



Nebraska Legislature Caregiving Bills – 2019 Session

LB29 – Telehealth

(Signed into Law – March 12, 2019 – Becomes Law September 2019)

LB29 amends the Uniform Credentialing Act to establish provider-patient relationships through telehealth without the requirement for an initial face-to-face visit. It will provide certainty and stability to telehealth providers by clarifying that current telehealth practices are supported by Nebraska law and regulations.

LB69 – Caregiver Tax Credit (Committee)

LB 69 creates an annual tax credit for Nebraskans who provide care in their own home to another person who is mentally or physically unable to care for themselves. It would be available to those whose income is less than 400% of the federal poverty level and who reside and provide care to an individual at least six months of the year. The individual being cared for would need to have an income of less than 200% of the federal poverty level. The tax credit would be refundable to those caregivers whose income is less than 200% of the federal poverty level and would be nonrefundable to those caregivers whose income is between 200 and 400% of the federal poverty level.

LB181 – LTC Sustainability Report (Committee)

Requires the department to do a study on aging demographics and access to Long term Care services, make projections and offer recommendations.

LB255 – SNAP (Committee)

LB 255 would address the cliff effect in the Supplemental Nutrition Assistance Program (SNAP) by allowing working families to advance in employment and in training programs, and realize greater earnings or new, better-paying employment without an immediate loss of the vital support of SNAP. LB 255 would accomplish this, while keeping the current net income limits in SNAP, by increasing the gross income limit from the current 130% of the federal poverty level (FPL) to 140% of FPL. With this change families which successfully demonstrate that expenses, like childcare, still prevent them from being able to afford food to feed their families would be considered eligible for SNAP.

LB306 – Unemployment “Good Cause” Caregiving (Final Reading – Failed)

LB306 provides that persons who leave work to care for a family member with a serious health condition are eligible for unemployment benefits. It adds "caring for a family member with a serious health condition" to the list of reasons which are considered good cause for voluntarily leaving employment under employment security law

LB305 – Healthy and Safe Families (General File)

LB305 requires employers with four or more employees to provide employees with access to paid sick and safe leave. Employees shall accrue a minimum of one hour of paid sick and safe time for every thirty hours worked. Employers must allow employees to accrue up to forty hours in a calendar year based on hours worked. Nothing in the bill prohibits employers from providing additional paid leave. Safe leave can be used for reasons relating to domestic violence, stalking, or domestic abuse. Any employer with a paid leave policy who makes available an amount of paid leave which is sufficient to meet the accrual requirements for paid sick and safe time and which may be used for the same purposes as paid sick and safe time is not required to provide additional paid sick and safe time.

LB311 – Paid Family & Medical Leave Insurance Act (Filibuster–Bill is Dead)

The intent of LB 311 is to adopt the Paid Family and Medical Leave Insurance Act. The Act will create a paid family and medical leave insurance program to provide partial wage replacement for eligible workers to care for themselves or a family member following a serious illness or to care for a new child through birth, foster care or adoption. Leave can also be taken for military exigency. Employers who offer benefits as generous as those specified in the act can opt-out of the program. Similar to the federal Family and Medical Leave Act, a covered employee who utilizes the paid family leave insurance program is entitled to be restored to the position held by the employee when the leave commenced or to a position with equivalent status and pay.

***LB316 – Adopt the Pharmacy Benefit Fairness and Transparency Act* (Select File/Priority Bill Banking Committee)**

As introduced, LB 316 creates the Pharmacy Benefit Fairness and Transparency Act. The Pharmacy Benefit Fairness and Transparency Act requires that all pharmacy benefit managers (PBMs) doing business in Nebraska obtain certification as a Third Party Administrator under the Third Party Administrator Act, with oversight by the Nebraska Department of Insurance. Violation of these Acts shall be considered unfair trade practices pursuant to the Unfair Insurance Trade Practices Act. LB 316 allows the Director to examine the financial condition of the PBM pursuant to the Insurers Examination Act. LB 316 establishes transparency provisions for the PBMs to follow when contracting with pharmacies. PBMs are not allowed to include in their contracts with pharmacies: (a) language that allows pharmacy benefit managers to claw back payments from pharmacies or over charge for copayments for patients, (b) any restrictions on sharing pricing information with patients for their medications, (c) restrictions on pharmacies mailing medications to patients at the request of the patients or mandating the use of the PBM owned mail-order pharmacies, and (d) restrictions on pharmacies being allowed to participate in specialty and other pharmacy networks

