

2021

LEGISLATIVE WRAP-UP

107TH LEGISLATURE | FIRST SESSION



June 2021

Dear Health Care Champions,

The Nebraska Hospital Association Advocacy Team wrapped up a productive 2021 legislative session and adjourned on May 27, 2021. We are pleased to report on our legislative priorities and bills of interest. The NHA collaborated with many policymakers, stakeholders and other health care members in advocating for our top priorities to enhance the health care industry.

We would like to thank our Board of Directors, Policy Development Committee, PAC Steering Committee and anyone else that took time out of their busy schedules to develop the legislative agenda for the NHA. We especially would like to thank the individuals who visited the Capitol to testify at committee hearings in support of several legislative bills. We know that senators find testimony from our members to be extremely useful as they prefer to hear from “boots on the ground” experiences (or firsthand knowledge) when considering policy changes. It is much more impactful on a senator when they hear direct answers to their questions from professionals practicing in health care on a daily basis.

As we transition into the fall, the NHA Advocacy Team will be reaching out to our members to find out what public policy issues are impacting the health care industry. Let us know if you have ideas for legislation or would like us to help put you in contact with your senator. We serve as a liaison to our members between state and federal agencies and legislatures. If you need any assistance or have any questions regarding what services the NHA can provide, please do not hesitate to contact us at any time.

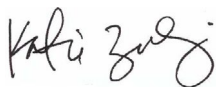
Sincerely,



Andy Hale
NHA Vice President, Advocacy



David Slattery
NHA Director of Advocacy



Katie Zulkoski
Zulkoski | Weber, LLC



Michelle Weber
Zulkoski | Weber, LLC

A special thanks to all of the members of the 2021 Policy Development Committee

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Kearney Regional Medical Center, Kearney

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Chief Executive Officer
Antelope Memorial Hospital, Neligh

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CHI Health, Omaha

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Burke Kline, DHA

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Nebraska Medicine, Omaha

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General Counsel
Madonna Rehabilitation Hospital, Lincoln

Chris Nichols

Chief Executive Officer
Fillmore County Hospital, Geneva

Kelly Nielsen, CPH, MPH, MS

Division Director of Strategy & Healthy Communities
CHI Health, Omaha

Jeremy Nordquist

Government Relations Director
Nebraska Medicine, Omaha

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Roger Reamer

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Melanie Thornton

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Jim Ulrich, MHA, FACHE, FHFMA

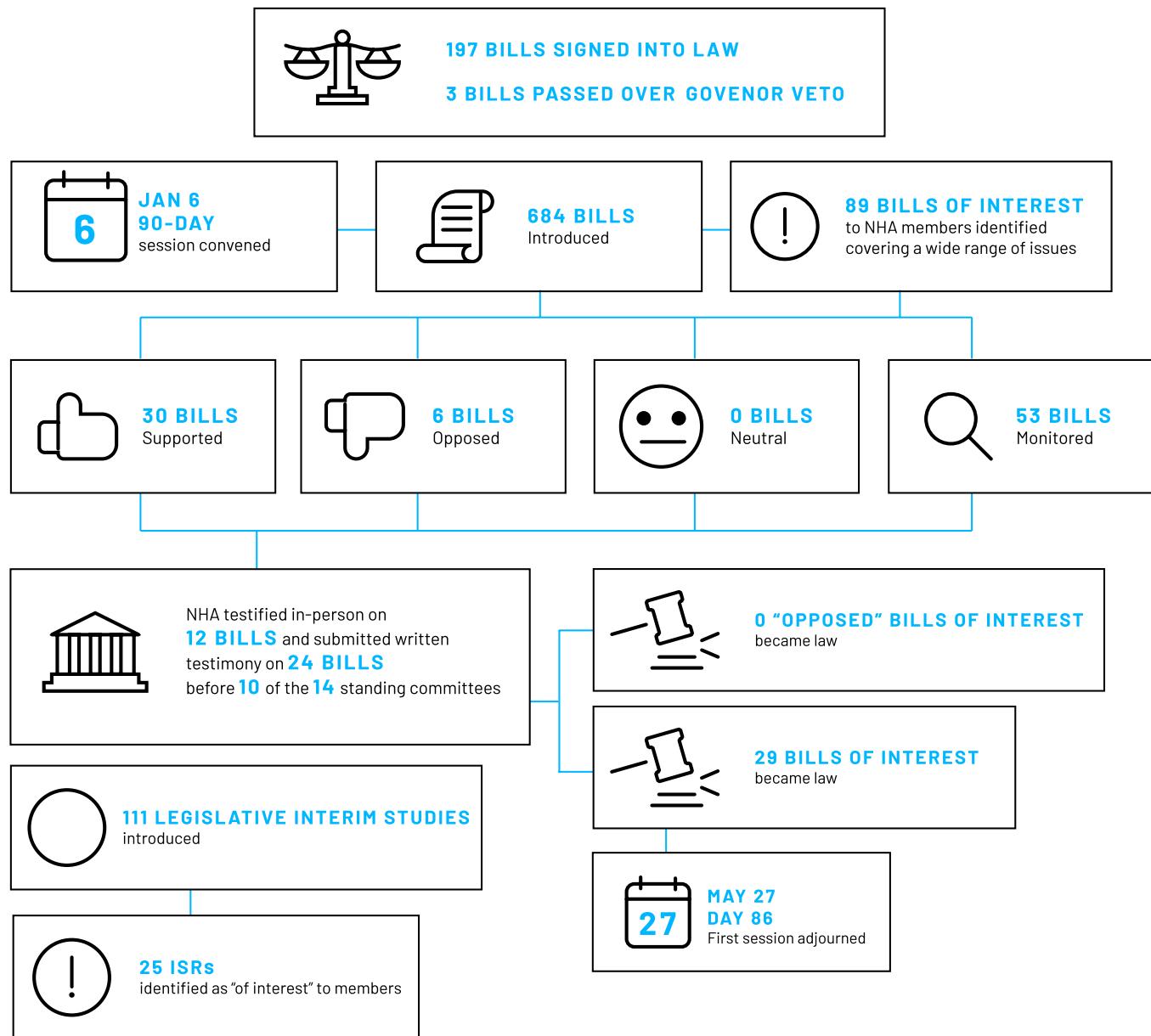
Chief Executive Officer
York General, York

