

AMENDMENTS TO LB967

Introduced by Banking, Commerce and Insurance.

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

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

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

26 (2) This section shall not apply as to personal income taxes, nor as
27 to ad valorem taxes on real or personal property nor as to special-

1 purpose obligations or assessments heretofore imposed by another state in
2 connection with particular kinds of insurance, other than property
3 insurance; except that deductions, from premium taxes or other taxes
4 otherwise payable, allowed on account of real estate or personal property
5 taxes paid shall be taken into consideration by the Director of Insurance
6 in determining the propriety and extent of retaliatory action under this
7 section.

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

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

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

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

27 **Sec. 2.** Section 44-1523, Revised Statutes Supplement, 2025, is
28 amended to read:

29 44-1523 For purposes of the Unfair Insurance Trade Practices Act:

30 (1) Customer means an individual who purchases, applies to purchase,
31 or is solicited to purchase an insurance product primarily for personal,

1 family, or household purposes;

2 (2) Department means the Department of Insurance;

3 (3) Director means the Director of Insurance;

4 (4) Health insurance lead generator means a person that utilizes a
5 lead generating device to (a) publicize the availability of what is, or
6 what purports to be, a health insurance product or service that the
7 person is not licensed to sell directly to a customer, (b) identify a
8 customer who may want to learn about a health insurance product, or (c)
9 sell or transmit customer information to an insurer or producer for
10 follow-up contact and sales activity;

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

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

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

30 (8) Person means a natural or artificial entity, including, but not
31 limited to, an individual, a partnership, a limited liability company, an

1 association, a trust, or a corporation, including a health insurance lead
2 generator operating as a natural or artificial entity;

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

6 (10) Recording means an audio reproduction of sales and verification
7 of calls, including virtual technology calls, in its entirety, used in
8 the marketing of insurance.

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

11 44-4055 (1) Unless denied licensure pursuant to section 44-4059, a
12 nonresident person shall receive a nonresident insurance producer license
13 if:

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

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

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

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

23 (2) The director may verify the insurance producer's licensing
24 status through the producer database maintained by the National
25 Association of Insurance Commissioners, ~~or~~ its affiliates or
26 subsidiaries, or any successor, or by contacting the person's home state
27 regulator.

28 (3) A nonresident insurance producer who moves from one state to
29 another state or a resident producer who moves from this state to another
30 state shall file a change of address and provide certification from the
31 new resident state within thirty days of the change of legal residence.

1 No fee or license application is required for the filing of the change of
2 address.

3 (4) Notwithstanding any other provision of the Insurance Producers
4 Licensing Act, a person licensed as a surplus lines insurance producer in
5 his or her home state shall receive a nonresident surplus lines producer
6 license pursuant to subsection (1) of this section. Except as to
7 subsection (1) of this section, nothing in this section otherwise amends
8 or supersedes any provision of the Surplus Lines Insurance Act.

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

16 (6) If a nonresident licensee's license or authority in the
17 licensee's home state is no longer active, whether as a result of
18 suspension, revocation, termination, lapse, voluntary surrender, or other
19 action by the home state regulator, the director may cancel the
20 nonresident licensee's license or authority granted in this state by
21 sending an order of license revocation to the licensee. The licensee may
22 make written demand upon the director within thirty days after receiving
23 such order of license revocation for a hearing before the director to (a)
24 provide proof the licensee is currently licensed as a resident and in
25 good standing in his or her home state or (b) provide proof of a license
26 granted in accordance with subsection (3) of this section. Such hearing
27 shall be held within thirty days after the date a request for hearing is
28 received and shall be held pursuant to the Administrative Procedure Act.
29 If no hearing is requested within thirty days after receipt of an order
30 of license revocation, the order of license revocation shall become a
31 final order.