As amended out of Business and Labor Committee with AM778, LB316 would provide that a contracted pharmacy shall not be prohibited from or subject to penalties or removal from a network or plan for sharing information regarding the cost, price, or copayment of a prescription drug with a covered individual. The amendments would further provide that a pharmacy benefit manager shall not prohibit or inhibit a contracted pharmacy from discussing

any such information or selling a more affordable alternative to a covered individual. As amended, LB316 provides that an insurer shall not require a covered individual to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of: (a) the individual's copayment, deductible, or coinsurance for such prescription drug; or (b) the amount any individual would pay for such prescription drug if the individual paid in cash.

LB379 – Online Payday Lending (General File/Speaker Priority Bill)

Allows in state licensees to offer delayed deposit services online for an additional licensing fee, so long as the licensee has at least one principal place of business within the state. The bill requires that delayed deposit services use the National Mortgage Licensing System at the request of the Nebraska Department of Banking. Currently licensed delayed deposit companies are the only entities that are not required to use this system with the Department of Banking

LB442 – Synchronizing Medications

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LB 442 would enable beneficiaries to synchronize their medications, so they could order and receive them on the same day each month instead of having to make multiple visits to the dispensing pharmacy. This would reduce medication waste, as well as the poor healthcare outcomes that result from decreased medication adherence. In addition, the provisions in LB 442 would ensure that a pharmacy would receive a full dispensing fee, as determined by the contract it has with the individual or group health plan, as the pharmacy overhead cost remain the same.

LB468 – Prohibit addition of LTC to Medicaid Managed Care Program

(Committee/Health and Human Services Committee Priority Bill)

LB468 would require that no additional populations or services be added to the at-risk capitated managed care program before either January 1, 2020 or the completion of a critical evaluation proving the success of such program. As with the amendment filed, AM46, LB468 would apply only to long-term care services

LB549 – Broadband geo-mapping (Committee)

LB549 would provide for creation and maintenance of a statewide geographic information system map under the Nebraska Telecommunications Regulation Act. The map will track connection speed and type of technology for each serviceable street address or land parcel in which the telecommunications company offers advanced telecommunications capability service as defined in the bill.

LB567 – Drug Price Transparency (Committee)

This Act is intended to promote transparency of the cost of manufacturing prescription pharmaceuticals. The Act would require that a manufacturer of a prescription drug notify certain parties such as insurance companies and health providers in the event that a cost increase on prescription drugs with a wholesale cost of forty dollars for one course of therapy is to increase more than sixteen percent in a prescribed period of time

LB569 – Adopt the out of network consumer protection, transparency and accountability act (Committee)

LB 569 adopts the Out-of-Network-Consumer-Protection, Transparency, and Accountability Act. The purpose of the bill is to avoid "surprise billing" to consumers by requiring disclosure and transparency to a covered individual on the in-network status of health care facilities, providers and services. The bill further provides direction when a patient is treated by an out-of-network provider or facility in an emergency situation

LB631- Medicaid Expansion Implementation Task Force (Committee)

The Medicaid Implementation Task Force is to provide oversight and facilitation of the expansion of Medicaid to include eligibility for adults between the ages of 19 -64 years of age whose incomes are 138% of the federal poverty level. It shall consist of six voting members: The chair of HHS, chair of the Appropriations Committee, chair of the Judiciary Committee, and three members of the Legislature chosen by the Executive Board. It will also include seven nonvoting members chosen by the Exec. Board and include a health care provider, a behavioral health care provider, a health care consumer or advocate, and a representative from a hospital, a business, a rural health care provider and a representative of a political subdivision likely to have its constituency impacted by Medicaid expansion. The task force will hold public meetings - at least one in each congressional district, will analyze information. A report of its findings or recommendations will be issued beginning December 1, 2019. The task force shall terminate on December 31, 2020 unless reauthorized by the Legislature.

LB693 – Spoofing (General File/Priority Bill Senator Steve Halloran)

LB693 adopts the Neighbor Spoofing Protection Act, which states that no person shall, in connection with any telecommunications service or IP-enabled voice service, cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value and apply civil penalties for violations of the act.