

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 896**

Introduced by Ballard, 21.

Read first time January 03, 2024

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to telehealth services; to amend section
- 2 71-8505, Revised Statutes Cumulative Supplement, 2022; to eliminate
- 3 a requirement relating to patient consent; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-8505, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 71-8505 (1) Prior to an initial telehealth consultation under  
4 section 71-8506, a health care practitioner who delivers a health care  
5 service to a patient through telehealth shall ensure that the following  
6 written information is provided to the patient:

7 (a) A statement that the patient retains the option to refuse the  
8 telehealth consultation at any time without affecting the patient's right  
9 to future care or treatment and without risking the loss or withdrawal of  
10 any program benefits to which the patient would otherwise be entitled;

11 (b) A statement that all existing confidentiality protections shall  
12 apply to the telehealth consultation;

13 (c) A statement that the patient shall have access to all medical  
14 information resulting from the telehealth consultation as provided by law  
15 for patient access to his or her medical records; and

16 (d) A statement that dissemination of any patient identifiable  
17 images or information from the telehealth consultation to researchers or  
18 other entities shall not occur without the written consent of the  
19 patient.

20 (2) The patient shall sign a statement prior to or during an initial  
21 telehealth consultation, or give verbal consent during the telehealth  
22 consultation, indicating that the patient understands the written  
23 information provided pursuant to subsection (1) of this section and that  
24 this information has been discussed with the health care practitioner or  
25 the practitioner's designee. ~~The signed statement may be collected by~~  
26 ~~paper or electronic signature and shall become a part of the patient's~~  
27 ~~medical record. If the patient gives verbal consent during the initial~~  
28 ~~telehealth consultation, the signed statement shall be collected within~~  
29 ~~ten days after such telehealth consultation.~~

30 (3) If the patient is a minor or is incapacitated or mentally  
31 incompetent such that he or she is unable to sign the statement or give

1 verbal consent as required by subsection (2) of this section, such  
2 statement shall be signed, or such verbal consent given, by the patient's  
3 legally authorized representative.

4 (4) This section shall not apply in an emergency situation in which  
5 the patient is unable to sign the statement or give verbal consent as  
6 required by subsection (2) of this section and the patient's legally  
7 authorized representative is unavailable.

8 Sec. 2. Original section 71-8505, Revised Statutes Cumulative  
9 Supplement, 2022, is repealed.