1 **Sec. 4.** Section 44-4059, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 44-4059 (1) The director may suspend, revoke, or refuse to issue or
4 renew an insurance producer's license or may levy an administrative fine
5 in accordance with subsection (5) ~~(4)~~ of this section, or any combination
6 of actions, for any one or more of the following causes:

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

9 (b) Violating any insurance law or violating any rule, regulation,
10 subpoena, or order of the director or of another state's insurance
11 commissioner or director;

12 (c) Obtaining or attempting to obtain a license through
13 misrepresentation or fraud;

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

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

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

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

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

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

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

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

1 (1) Knowingly accepting insurance business from an individual who is
2 not licensed;

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

5 (n) Failing to pay state income tax or comply with any
6 administrative or court order directing payment of state income tax. ÷
7 and

8 (2) If the director has notice that a nonresident licensee failed to
9 maintain, in good standing, a resident license in the insurance
10 producer's home state, the nonresident license shall be automatically
11 revoked by the director and the director shall not be required to issue
12 an order of license revocation in accordance with subsection (6) of
13 section 44-4055 or renew such license.

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

16 (3) ~~(2)~~ If the director does not renew or denies an application for
17 a license, the director shall notify the applicant or licensee and
18 advise, in writing, the applicant or licensee of the reason for the
19 denial or nonrenewal of the applicant's or licensee's license. The
20 applicant or licensee may make written demand upon the director within
21 thirty days for a hearing before the director to determine the
22 reasonableness of the director's action. The hearing shall be held within
23 thirty days and shall be held pursuant to the Administrative Procedure
24 Act.

25 (4) ~~(3)~~ The license of a business entity may be suspended, revoked,
26 or refused if the director finds, after notice and hearing, that an
27 individual licensee's violation was known or should have been known by
28 one or more of the partners, officers, or managers acting on behalf of
29 the business entity and the violation was neither reported to the
30 director nor corrective action taken.

31 (5) ~~(4)~~ In addition to or in lieu of any applicable denial,

1 suspension, or revocation of a license, any person violating the
2 Insurance Producers Licensing Act may, after notice and hearing, be
3 subject to an administrative fine of not more than one thousand dollars
4 per violation. Such fine may be enforced in the same manner as civil
5 judgments. Any person charged with a violation of the act may waive his
6 or her right to a hearing and consent to such discipline as the director
7 determines is appropriate. The Administrative Procedure Act shall govern
8 all hearings held pursuant to such act.

9 ~~(5)~~ (6) The director shall retain the authority to enforce the
10 provisions of and impose any penalty or remedy authorized by the
11 Insurance Producers Licensing Act against any person who is under
12 investigation for or charged with a violation of the act even if the
13 person's license or registration has been surrendered or has lapsed by
14 operation of law. No disciplinary proceeding shall be instituted against
15 any licensed person after the expiration of three years from the
16 termination of such license.

17 **Sec. 5.** Section 44-4064, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 44-4064 (1) Before any license or appointment is issued or renewed
20 under the Insurance Producers Licensing Act or before any appointment is
21 terminated, the person requesting such license shall pay or cause to be
22 paid to the director the following fee or fees, if applicable, as
23 established by the director:

24 (a) For each insurance producer license, a fee not to exceed one
25 hundred dollars, except that if any other state imposes additional or
26 greater fees, obligations, or prohibitions on Nebraska resident insurance
27 producers, then such additional greater fees, obligations, or
28 prohibitions shall be imposed upon similar insurance producers of such
29 other state applying for a license in Nebraska;

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

31 (c) For each termination of an appointment, a fee not to exceed ten

1 dollars;

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

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

6 (f) For each business entity license, a fee not to exceed fifty
7 dollars, except that if any other state imposes additional or greater
8 fees, obligations, or prohibitions on Nebraska business entities, then
9 such additional greater fees, obligations, or prohibitions shall be
10 imposed upon similar business entities of such other state applying for a
11 license in Nebraska.

