

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 760

Introduced by Kolterman, 24.

Read first time January 08, 2020

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to insurance; to amend section 44-7,107,
- 2 Revised Statutes Cumulative Supplement, 2018; to require certain
- 3 insurers to provide coverage for certain services delivered through
- 4 telehealth; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-7,107, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 44-7,107 (1) For purposes of this section:

4 (a) Asynchronous review means the acquisition and storage of medical
5 information at one site that is then forwarded to or retrieved by a
6 health care provider at another site for medical evaluation;

7 (b) Dermatologist means a board-certified physician who is trained
8 to evaluate and treat individuals with benign and malignant disorders of
9 the skin, hair, nails, and adjacent mucous membranes with a
10 specialization in the diagnosis and treatment of skin cancers, melanomas,
11 moles, and other tumors of the skin along with surgical techniques used
12 in dermatology and interpretation of skin biopsies; and

13 (c) Telehealth has the same meaning as in section 44-312.

14 (2) Any insurer offering (a) ~~(1)~~ any individual or group sickness
15 and accident insurance policy, certificate, or subscriber contract
16 delivered, issued for delivery, or renewed in this state, (b) ~~(2)~~ any
17 hospital, medical, or surgical expense-incurred policy, or (c) ~~(3)~~ any
18 self-funded employee benefit plan to the extent not preempted by federal
19 law, shall not exclude, in any policy, certificate, contract, or plan
20 offered or renewed on or after August 24, 2017, a service from coverage
21 solely because the service is delivered through telehealth as ~~defined in~~
22 section ~~44-312~~ and is not provided through in-person consultation or
23 contact between a licensed health care provider and a patient.

24 (3)(a) Any insurer offering any policy, certificate, contract, or
25 plan described in subsection (2) of this section for which coverage of
26 benefits begins on or after January 1, 2021, shall include coverage for
27 telehealth benefits in the same manner as any other benefits covered
28 under the policy, certificate, contract, or plan and shall comply with
29 the provisions of this subsection regarding asynchronous review by a
30 dermatologist.

31 (b) An insurer shall not exclude asynchronous review by a

1 dermatologist from coverage solely because the service is delivered
2 through telehealth and is not provided through in-person consultation or
3 contact between a licensed health care provider and a patient.

4 (c) An insurer shall reimburse the health care provider for
5 asynchronous review by a dermatologist delivered through telehealth on
6 the same basis and at the same rate as the insurer would apply to those
7 services if the services had been delivered in person.

8 (d) It is not a violation of this subsection for an insurer to
9 include a deductible, copayment, or coinsurance requirement for a health
10 care service provided through telehealth if such costs do not exceed
11 those included for the same services provided through in-person contact.

12 (4) Nothing in this section shall be construed to require an insurer
13 to provide coverage for services that are not medically necessary.

14 (5) This section does not apply to any policy, certificate,
15 contract, or plan that provides coverage for a specified disease or other
16 limited-benefit coverage.

17 Sec. 2. Original section 44-7,107, Revised Statutes Cumulative
18 Supplement, 2018, is repealed.