

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 746

Introduced by Hardin, 48.

Read first time January 07, 2026

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Population Health Information Act; to
- 2 amend section 81-6,125, Reissue Revised Statutes of Nebraska; to
- 3 eliminate obsolete provisions; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 81-6,125, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-6,125 (1) The purpose of the Population Health Information Act is
4 to designate a health information exchange to provide the data
5 infrastructure needed to assist in creating a healthier Nebraska and
6 operating the electronic health records initiative.

7 (2) The designated health information exchange shall:

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

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

13 (c) 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;

17 (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) ~~Each On or before September 30, 2021,~~ each health care
27 facility listed in subdivision (b) of this subsection shall participate
28 in the designated health information exchange through sharing of clinical
29 information. Such clinical information shall include the clinical data
30 that the health care facility captured in its existing electronic health
31 record as permitted by state and federal laws, rules, and regulations.

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

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

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

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

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

29 (f) The board shall not require a health care facility to purchase
30 or contract for an electronic records management system or service.

31 (4)(a) ~~Each On or before January 1, 2022,~~ each health insurance plan

1 shall participate in the designated health information exchange through
2 sharing of information. Subject to subsection (5) of this section, such
3 information shall be determined by policies adopted by the Health
4 Information Technology Board.

5 (b) For purposes of this subsection:

6 (i) Health insurance plan includes any group or individual sickness
7 and accident insurance policy, health maintenance organization contract,
8 subscriber contract, employee medical, surgical, or hospital care benefit
9 plan, or self-funded employee benefit plan to the extent not preempted by
10 federal law; and

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

21 (5) The designated health information exchange and the department
22 shall enter into an agreement to allow the designated health information
23 exchange to collect, aggregate, analyze, report, and release de-
24 identified data, as defined by the federal Health Insurance Portability
25 and Accountability Act of 1996, that is derived from the administration
26 of the medical assistance program. ~~Such written agreement shall be~~
27 ~~executed no later than September 30, 2021.~~

28 (6) In addition to the right to opt out as provided in section
29 71-2454, an individual shall have the right to opt out of the designated
30 health information exchange or the sharing of information required under
31 subsections (3) and (4) of this section. The designated health

1 information exchange shall adopt a patient opt-out policy consistent with
2 the federal Health Insurance Portability and Accountability Act of 1996
3 and other applicable federal requirements. Such policy shall not apply to
4 mandatory public health reporting requirements.

5 **Sec. 2.** Original section 81-6,125, Reissue Revised Statutes of
6 Nebraska, is repealed.