

Radcliffe Gilbertson & Brady

NE Association of Benefits and Insurance Professionals

Weekly Report for Bills of Interest on 04/19/2023

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Document	Description	Position	Committee	Hearing Date	Status
LB25	(Wayne) Authorize punitive damages as prescribed and provide for distribution Authorizes punitive damages under Article VIII, section 5, of the Nebraska Constitution		Judiciary	01/25/2023	General 02/28/2023  Judiciary AM440 filed Placed on General File with AM440 Notice of hearing for January 25, 2023 Referred to Judiciary Committee
LB32	(Jacobson) Change requirements for issuers of medicare supplement insurance policies or certificates relating to coverage of individuals under sixty-five years of age who are eligible for medicare by reason of disability or end-stage renal disease  Any issuer of Medicare supplement policies or certificates shall offer the opportunity to enroll to any individual who is: a resident of Nebraska; and Under sixty-five (65) years of age; and eligible by reason of disability or end-stage renal disease; and enrolled in Part A and B of Medicare or will be enrolled by the effective date the coverage. Must be issued on a guaranteed renewable basis for as long as premiums are paid. Cant charge a person under sixty-five (65) years of age who is eligible for Medicare more than the weighted average aged premium rate		Banking, Commerce and Insurance	02/07/2023	Committee 01/09/2023  Notice of hearing for February 07, 2023 Referred to Banking, Commerce and Insurance Committee Date of introduction
LB43	(Sanders) Require hearing officers and judges to interpret statutes and regulations to limit agency power and maximize individual liberty  A hearing officer or judge hearing a contested case under the Administrative Procedures Act shall not defer to the state agency's interpretation of a statute or regulation. In actions involving state agencies, hearing officers and judges shall resolve any remaining doubts in the interpretation of a statute or regulation in a reasonable way that favors a limit on state agency authority and maximizes individual liberty.		Government, Military and Veterans Affairs	02/09/2023	Committee 01/13/2023  Notice of hearing for February 09, 2023 Rereferred to Government, Military and Veterans Affairs Committee Referred to Judiciary Committee Date of introduction
LB79	(Erdman) Adopt the Nebraska EPIC Option Consumption Tax Act  Enacts a Taxpayer Bill of Rights which would be enacted after Constitutional amendment passes abolishing our current tax system. In 2026, a consumption tax would be placed on all new goods and all services. The tax would be collected at the point of sale or service and remitted to the state. Includes goods purchased in another state for use or consumption in Nebraska.		Revenue		Committee 01/09/2023 Erdman Priority Bill  Erdman priority bill Erdman AM314 filed Referred to Revenue Committee Conrad MO2 Indefinitely postpone pursuant to Rule 6 Section 3(f) filed
LB85	(Day) Provide for express lane eligibility under the Medical Assistance Act and the Children's Health Insurance Program  Requires the Division of Children and Family Services agency use data from the SNAP program for initial eligibility determinations, redeterminations, and initial enrollment of children in the medical assistance program and the CHIP program no later than 1/1/24.		Health and Human Services	03/15/2023	Committee 01/09/2023  Notice of hearing for March 15, 2023 Hunt name added Referred to Health and Human Services Committee Date of introduction
LB92	(Slama) Eliminate the requirement that an annual review of a title insurance agent's practices be onsite		Banking, Commerce and Insurance	01/24/2023	General 02/24/2023 Banking, Commerce and Insurance Priority Bill