12 (2) If a licensed person (a) desires to add a line or lines of
13 insurance to his or her existing license, (b) seeks to change any other
14 information contained in the license for any reason, or (c) applies for a
15 duplicate license, such person shall pay to the director a fee
16 established by the director to cover the expense of replacing the
17 license.

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

22 **Sec. 6.** Section 44-4605, Revised Statutes Cumulative Supplement,
23 2024, is amended to read:

24 44-4605 (1) A person shall not establish or operate as a pharmacy
25 benefit manager in this state for a health benefit plan without first
26 obtaining a license from the director under the Pharmacy Benefit Manager
27 Licensure and Regulation Act.

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

31 (3) A person applying for a pharmacy benefit manager license shall

1 submit an application for licensure in the form and manner prescribed by
2 the director.

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

7 (5) The director may refuse to issue or renew a license if the
8 director determines that the applicant or any individual responsible for
9 the conduct of affairs of the applicant is not competent, trustworthy,
10 financially responsible, or of good personal and business reputation, has
11 been found to have violated the insurance laws of this state or any other
12 jurisdiction, or has had an insurance or other certificate of authority
13 or license denied or revoked for cause by any jurisdiction.

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

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

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

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

31 (ii) In addition to the fine required under subdivision (6)(c)(i) of

1 this section, if the renewal application and fee are not received prior
2 to the anniversary of the effective date of the pharmacy benefit
3 manager's initial or most recent license, the pharmacy benefit manager's
4 license shall be suspended until the pharmacy benefit manager has
5 complied with subdivision (6)(b) of this section, any rules and
6 regulations adopted and promulgated under this section, and any orders
7 issued under this section. The director shall remit all such fines to the
8 State Treasurer for distribution in accordance with Article VII, section
9 5, of the Constitution of Nebraska.

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

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

20 **Sec. 7.** Section 44-6122, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 44-6122 Sections 44-6122 to 44-6143 and section 8 of this act shall
23 be known and may be cited as the Mutual Insurance Holding Company Act.

24 **Sec. 8.** (1) A mutual insurance holding company shall provide notice
25 of its annual meeting to its members as provided by the company's bylaws
26 or, if the bylaws are silent, in a manner that is reasonable. Electronic
27 notice, either by direct electronic transmission, publication on a
28 designated website, or comparable technology is reasonable if:

29 (a) For notice by direct electronic transmission, the notice is sent
30 to an electronic address or account that the member has designated for
31 receipt of notices or to an electronic address the company reasonably

1 believes will reach the recipient; or

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

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

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

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

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

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

24 **Sec. 9.** Section 81-6,123, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-6,123 Sections 81-6,123 to 81-6,128 ~~81-6,126~~ shall be known and
27 may be cited as the Population Health Information Act.

28 **Sec. 10.** Section 81-6,125, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 81-6,125 (1) The purpose of the Population Health Information Act is
31 to designate a health information exchange to provide the data

1 infrastructure needed to assist in creating a healthier Nebraska and
2 operating the electronic health records initiative.

3 (2) The designated health information exchange shall:

4 (a) Enable the secure and seamless exchange of health information in
5 real-time between health care providers and health care entities for the
6 purposes of evaluating and monitoring a patient's care and treatment and
7 reducing health care costs;

8 (b) (a) Aggregate clinical information from health care entities
9 needed to support the operation of the medical assistance program under
10 the Medical Assistance Act;

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

13 (d) (e) Collect and analyze data for purposes of informing the
14 Legislature, the department, health care providers, and health care
15 entities as to the cost of, access to, and quality of health care in
16 Nebraska; and

17 (e) (d) Act as a collector and reporter of public health data for
18 registry submissions, electronic laboratory reporting, immunization
19 reporting, and syndromic surveillance from an electronic health record,
20 which does not include claims data. ; and

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

26 (3)(a) On or before January 1, 2027 ~~September 30, 2021~~, each health
27 care facility listed in subdivision (b) of this subsection shall
28 participate in the designated health information exchange through sharing
29 of clinical information. Subject to subsection (5) of this section, such
30 ~~Such~~ clinical information shall include the clinical data that the health
31 care facility captured in its existing electronic health record as

1 permitted by state and federal laws, rules, and regulations. Any patient
2 health information shared with the designated health information exchange
3 as determined by the rules and regulations ~~policies~~ adopted by the Health
4 Information Technology Board shall be provided in accordance with the
5 privacy and security provisions set forth in the federal Health Insurance
6 Portability and Accountability Act of 1996 and regulations adopted under
7 the act.