John Woodrich, MBA

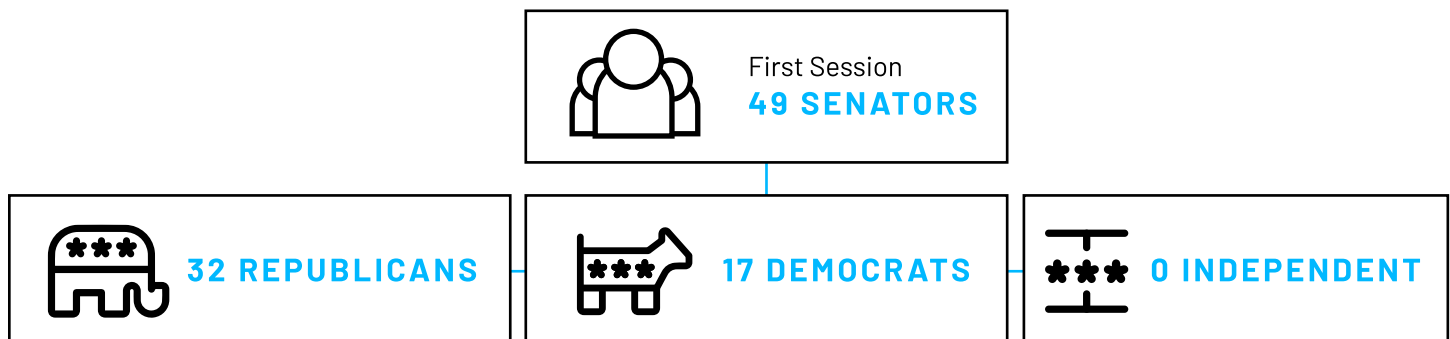
President & CEO
Bryan Medical Center, Lincoln