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	Amended to include LB 3, 68, 93, 145, 207, 214, 278, 279, 383, 392, 437, 536, 587, 617, 674, 710, and 779 Original bill eliminates requirement that title insurance company inspections take place in person.				Banking, Commerce and Insurance AM484 pending Banking, Commerce and Insurance AM484 adopted Banking, Commerce and Insurance FA56 not further considered Advanced to Enrollment and Review Initial
LB123	(Fredrickson) Adopt the Behavior Analyst Practice Act Creates the Behavior Analyst Practice Act. A behavior Analyst in Nebraska who is licensed or certified in outside jurisdiction may currently apply for a temporary license in a nonprofessional status. A behavior analyst may deliver services as assigned by the supervisor responsible for the technician's work as designated by the licensed behavior analyst. A code of conduct will be created by the Board of Behavior Analysts		Health and Human Services	01/26/2023	General 02/14/2023 Fredrickson AM744 filed Placed on General File Blood name added Notice of hearing for January 26, 2023
LB142	(Briese) Limit the amount an insured pays for prescription insulin drugs Requires a group benefit health plan to limit the amount an individual pays for a 30-day supply of insulin to \$100		Banking, Commerce and Insurance	02/07/2023	Committee 01/10/2023 Hunt name added Notice of hearing for February 07, 2023 Hardin name added Conrad name added
LB145	(Bostar) Change provisions relating to coverage for screening mammography and breast examinations Amended into LB 92. Defines diagnostic breast imaging, screening mammography, and supplemental screening mammography. Mandates coverage of screening mammography for women under 40 with a family history of breast cancer and cover yearly mammograms starting at age 40 rather than 50. Requires that a health insurance plan that covers screening mammography shall also cover diagnostic imaging or mammography, diagnostic ultrasound, and supplemental breast screening.		Banking, Commerce and Insurance	02/07/2023	Committee 01/10/2023 Brewer name added von Gillern name added Notice of hearing for February 07, 2023 Referred to Banking, Commerce and Insurance Committee
LB181	(Hansen, B.) Provide for filling and refilling prescriptions in certain circumstances Amended to include LB 548, LB202, LB611 and LB458. Allows pharmacists to use their professional judgment in filling and/or refilling prescriptions when the prescribing doctor is no longer available due to retirement, incapacitation, or license revocation.		Health and Human Services	02/01/2023	Committee 01/11/2023 Health and Human Services Priority Bill Fredrickson name added Fredrickson AM904 filed Health and Human Services priority bill Hunt name added
LB200	(Briese) Adopt the Canadian Prescription Drug Importation Act Requires DHHS to apply for federal approval and administer the program. The program would require vendors seeking to import Canadian prescriptions to identify medications with the highest potential cost savings. Requires Canadian medications be in full compliance with all federal and provincial laws, and all prescription drugs imported under the program must be tested for authenticity and degradation.		Health and Human Services	01/25/2023	Committee 01/11/2023 Notice of hearing for January 25, 2023 Referred to Health and Human Services Committee Date of introduction
LB202	(Walz) Provide for vaccine administration by pharmacy technicians		Health and Human Services	01/26/2023	Committee 01/11/2023

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	Amended into LB 181. Pharmacy technicians shall be allowed to administer vaccines without being supervised as long as the vaccines are verified by a pharmacist, administration is limited to intra-muscular in the deltoid muscle or subcutaneous on the arm to a person three years of age or older; the pharmacy technician is certified as required by section 38-2890 and has completed certificate training in vaccine administration that includes, at a minimum, vaccine administration, blood-borne pathogen exposure, safety measures during administration, and biohazard handling; the pharmacy technician is currently certified in basic life support skills for health care providers as determined by the board; and the pharmacist responsible for the supervision and verification of the activities of the pharmacy technician is on site.				Hunt name added Notice of hearing for January 26, 2023 Referred to Health and Human Services Committee Date of introduction
LB204	(Riepe) Provide for reimbursement for pharmacy dispensing fees under the medical assistance program  Requires DHHS to establish a fee-for-service pharmacy dispensing fee reimbursement of \$10.38 per prescription beginning June 2024 until a cost of dispensing survey is completed. DHHS must submit a report to the Legislature no later than 12/15/24 with recommendations for pharmacy reimbursements.		Health and Human Services	03/01/2023	Committee 01/11/2023  Notice of hearing for March 01, 2023 Referred to Health and Human Services Committee Date of introduction
LB210	(Bostar) Adopt the Prior Authorization Reform Act  Gold Carding prior authorization requirements for insurers.		Banking, Commerce and Insurance	03/13/2023	Committee 01/12/2023  Notice of hearing for March 13, 2023 Referred to Banking, Commerce and Insurance Committee Date of introduction
LB219	(Ibach) Require the Department of Health and Human Services to rebase rates for critical access hospitals  Amended into LB227. Requires DHHS to rebase inpatient interim per diem rates for critical access hospitals, on an annual basis, using the most recent audited Medicare cost report.		Health and Human Services	02/09/2023	Committee 01/12/2023  Notice of hearing for February 09, 2023 Referred to Health and Human Services Committee Date of introduction
LB227	(Hansen, B.) Provide duties for the Department of Health and Human Services relating to reimbursing certain hospitals for nursing facility services under the Medical Assistance Act  Amended to include LB434, LB 219, LB 590 and LB 517. Requires DHHS to provide a per diem Medicaid reimbursement to a hospital for a Medicaid patient who is eligible for discharge after receiving care but is unable to be transferred to an appropriate nursing facility due to a lack of available nursing facility beds or in cases where the State Court Administrator is unable to appoint a public guardian.		Health and Human Services	02/10/2023	General 03/16/2023 Health and Human Services Priority Bill  Health and Human Services AM848 adopted Advanced to Enrollment and Review Initial Hansen, B. FA51 not considered Hansen, B. MO952 Invoke cloture pursuant to Rule 7, Sec. 10 filed
LB256	(Brewer) Change provisions related to insurance coverage of telehealth  Amended into LB296. Reimbursement rate parity for any telehealth service comparable to in-person health care service		Banking, Commerce and Insurance	02/13/2023	General 04/05/2023 Fredrickson Priority Bill  Cavanaugh, M. FA52 filed Banking, Commerce and Insurance AM1176 filed Placed on General File with AM1176 Fredrickson name added