8 (b) This subsection applies to an ambulatory surgical center, a
9 critical access hospital, a general acute hospital, a health clinic, a
10 hospital, an intermediate care facility, a long-term care hospital, a
11 mental health substance use treatment center, a PACE center, a pharmacy,
12 a psychiatric or mental hospital, a public health clinic, or a
13 rehabilitation hospital, as such terms are defined in the Health Care
14 Facility Licensure Act, or a diagnostic, laboratory, or imaging center.

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

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

23 ~~(e) A health care facility may apply to the board for a waiver from~~
24 ~~the requirement to participate under this subsection due to a~~
25 ~~technological burden. The board shall review the application and~~
26 ~~determine whether to waive the requirement. If the board waives the~~
27 ~~requirement for a health care facility, the board shall review the waiver~~
28 ~~annually to determine if the health care facility continues to qualify~~
29 ~~for the waiver.~~

30 (e) ~~(f)~~ The board shall not require a health care facility to
31 purchase or contract for an electronic records management system or

1 service.

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

10 (b) For purposes of this subsection:

11 (i) Health insurance plan includes any group or individual sickness
12 and accident insurance policy, health maintenance organization contract,
13 subscriber contract, employee medical, surgical, or hospital care benefit
14 plan, or self-funded employee benefit plan to the extent not preempted by
15 federal law; and

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

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

30 ~~(6)~~ (5) The designated health information exchange and the
31 department shall enter into an agreement to allow the designated health

1 information exchange to collect, aggregate, analyze, report, and release
2 de-identified data, as defined by the federal Health Insurance
3 Portability and Accountability Act of 1996, that is derived from the
4 administration of the medical assistance program. Such written agreement
5 shall be executed no later than September 30, 2021.

6 (7) ~~(6)~~ In addition to the right to opt out as provided in section
7 71-2454, an individual shall have the right to opt out of the designated
8 health information exchange or the sharing of information required under
9 subsections (3) and (4) of this section. The designated health
10 information exchange shall adopt a patient opt-out policy consistent with
11 the federal Health Insurance Portability and Accountability Act of 1996
12 and other applicable federal requirements. Such policy shall not apply to
13 mandatory public health reporting requirements.

14 **Sec. 11.** Section 81-6,127, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 81-6,127 (1) The Health Information Technology Board is created. The
17 board shall have twenty-one ~~seventeen~~ members. Except for members
18 designated in subdivision (2)(o) of this section, the members shall be
19 appointed by the Governor with the approval of a majority of the members
20 of the Legislature. The members may begin to serve immediately following
21 appointment and prior to approval by the Legislature. The members shall
22 be appointed by February 1, 2021, and the board shall begin meeting on or
23 before April 1, 2021.

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

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

30 (b) Two physicians, one of whom shall be a family practice
31 physician, who are in active practice and in good standing with the

1 Department of Health and Human Services appointed from a list of
2 physicians provided by a statewide organization representing physicians;

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

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

8 (e) One health care provider who is board-certified in pain
9 management;

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

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

17 (h) One nurse practitioner who is in active practice and in good
18 standing with the department authorized to prescribe medication appointed
19 from a list of nurse practitioners authorized to prescribe medication
20 provided by a statewide organization representing such nurse
21 practitioners;

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

25 (j) Two representatives ~~One representative~~ of the Department of
26 Health and Human Services including one representative from the Division
27 of Medicaid and Long-Term Care of the Department of Health and Human
28 Services;

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

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

1 (m) One credentialed health information management professional
2 appointed from a list of such professionals provided by a statewide
3 organization representing such professionals;

4 (n) One representative of the statewide health information exchange
5 described in section 71-2455; and

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

9 (p) One representative of an insurer, as defined in section 44-103,
10 who offers at least one health insurance plan as defined in section
11 81-6,125; and

12 (q) One individual with experience in the electronic exchange of
13 sensitive information.

