

AMENDMENTS TO LB256

Introduced by Banking, Commerce and Insurance.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 44-312, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           44-312 (1) For purposes of this section:

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

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

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

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

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

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

7 (3) The description shall include:

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

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

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

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

23 Sec. 2. (1) For purposes of this section:

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

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

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

1 operated by the same governing body as the hospital;

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

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

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

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

16 Sec. 3. Original section 44-312, Reissue Revised Statutes of  
17 Nebraska, is repealed.