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<a href="#">LB296</a>	(Ballard) Adopt the Pet Insurance Act  Amended to include LB256 and LB640. Creates a legal framework for the sale of pet insurance policies beginning in 2024. Defines terms that insurance companies must follow including chronic condition, congenital anomaly, hereditary disorder, orthopedic condition, and preexisting condition. Requires the disclosure of claim processing criteria as set by the insurance company.		Banking, Commerce and Insurance	01/24/2023	Passed 04/18/2023 Speaker Priority Bill  President/Speaker signed Passed on Final Reading 46-0-2-0-1 Hunt MO465 withdrawn Dispensing of reading at large approved
<a href="#">LB337</a>	(Riepe) Change provisions relating to disclosure of patient information under the Mental Health Practice Act  No person who is licensed or certified pursuant to the Mental Health Practice Act or who holds a privilege to practice in Nebraska as a professional counselor shall disclose any information he or she may have acquired from any person consulting him or her in his or her professional capacity except when the disclosure of information is permitted under HIPAA.		Health and Human Services	02/03/2023	General 02/14/2023  Placed on General File Notice of hearing for February 03, 2023 Referred to Health and Human Services Committee Date of introduction
<a href="#">LB353</a>	(Raybould) Provide for grants for projects that increase long-term care facility capacity  Appropriates \$25M from the GF for the FY23-24 to the DHHS to award grants to long-term care facilities. Maximum \$250,000 grants to be used to increase the long-term care facility capacity.		Health and Human Services	02/09/2023	Committee 01/17/2023  Hunt name added Notice of hearing for February 09, 2023 Referred to Health and Human Services Committee Date of introduction
<a href="#">LB358</a>	(Walz) State intent to increase dental services reimbursement under the Medical Assistance Act  Increase reimbursement rates for dental services provided under Medicaid to 25%.		Health and Human Services	02/16/2023	General 04/03/2023  Placed on General File Notice of hearing for February 16, 2023 Hunt name added Referred to Health and Human Services Committee
<a href="#">LB383</a>	(Bostar) Change provisions relating to insurance coverage for screenings for colorectal cancer  Amended into LB 92. Requires coverage for screening colonoscopies without deductibles, co-insurance, or any other cost to the insured		Banking, Commerce and Insurance	02/07/2023	Committee 01/17/2023  Notice of hearing for February 07, 2023 Referred to Banking, Commerce and Insurance Committee Date of introduction
<a href="#">LB392</a>	(Ballard) Authorize the electronic delivery of certain health benefit plan documents  Amended into LB 92. Plan sponsor may provide consent, on behalf of all members of the plan, for members to receive all plan communications by electronic means. Plan members must be able to opt out, and the plan must follow all federal and state laws with regard to the electronic delivery of documents		Banking, Commerce and Insurance	02/13/2023	Committee 01/17/2023  Notice of hearing for February 13, 2023 Referred to Banking, Commerce and Insurance Committee Date of introduction
<a href="#">LB430</a>	(Walz) Prohibit a multiple procedure payment reduction policy from being applied to physical therapy, occupational therapy, or speech-language pathology services as prescribed under the Uniform Credentialing Act		Health and Human Services	02/03/2023	General 04/12/2023