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

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

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

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

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

26 (4) If, after appointment, the classification of a member's
27 credential changes or a member's credential classification is terminated
28 and if such credential was a qualification for appointment, the member
29 shall be permitted to continue to serve as a member of the board until
30 the expiration of the term for which appointed unless the member loses
31 the credential due to disciplinary action.

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

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

5 **Sec. 12.** Section 81-6,128, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 81-6,128 (1) The Health Information Technology Board shall:

8 (a) Establish criteria for data collection and disbursement by the
9 statewide health information exchange described in section 71-2455 and
10 the prescription drug monitoring program created under section 71-2454 to
11 improve the quality of information provided to clinicians. Such data
12 shall not include proprietary or confidential financial information
13 maintained by a health care provider or health care entity;

14 (b) Establish the framework and standards necessary to ensure the
15 secure and seamless exchange of health information in real-time between
16 health care providers and health care entities through the statewide
17 health information exchange;

18 (c) ~~(b)~~ Evaluate and ensure that the statewide health information
19 exchange is meeting technological standards for reporting of data for the
20 prescription drug monitoring program, including the data to be collected
21 and reported and the frequency of data collection and disbursement;

22 (d) ~~(c)~~ Provide the governance oversight necessary to ensure that
23 any health information in the statewide health information exchange and
24 the prescription drug monitoring program may be accessed, used, or
25 disclosed only in accordance with the privacy and security protections
26 set forth in the federal Health Insurance Portability and Accountability
27 Act of 1996, Public Law 104-191, and regulations promulgated thereunder.
28 All protected health information is privileged, is not a public record,
29 and may be withheld from the public pursuant to section 84-712.05; and

30 (e) ~~(d)~~ Provide recommendations to the statewide health information
31 exchange on any other matters referred to the board.

1 (2) The board shall adopt and promulgate rules and regulations
2 ~~policies and procedures~~ necessary to carry out the Population Health
3 Information Act ~~its duties~~.

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

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

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

17 **Sec. 13.** Section 81-12,147, Reissue Revised Statutes of Nebraska, is
18 amended to read:

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

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

29 (b) Matching funds for new construction, rehabilitation, or
30 acquisition of land and buildings to assist villages, cities, and
31 counties;

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

4 (d) Loan guarantees for eligible projects;

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

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

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

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

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

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

28 (k) Public and private sector initiatives that will improve the
29 value of cities of the second class that have partnered with the United
30 States Department of Defense or its contractors on upgrades to ground-
31 based nuclear deterrence. Such improvements include the construction of

1 electrical, drinking water, and clean water infrastructure; ~~and~~

2 (1) Identification, evaluation, and development of large commercial
3 and industrial sites and building infrastructure to attract major
4 investment and employment opportunities for advanced manufacturing,
5 processing, trade, technology, aerospace, automotive, clean energy, life
6 science, and other transformational industries in Nebraska by means of
7 the department providing grants to or partnering with political
8 subdivisions, including inland port authorities under the Municipal
9 Inland Port Authority Act, or nonprofit economic development corporations
10 and entering into contracts for consulting, engineering, and development
11 studies to identify, evaluate, and develop large commercial and
12 industrial sites in Nebraska; and -

13 (m) Grants to political subdivisions and nationally and state
14 accredited golf associations to construct golf facilities and related
15 infrastructure. Such facilities shall be located within the boundaries of
16 a city of the metropolitan class.

