

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 256

Introduced by Brewer, 43.

Read first time January 10, 2023

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to insurance; to amend section 44-312, Reissue
- 2 Revised Statutes of Nebraska; to change provisions related to
- 3 telehealth insurance coverage; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-312, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 44-312 (1) For purposes of this section:

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

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

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

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

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

1 (3) The description shall include:

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

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

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

10 (4) The reimbursement rate for any telehealth service shall, at a
11 minimum, be the same as a comparable in-person health care service.

12 Sec. 2. Original section 44-312, Reissue Revised Statutes of
13 Nebraska, is repealed.