

LEGISLATIVE BILL 92

Approved by the Governor April 27, 2017

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

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-8509, Revised Statutes Cumulative Supplement, 2016; to require certain health carriers to provide coverage for certain services delivered through telehealth; to change provisions relating to telehealth services for children's behavioral health; to provide a duty for the Revisor of Statutes; and to repeal the original section.

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

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

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

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

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

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

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

(b) In cases in which there is a threat that the child may harm himself or herself or others, before an initial telehealth service the health care practitioner shall work with the child and his or her parent or guardian to develop a safety plan. Such plan shall document actions the child, the health care practitioner, and the parent or guardian will take in the event of an emergency or urgent situation occurring during or after the telehealth session. Such plan may include having a staff member or employee familiar with the child's treatment plan immediately available in person to the child, if such measures are deemed necessary by the team developing the safety plan. ~~;~~ and

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

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

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