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

23 **Sec. 14.** Section 81-12,148, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 81-12,148 (1) Governmental subdivisions and Nebraska nonprofit
26 organizations are eligible to receive assistance under the Site and
27 Building Development Act. Any entity receiving assistance under
28 subsection (1) of section 81-12,147 shall provide, or cause to be
29 provided, matching funds for the eligible activity in an amount
30 determined by the Department of Economic Development, which amount shall
31 be at least equal to one hundred percent of the amount of assistance

1 provided by the Site and Building Development Fund. Nothing in the act
2 shall be construed to allow individuals or businesses to receive direct
3 loans from the fund.

4 (2) An applicant for a grant for development of a public-private-
5 partnership facility under subdivision (1)(h) of section 81-12,147 shall
6 provide the Director of Economic Development with a letter of support
7 from the United States Strategic Command prior to approval of the
8 application and with proof of the availability of twenty million dollars
9 in private or other funds for the facility. No funds shall be expended or
10 grants awarded until receipt of proof of the availability of twenty
11 million dollars in private or other funds for the facility and
12 certification is provided by the Director of Economic Development to the
13 budget administrator of the budget division of the Department of
14 Administrative Services.

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

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

27 (i) Documentation demonstrating the facility's programming for
28 veterans;

29 (ii) Documentation demonstrating the facility's programming for
30 youth;

31 (iii) A letter of support from a nationally accredited golf

1 association;

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

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

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

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

9 (5) (4) This section does not apply to any inland port authority
10 receiving assistance under subsection (2) of section 81-12,147.

11 **Sec. 15.** Sections 15 to 24 of this act shall be known and may be
12 cited as the Nebraska Protection of Seniors from Insurance Exploitation
13 Act.

14 **Sec. 16.** (1) It is the intent of the Legislature to provide legal
15 protection to insurers and insurance producers so that they have the
16 discretion to take action to assist in detecting and preventing financial
17 exploitation.

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

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

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

30 **Sec. 17.** For purposes of the Nebraska Protection of Seniors from
31 Insurance Exploitation Act, unless the context otherwise requires:

1 (1) Director means the Director of Insurance;

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

6 (3) Eligible adult means:

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

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

9 (4) Financial exploitation means:

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

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

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

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

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

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

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

31 (a) An insurance producer who has taken at least two hours of

1 continuing education focused on how to identify the suspected or
2 attempted financial exploitation of an eligible adult, which included
3 identifying common signs indicating the financial exploitation of an
4 eligible adult and how to provide notification regarding the suspected or
5 attempted financial exploitation of an eligible adult; or

6 (b) A person who has received training pursuant to section 22 of
7 this act.

8 **Sec. 18.** An insurer or trained individual who, acting reasonably
9 and in good faith, makes a disclosure of information to the director
10 pursuant to the Nebraska Protection of Seniors from Insurance
11 Exploitation Act or the Insurance Fraud Act shall be immune from
12 administrative or civil liability that might otherwise arise from such
13 disclosure or for any failure to notify the eligible adult of the
14 disclosure. This section shall not abrogate or modify any existing
15 statutory or common law privileges or immunities.

16 **Sec. 19.** (1) If an insurer or trained individual reasonably
17 believes financial exploitation of an eligible adult may have occurred,
18 has been attempted, or is being attempted, the insurer or trained
19 individual may notify a permissible third party. Notification to a
20 permissible third party is not required prior to any insurer's, trained
21 individual's, director's, or relevant agency's review or investigation of
22 financial exploitation.

23 (2) Insurers and trained individuals shall not notify a permissible
24 third party if the insurer or trained individual reasonably suspects that
25 such permissible third party has financially exploited or otherwise
26 abused the eligible adult.

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

31 **Sec. 20.** (1) If an insurer or trained individual reasonably

1 believes a disbursement or transaction will likely result in or
2 contribute to the financial exploitation of an eligible adult, the
3 insurer or trained individual may initiate an internal review of the
4 requested disbursement or transaction.

