section 21 of this act. An insurer or trained individual
27 shall not be liable for the actions of a permissible third party.

28 (2) An insurer or trained individual shall be immune from any civil,
29 criminal, or administrative liability for declining to interact with a
30 permissible third party if the insurer or trained individual reasonably
31 believes that:

1 (a) The permissible third party is, may be, or may have been engaged
2 in the financial exploitation of the eligible adult; or

3 (b) Such interaction is not in the best interests of the eligible
4 adult.

5 (3) A permissible third party who acts in good faith and exercises
6 reasonable care in providing information to the insurer or trained
7 individual, or in assisting the insurer, trained individual, or law
8 enforcement in an investigation of suspected financial exploitation,
9 shall be immune from any administrative, civil, or criminal liability
10 that might otherwise arise from such actions.

11 **Sec. 23.** (1) Except for insurance producers described in
12 subdivision (7)(a) of section 18 of this act, an insurer shall provide
13 training to all supervisors and employees of such insurer appropriate to
14 the job responsibilities of supervisors and employees handling or
15 advising on complaints, possible fraud, and investigations. Such training
16 shall be completed by the later of April 15, 2027, or one year after the
17 date any supervisor or employee begins employment with or becomes
18 affiliated or associated with the insurer. The training shall include all
19 of the following:

20 (a) Instruction on how to identify the suspected or attempted
21 exploitation of an eligible adult, including identifying common signs
22 indicating the financial exploitation of an eligible adult, and how to
23 provide notification regarding the suspected or attempted exploitation of
24 an eligible adult; and

25 (b) Instruction regarding privacy and confidentiality requirements.

26 (2) An insurer shall provide the training required by this section
27 as soon as reasonably practicable.

28 (3) Notwithstanding subsections (1) and (2) of this section, an
29 insurer shall be deemed to be in compliance with this section if such
30 insurer provides antifraud training to all supervisors and employees of
31 such insurer pursuant to the laws or regulations of this state or another

1 state and if such training includes instruction substantially similar to
2 the instruction described in subdivisions (1)(a) and (b) of this section.

3 **Sec. 24.** (1) An insurer shall provide access to or copies of
4 records that are relevant to the suspected or attempted financial
5 exploitation of an eligible adult to the director and to law enforcement,
6 either as part of a referral to the director or law enforcement, or upon
7 the request of the director or law enforcement pursuant to an
8 investigation. The records may include historical records as well as
9 records relating to the most recent transactions and disbursement
10 requests from the insurance policy, contract, or account that may
11 comprise financial exploitation of an eligible adult.

12 (2) All records made available to the director or law enforcement or
13 any other person pursuant to this section, including the National
14 Association of Insurance Commissioners and its affiliates and
15 subsidiaries, in the course of an investigation conducted under the
16 Nebraska Protection of Seniors from Insurance Exploitation Act, shall be
17 confidential, shall not be subject to subpoena, shall not be made public
18 by the director or any other person, and shall not be public records
19 subject to disclosure pursuant to sections 84-712 to 84-712.09. Such
20 workpapers, recorded information, documents, and copies may be provided
21 to other state, federal, foreign, and international regulatory and law
22 enforcement agencies and the National Association of Insurance
23 Commissioners and its affiliates and subsidiaries if the recipient agrees
24 in writing to maintain the confidentiality of such workpapers, recorded
25 information, documents, and copies.

26 **Sec. 25.** The director may adopt and promulgate rules and
27 regulations to carry out the Nebraska Protection of Seniors from
28 Insurance Exploitation Act, including, but not limited to, rules and
29 regulations related to:

30 (1) The form and manner of the notifications under section 21 of
31 this act; and

1 (2) The specific content and methods of the training required under
2 section 23 of this act.

3 **Sec. 26.** Beginning January 1, 2027, a health insurance plan, its
4 contractors, and its affiliates shall not restrict the method of claim
5 payment to a health care provider for health care services to a credit,
6 charge, or debit card, or any combination thereof.

7 **Sec. 27.** Original sections 44-150, 44-4055, 44-4059, 44-4064,
8 44-6122, 81-6,123, 81-6,125, 81-6,127, 81-6,128, 81-12,147, and
9 81-12,148, Reissue Revised Statutes of Nebraska, sections 44-116 and
10 44-4605, Revised Statutes Cumulative Supplement, 2024, and section
11 44-1523, Revised Statutes Supplement, 2025, are repealed.