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	Prohibits Medicaid or private insurers the application of a multiple procedure payment reduction policy to physical therapy, occupational therapy, or speech language pathology services.				Placed on General File Notice of hearing for February 03, 2023 Referred to Health and Human Services Committee Date of introduction
LB434	(Jacobson) Require the Department of Health and Human Services to enroll long-term care hospitals as providers under the medical assistance program and submission of a state plan amendment or waiver Amended into LB 227. Enrolls long-term acute care hospitals as providers eligible to receive funding under Medicaid		Health and Human Services	02/10/2023	Committee 01/18/2023  Notice of hearing for February 10, 2023 Referred to Health and Human Services Committee Date of introduction
LB437	(Ballard) Change the renewal period for business entity licenses under the Insurance Producers Licensing Act Amended into LB 92. Provides that business entity licenses shall expire on April 30th of each even-numbered year (previously each year).		Banking, Commerce and Insurance	02/13/2023	Committee 01/18/2023  Notice of hearing for February 13, 2023 Referred to Banking, Commerce and Insurance Committee Date of introduction
LB448	(Bostar) Prohibit certain provisions in a health plan in relation to clinician-administered drugs Provides protections for individuals covered by insurance plans to seek and receive clinician-administered drugs and services. Prohibits white-bagging.		Banking, Commerce and Insurance	03/21/2023	Committee 01/18/2023  Notice of hearing for March 21, 2023 Referred to Banking, Commerce and Insurance Committee Date of introduction
LB458	(Ballard) Allow certain central fill pharmacies to deliver to a patient under the Prescription Drug Safety Act Amended into LB181. When a dispensing pharmacy and central fill pharmacy are owned by the same company, the central fill pharmacy may deliver a drug, device, or biological to the patient on behalf of the dispensing pharmacy		Health and Human Services	02/09/2023	Committee 01/18/2023  Hardin name added Notice of hearing for February 09, 2023 Referred to Health and Human Services Committee Date of introduction
LB517	(Walz) Require the Department of Health and Human Services to pay discharge incentives to post-acute placement facilities Amended into LB 227. Provides post-acute placement facilities that accept a referral for a patient with complex health needs upon discharge are to be paid \$3,000 if within 60 days of capacity referral or \$6,000 if 60 days or more after capacity referral or if patient with Medicaid as the primary source of reimbursement.		Health and Human Services	02/10/2023	Committee 01/19/2023  Notice of hearing for February 10, 2023 Referred to Health and Human Services Committee Date of introduction
LB548	(Ballard) Change examination and compounding requirements under the Pharmacy Practice Act Amended into LB181. Would allow the Board of Pharmacy to determine the grade required for the examination in jurisprudence of pharmacy. Would also require any person authorized to compound to be in compliance with the standards of Chapter 795 and 797 of the United States Pharmacopeia and the National Formulary existing on January 1, 2023.		Health and Human Services	02/03/2023	General 02/14/2023  Placed on General File Notice of hearing for February 03, 2023 Referred to Health and Human Services Committee Date of introduction

