

AMENDMENTS TO LB1076

(Amendments to Final Reading copy)

Introduced by Campbell

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 71-8503, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-8503 For purposes of the Nebraska Telehealth Act:

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

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

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

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

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

11 Sec. 2. Section 71-8506, Revised Statutes Supplement,
12 2013, is amended to read:

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

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

27 (b) Managed care contracts with managed care plans are

1 amended to add coverage of health care services delivered through
2 telehealth and any appropriate capitation rate adjustments are
3 incorporated.

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

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

23 Sec. 3. Section 71-8508, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-8508 ~~By July 1, 2000, the~~ The department shall
26 adopt and promulgate rules and regulations to carry out the
27 Nebraska Telehealth Act, including, but not limited to, rules and

1 regulations to: (1) Ensure the provision of appropriate care to
2 patients; (2) prevent fraud and abuse; and (3) establish necessary
3 methods and procedures, ~~necessary to safeguard against unnecessary~~
4 ~~utilization of telehealth consultations.~~

5 Sec. 4. Original sections 71-8503 and 71-8508, Reissue
6 Revised Statutes of Nebraska, and section 71-8506, Revised Statutes
7 Supplement, 2013, are repealed.

8 2. On page 1, strike lines 2 through 10 and insert
9 "71-8503 and 71-8508, Reissue Revised Statutes of Nebraska, and
10 section 71-8506, Revised Statutes Supplement, 2013; to change
11 provisions relating to the Nebraska Telehealth Act; to define and
12 redefine terms; to change provisions relating to reimbursement
13 rates and rules and regulations; and to repeal the original
14 sections.".