

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 92

FINAL READING

Introduced by Kolterman, 24; Baker, 30; Howard, 9; Riepe, 12; Briese, 41.

Read first time January 05, 2017

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to public health and welfare; to amend section
- 2 71-8509, Revised Statutes Cumulative Supplement, 2016; to require
- 3 certain health carriers to provide coverage for certain services
- 4 delivered through telehealth; to change provisions relating to
- 5 telehealth services for children's behavioral health; to provide a
- 6 duty for the Revisor of Statutes; and to repeal the original
- 7 section.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Any insurer offering (1) any individual or group
2 sickness and accident insurance policy, certificate, or subscriber
3 contract delivered, issued for delivery, or renewed in this state, (2)
4 any hospital, medical, or surgical expense-incurred policy, or (3) any
5 self-funded employee benefit plan to the extent not preempted by federal
6 law, shall not exclude, in any policy, certificate, contract, or plan
7 offered or renewed on or after the effective date of this act, a service
8 from coverage solely because the service is delivered through telehealth
9 as defined in section 44-312 and is not provided through in-person
10 consultation or contact between a licensed health care provider and a
11 patient. This section does not apply to any policy, certificate,
12 contract, or plan that provides coverage for a specified disease or other
13 limited-benefit coverage.

14 Sec. 2. Section 71-8509, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 71-8509 (1) The Department of Health and Human Services shall adopt
17 and promulgate rules and regulations providing for telehealth services
18 for children's behavioral health. Such rules and regulations relate
19 specifically to children's behavioral health and are in addition to the
20 Nebraska Telehealth Act.

21 For purposes of sections 71-8509 to 71-8512, child means a person
22 under nineteen years of age.

23 (2) The rules and regulations required pursuant to subsection (1) of
24 this section shall include, but not be limited to:

25 (a) An appropriately trained staff member or employee familiar with
26 the child's treatment plan or familiar with the child shall be
27 immediately available in person to the child receiving a telehealth
28 behavioral health service in order to attend to any urgent situation or
29 emergency that may occur during provision of such service. This
30 requirement may be waived by the child's parent or legal guardian; and

31 (b) In cases in which there is a threat that the child may harm

1 himself or herself or others, before an initial telehealth service the
2 health care practitioner shall work with the child and his or her parent
3 or guardian to develop a safety plan. Such plan shall document actions
4 the child, the health care practitioner, and the parent or guardian will
5 take in the event of an emergency or urgent situation occurring during or
6 after the telehealth session. Such plan may include having a staff member
7 or employee familiar with the child's treatment plan immediately
8 available in person to the child, if such measures are deemed necessary
9 by the team developing the safety plan. ~~;~~ and

10 ~~(c) Services provided by means of telecommunications technology,~~
11 ~~other than telehealth behavioral health services received by a child, are~~
12 ~~not covered if the child has access to a comparable service within thirty~~
13 ~~miles of his or her place of residence.~~

14 Sec. 3. The Revisor of Statutes shall assign section 1 of this act
15 to Chapter 44, article 7.

16 Sec. 4. Original section 71-8509, Revised Statutes Cumulative
17 Supplement, 2016, is repealed.