AMENDMENTS TO LB296

Introduced by Fredrickson, 20.

1. Strike section 11 and insert the following new sections:

Sec. 11. Section 44-312, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

(2) Any insurer offering (a) any individual or group sickness and accident insurance policy, certificate, or subscriber contract delivered, issued for delivery, or renewed in this state, (b) any hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, or
(c) any self-funded employee benefit plan to the extent not preempted by federal law, shall provide upon request to a policyholder, certificate holder, or health care provider a description of the telehealth and telemonitoring services covered under the relevant policy, certificate, contract, or plan.

(3) The description shall include:

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

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

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

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

Sec. 12. (1) For purposes of this section:

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

(b) Off-campus location means a facility:

(i) With operations that are directly or indirectly owned or controlled by, in whole or in part, a hospital, or that is affiliated with a hospital, regardless of whether such off-campus location is operated by the same governing body as the hospital;
(ii) That is located in its entirety, including all real estate, structures, and permanent fixtures, more than one mile from the main campus of the hospital as measured from the closest real estate, structure, or permanent fixture of the main campus;

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

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

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

Sec. 13. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this act become operative on January 1, 2024. The other sections of this act become operative on their effective date.

Sec. 14. Original section 44-312, Reissue Revised Statutes of Nebraska, is repealed.