5 (2) An insurer may delay a disbursement or transaction from an
6 eligible adult's insurance policy, contract, or account on which an
7 eligible adult is a beneficiary if all of the following apply:

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

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

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

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

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

30 (a) A final determination by the insurer that the disbursement or
31 transaction will not result in or contribute to financial exploitation of

1 the eligible adult;

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

5 (c) If the internal review initiated pursuant to subsection (1) of
6 this section continues to support the insurer's reasonable belief that
7 the disbursement or transaction will likely result in or contribute to
8 the financial exploitation of an eligible adult, twenty-five business
9 days after the date on which the insurer first delayed the disbursement
10 or the transaction, unless extended pursuant to subdivision (3)(d) of
11 this section; or

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

18 (4) Notwithstanding subsection (3) of this section, upon the
19 petition of the director, an insurer who initiated a delay of
20 disbursement or transaction pursuant to this section, or another
21 interested party, a court of competent jurisdiction may enter an order
22 terminating, extending, or modifying the delay of the disbursement or
23 transaction and may order other protective relief.

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

1 to comply with section 20 of this act. An insurer or trained individual
2 shall not be liable for the actions of a permissible third party.

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

7 (a) The permissible third party is, may be, or may have been engaged
8 in the financial exploitation of the vulnerable adult or senior adult; or

9 (b) Such interaction is not in the best interests of the vulnerable
10 adult or senior adult.

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

17 **Sec. 22.** (1) Except for insurance producers described in
18 subdivision (7)(a) of section 17 of this act, an insurer shall provide
19 training to all supervisors and employees of such insurer appropriate to
20 the job responsibilities of supervisors and employees handling or
21 advising on complaints, possible fraud, and investigations. Such training
22 shall be completed by the later of April 15, 2027, or one year after the
23 date any supervisor or employee begins employment with or becomes
24 affiliated or associated with the insurer. The training shall include all
25 of the following:

26 (a) Instruction on how to identify the suspected or attempted
27 exploitation of an eligible adult, including identifying common signs
28 indicating the financial exploitation of an eligible adult, and how to
29 provide notification regarding the suspected or attempted exploitation of
30 an eligible adult; and

31 (b) Instruction regarding privacy and confidentiality requirements.

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

3 (3) Notwithstanding subsections (1) and (2) of this section, an
4 insurer shall be deemed to be in compliance with this section if such
5 insurer provides antifraud training to all supervisors and employees of
6 such insurer pursuant to the laws or regulations of this state or another
7 state and if such training includes instruction substantially similar to
8 the instruction described in subdivisions (1)(a) and (b) of this section.

9 **Sec. 23.** (1) An insurer shall provide access to or copies of
10 records that are relevant to the suspected or attempted financial
11 exploitation of an eligible adult to the director and to law enforcement,
12 either as part of a referral to the director or law enforcement, or upon
13 the request of the director or law enforcement pursuant to an
14 investigation. The records may include historical records as well as
15 records relating to the most recent transactions and disbursement
16 requests from the insurance policy, contract, or account that may
17 comprise financial exploitation of an eligible adult.

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

1 **Sec. 24.** The director may adopt and promulgate rules and
2 regulations to carry out the Nebraska Protection of Seniors from
3 Insurance Exploitation Act, including, but not limited to, rules and
4 regulations related to:

5 (1) The form and manner of the notifications under section 20 of
6 this act; and

7 (2) The specific content and methods of the training required under
8 section 22 of this act.

9 **Sec. 25.** Original sections 44-150, 44-4055, 44-4059, 44-4064,
10 44-6122, 81-6,123, 81-6,125, 81-6,127, 81-6,128, 81-12,147, and
11 81-12,148, Reissue Revised Statutes of Nebraska, section 44-4605, Revised
12 Statutes Cumulative Supplement, 2024, and section 44-1523, Revised
13 Statutes Supplement, 2025, are repealed.