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<a href="#">LB551</a>	(Cavanaugh, J.) State intent to appropriate funds to certain counties for long-term care facility operations and services Appropriates \$10M annually from the GF to any county with a city of the metropolitan class (Omaha), for the purpose of providing long-term care facilities, including rehabilitation and transitional care, memory support care, hospice services. Facilities are intended to serve indigent and/or abandoned county residents.		Appropriations		Committee 01/19/2023 Referred to Appropriations Committee Date of introduction
<a href="#">LB587</a>	(Wishart) Adopt the Insurance Regulatory Sandbox Act Amended into LB 92. To create a regulatory sandbox program under the Department of Insurance to allow participant testing of new insurance products.	Support	Banking, Commerce and Insurance	03/06/2023	General 03/09/2023 Placed on General File Slama name added Notice of hearing for March 06, 2023 Referred to Banking, Commerce and Insurance Committee
<a href="#">LB588</a>	(Wishart) Adopt the Medicinal Cannabis Act Would allow medicinal Cannabis to be prescribed and used for various specified health conditions. Establishes a voluntary registry for patients and providers.		Judiciary	02/09/2023	Committee 01/19/2023 Conrad name added DeBoer name added Notice of hearing for February 09, 2023 Hunt name added
<a href="#">LB595</a>	(Hardin) Change supervision requirements under the Pharmacy Practice Act Increases the number of technicians and interns a pharmacist may supervise from 3 to 4.		Health and Human Services	03/08/2023	General 04/03/2023 Placed on General File Notice of hearing for March 08, 2023 Referred to Health and Human Services Committee Date of introduction
<a href="#">LB611</a>	(Riepe) Provide requirements for certain health care facility-provided medications Amended into LB181. If a medication is ordered at a health care facility more than 24 hours in advance for the purpose of a procedure and given to a patient, the patient is entitled to take the remaining medication home.		Health and Human Services	02/10/2023	Committee 01/19/2023 Riepe AM310 filed Notice of hearing for February 10, 2023 Referred to Health and Human Services Committee Date of introduction
<a href="#">LB640</a>	(Kauth) Require an off-campus location of a hospital to obtain and use a separate National Provider Identifier in billing for health care services Amended into LB296. Requires off-campus locations to use separate National Provider Identifiers in billing. Defines off-campus location as a facility directly or indirectly owned or controlled, in whole or in part, by a hospital, located more than 250 yards from the main campus, which provides services organizationally integrated with the hospital, and is an outpatient facility providing ambulatory surgery, urgent care, or ER services.		Banking, Commerce and Insurance	03/07/2023	Committee 01/20/2023 Notice of hearing for March 07, 2023 Referred to Banking, Commerce and Insurance Committee Date of introduction
<a href="#">LB670</a>	(Hunt) Prohibit discrimination under the Nebraska Fair Employment Practice Act on the basis of gender identity or sexual orientation and prohibit discrimination by employers regardless of size Prohibits discrimination by employers, regardless of size, based on sexual orientation, or gender identity		Business and Labor	02/13/2023	Committee 01/20/2023 Notice of hearing for February 13, 2023 Referred to Business and Labor Committee

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<a href="#">LB730</a>	(Holdcroft) Adopt the Fair Access to Financial Services Act Prohibits financial institutions and insurance companies from using any factors other than quantitative, impartial, and risk-based financial standards. Any financial institution that utilizes standards based on nonfinancial, nontraditional, and subjective measures shall disclose the reasons it has denied a person access to financial services to state and federal authorities and to the applicant.		Banking, Commerce and Insurance	02/13/2023	Committee 01/20/2023 Holdcroft AM312 filed Notice of hearing for February 13, 2023 Referred to Banking, Commerce and Insurance Committee Date of introduction
<a href="#">LB778</a>	(Bostar) Change the Pharmacy Benefit Manager Licensure and Regulation Act Changes definitions: "Pharmacy acquisition cost" is the amount that a pharmaceutical wholesaler charges for a pharmaceutical product as listed on the pharmacy's billing invoice. "Pharmacy benefit management services" is claims processing services and other prescription drug or device services. Requires contracts between a PBM and a pharmacy to include a process to appeal, investigate, and resolve disputes regarding reimbursements made under a maximum allowable cost price.		Banking, Commerce and Insurance	03/21/2023	Committee 01/20/2023 Notice of hearing for March 21, 2023 Referred to Banking, Commerce and Insurance Committee Date of introduction
<a href="#">LB779</a>	(Bostar) Limit the amount an insured pays for prescription insulin drugs Amended into LB 92. Limits the amount an insured pays for prescription insulin drugs to \$35 for 30-day supply		Banking, Commerce and Insurance	02/07/2023	Committee 01/20/2023 Notice of hearing for February 07, 2023 Referred to Banking, Commerce and Insurance Committee Date of introduction
<a href="#">LR6CA</a>	(Erdman) Constitutional amendment to prohibit governmental entities from imposing any taxes other than retail consumption taxes and excise taxes Beginning 1/1/26, no taxes other than retail consumption and excise taxes shall be imposed in Nebraska		Revenue		Committee 01/09/2023 Referred to Revenue Committee Date of introduction
<a href="#">LR7CA</a>	(Erdman) Constitutional amendment to require the state to impose a consumption tax or an excise tax on all new goods and services and to provide a tax exemption for grocery items Beginning 1/1/26, the state shall impose a retail consumption or excise tax on all new goods and services. The Legislature may authorize political subdivisions to impose the same taxes. Only exemption from such taxes is for grocery items purchased for off-premises consumption.		Revenue		Committee 01/09/2023 Referred to Revenue Committee Date of introduction