

AMENDMENTS TO LB1076

(Amendments to Standing Committee amendments, AM1903)

Introduced by Nordquist

1 1. Insert the following new sections:

2 Sec. 3. Section 71-8503, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-8503 For purposes of the Nebraska Telehealth Act:

5 (1) Department means the Department of Health and Human
6 Services;

7 (2) Health care practitioner means a Nebraska
8 medicaid-enrolled provider who is licensed, registered, or
9 certified to practice in this state by the department;

10 (3) Telehealth means the use of ~~telecommunications~~
11 ~~technology~~ by a health care practitioner to deliver health care
12 services within his or her scope of practice at a site other than
13 the site where the patient is located; and medical information
14 electronically exchanged from one site to another, whether
15 synchronously or asynchronously, to aid a health care practitioner
16 in the diagnosis or treatment of a patient. Telehealth includes
17 services originating from a patient's home or any other location
18 where such patient is located, asynchronous services involving the
19 acquisition and storage of medical information at one site that is
20 then forwarded to or retrieved by a health care practitioner at
21 another site for medical evaluation, and telemonitoring;

22 (4) Telehealth consultation means any contact between a

1 patient and a health care practitioner relating to the health care
2 diagnosis or treatment of such patient through telehealth; ~~and but~~
3 ~~does not include a telephone conversation, electronic mail message,~~
4 ~~or facsimile transmission between a health care practitioner and a~~
5 ~~patient or a consultation between two health care practitioners.~~

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

10 Sec. 4. Section 71-8506, Revised Statutes Supplement,
11 2013, is amended to read:

12 71-8506 (1) In-person contact between a health care
13 practitioner and a patient shall not be required under the
14 medical assistance program established pursuant to the Medical
15 Assistance Act and Title XXI of the federal Social Security Act,
16 as amended, for health care services delivered through telehealth
17 that are otherwise eligible for reimbursement under such program
18 and federal act. Such services shall be subject to reimbursement
19 policies developed pursuant to such program and federal act. This
20 section also applies to managed care plans which contract with
21 the department pursuant to the Medical Assistance Act only to the
22 extent that:

23 (a) Health care services delivered through telehealth
24 are covered by and reimbursed under the medicaid fee-for-service
25 program; and

26 (b) Managed care contracts with managed care plans are
27 amended to add coverage of health care services delivered through

1 telehealth and any appropriate capitation rate adjustments are
2 incorporated.

3 (2) The reimbursement rate for a telehealth consultation
4 shall, as a minimum, be set at the same rate as the medical
5 assistance program rate for a comparable in-person consultation,
6 and the rate shall not depend on the distance between the health
7 care practitioner and the patient.

8 (3) The department shall establish rates for transmission
9 cost reimbursement for telehealth consultations, considering, to
10 the extent applicable, reductions in travel costs by health care
11 practitioners and patients to deliver or to access health care
12 services and such other factors as the department deems relevant.
13 Such rates shall include reimbursement for all two-way, real-time,
14 interactive communications, unless provided by an Internet service
15 provider, between the patient and the physician or health care
16 practitioner at the distant site which comply with the federal
17 Health Insurance Portability and Accountability Act of 1996 and
18 rules and regulations adopted thereunder and with regulations
19 relating to encryption adopted by the federal Centers for Medicare
20 and Medicaid Services and which satisfy federal requirements
21 relating to efficiency, economy, and quality of care.

22 Sec. 5. Section 71-8508, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 71-8508 ~~By July 1, 2000, the~~ The department shall
25 adopt and promulgate rules and regulations to carry out the
26 Nebraska Telehealth Act, including, but not limited to, rules and
27 regulations to: (1) Ensure the provision of appropriate care to

1 patients; (2) prevent fraud and abuse; and (3) establish necessary
2 methods and procedures ~~_ necessary to safeguard against unnecessary~~
3 ~~utilization of telehealth consultations.~~

4 2. Renumber the remaining sections and correct internal
5 references accordingly.

6 3. Correct the operative date and repealer sections so
7 that the sections added by this amendment become operative three
8 calendar months after the adjournment of this legislative session.