

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 487**

FINAL READING

Introduced by Arch, 14.

Read first time January 19, 2021

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to insurance; to amend section 44-793, Reissue
- 2 Revised Statutes of Nebraska; to change mental health condition and
- 3 serious mental illness coverage provisions; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-793, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 44-793 (1) On or after January 1, 2000, notwithstanding section  
4 44-3,131, any health insurance plan delivered, issued, or renewed in this  
5 state (a) if coverage is provided for treatment of mental health  
6 conditions other than alcohol or substance abuse, (i) shall not establish  
7 any rate, term, or condition that places a greater financial burden on an  
8 insured for access to treatment for a serious mental illness than for  
9 access to treatment for a physical health condition, ~~and~~ (ii) shall not  
10 establish any rate, term, or condition that places a greater financial  
11 burden on an insured for accessing treatment for a mental health  
12 condition using telehealth services as defined in section 44-312, (iii)  
13 shall provide, at a minimum, a reimbursement rate for accessing treatment  
14 for a mental health condition using telehealth services that is the same  
15 as the rate for a comparable treatment provided or supervised in person,  
16 and (iv) if an out-of-pocket limit is established for physical health  
17 conditions, shall apply such out-of-pocket limit as a single  
18 comprehensive out-of-pocket limit for both physical health conditions and  
19 mental health conditions, or (b) if no coverage is to be provided for  
20 treatment of mental health conditions, shall provide clear and prominent  
21 notice of such noncoverage in the plan.

22 (2) If a health insurance plan provides coverage for serious mental  
23 illness, the health insurance plan shall cover health care rendered for  
24 treatment of serious mental illness (a) by a mental health professional,  
25 (b) by a person authorized by the rules and regulations of the Department  
26 of Health and Human Services to provide treatment for mental illness, (c)  
27 using telehealth services as defined in section 44-312, (d) in a mental  
28 health center as defined in section 71-423, or (e) ~~(d)~~ in any other  
29 health care facility licensed under the Health Care Facility Licensure  
30 Act that provides a program for the treatment of a mental health  
31 condition pursuant to a written plan. The issuer of a health insurance

1 plan may require a health care provider under this subsection to enter  
2 into a contract as a condition of providing benefits.

3 (3) The Director of Insurance may disapprove any plan that the  
4 director determines to be inconsistent with the purposes of this section.

5 Sec. 2. Original section 44-793, Reissue Revised Statutes of  
6 Nebraska, is repealed.