

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1076

Final Reading

(Second)

Introduced by Campbell, 25.

Read first time January 22, 2014

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public health and welfare; to amend sections
2 71-8503 and 71-8508, Reissue Revised Statutes of
3 Nebraska, and section 71-8506, Revised Statutes
4 Supplement, 2013; to change provisions relating to the
5 Nebraska Telehealth Act; to define and redefine terms; to
6 change provisions relating to reimbursement rates and
7 rules and regulations; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

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

3 71-8503 For purposes of the Nebraska Telehealth Act:

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

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

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

21 (4) Telehealth consultation means any contact between a
22 patient and a health care practitioner relating to the health care
23 diagnosis or treatment of such patient through telehealth; and ~~but~~
24 ~~does not include a telephone conversation, electronic mail message,~~
25 ~~or facsimile transmission between a health care practitioner and a~~

1 ~~patient or a consultation between two health care practitioners.~~

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

6 Sec. 2. Section 71-8506, Revised Statutes Supplement,
7 2013, is amended to read:

8 71-8506 (1) In-person contact between a health care
9 practitioner and a patient shall not be required under the medical
10 assistance program established pursuant to the Medical Assistance Act
11 and Title XXI of the federal Social Security Act, as amended, for
12 health care services delivered through telehealth that are otherwise
13 eligible for reimbursement under such program and federal act. Such
14 services shall be subject to reimbursement policies developed
15 pursuant to such program and federal act. This section also applies
16 to managed care plans which contract with the department pursuant to
17 the Medical Assistance Act only to the extent that:

18 (a) Health care services delivered through telehealth are
19 covered by and reimbursed under the medicaid fee-for-service program;
20 and

21 (b) Managed care contracts with managed care plans are
22 amended to add coverage of health care services delivered through
23 telehealth and any appropriate capitation rate adjustments are
24 incorporated.

25 (2) The reimbursement rate for a telehealth consultation

1 shall, as a minimum, be set at the same rate as the medical
2 assistance program rate for a comparable in-person consultation, and
3 the rate shall not depend on the distance between the health care
4 practitioner and the patient.

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

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

21 71-8508 ~~By July 1, 2000, the~~ The department shall adopt
22 and promulgate rules and regulations to carry out the Nebraska
23 Telehealth Act, including, but not limited to, rules and regulations
24 to: (1) Ensure the provision of appropriate care to patients; (2)
25 prevent fraud and abuse; and (3) establish necessary methods and

1 ~~procedures. necessary to safeguard against unnecessary utilization of~~
2 ~~telehealth consultations.~~

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