2021 LEGISLATIVE SESSION BY THE NUMBERS

Nebraska Unicameral - 107th Legislature, First Session



Composition of 107th Legislature



Key Issues

Budget Update

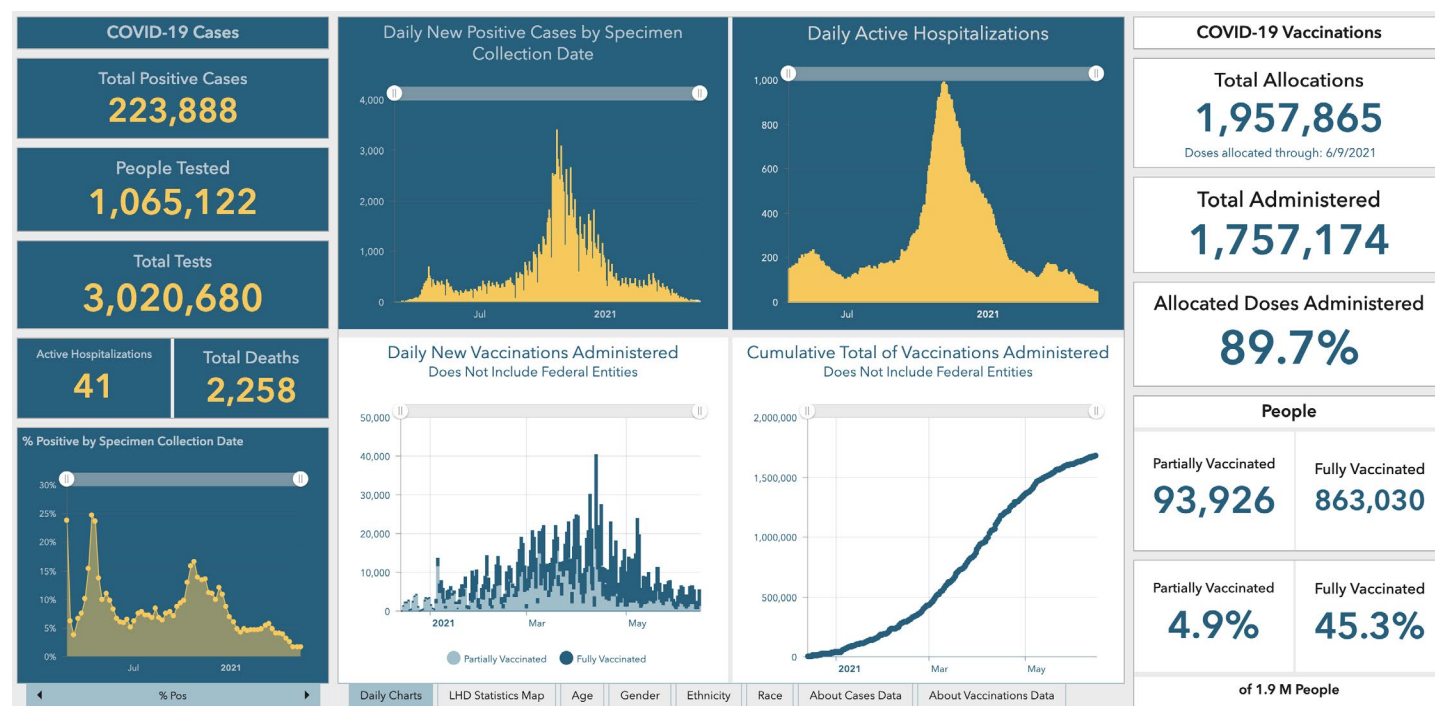
The Legislature passed a two-year \$9.7 billion budget this session which limits the annual budget growth to 1.7% per year. The budget will deliver \$1.45 billion in direct property tax relief over the biennium and includes \$1 billion annually in state aid to K-12 education. It also includes \$100 million being transferred into the rainy day/cash reserve fund.

The budget also lays the groundwork for a new \$230 million prison, devoting \$15 million to planning, design and site selection for a prison but without committing the state to the project. It also sets aside \$15 million for prison alternatives and programs.

Of importance to the NHA, the budget includes a 2% provider rate increase for each of the next two years for a total of \$90 million.



COVID-19 Response



As of June 1, 2021

2021 Statute Changes That Impact Nebraska Hospitals

LB14 (Blood) Adopt the Audiology and Speech-Language Pathology Interstate Compact

NHA Position: Supported ✓

Effective August 27, 2021

The Compact allows audiology and speech-language pathology specialists to practice in participating states without obtaining additional state licenses. Nebraska became the 10th state to adopt the compact, which led to the ratification of the compact on April 2, 2021. Participating states include Alabama, Kansas, Kentucky, Louisiana, North Carolina, Oklahoma, Utah, West Virginia and Wyoming.

LB100 (Walz) Prohibit certain billing practices under the Medical Assistance Act, state intent regarding foster care reimbursement rates increases and appropriate funds

NHA Position: Supported ✓

Effective May 26, 2021

Bars Medicaid from implementing “multiple procedure payment reduction” for physical therapy, occupational therapy or speech-language pathology.

LB139 (Briese) Adopt the COVID-19 Liability Act and the Health Care Crisis Protocol Act

NHA Position: Supported ✓

Effective May 25, 2021

Creates the COVID-19 Liability Act to provide for a civil action for injuries or damages from exposure to COVID-19 only if the act or omission alleged to violate a duty of care is not in substantial compliance with federal public health guidance (defined as that from the Centers for Disease Control and Prevention, Medicare or the Occupational Safety and Health Administration) applicable to the person, place or activity at issue at the time of the alleged exposure or potential exposure.

Creates the Health Care Crisis Protocol for the State of Nebraska published by the Nebraska Medical Emergency Operations Center on May 10, 2021. Allows the health care crisis protocol to be activated only in extraordinary circumstances when the level of demand for medical services and resources exceeds the available resources to deliver the generally accepted standard of care, and crisis operations will be in effect for a sustained period. States the protocol does not change or alter the existing standard for malpractice or professional negligence. Requires each hospital have the health care crisis protocol available for inspection by the public.

LB247 (Pansing Brooks) Create the Mental Health Crisis Hotline Task Force

NHA Position: Supported ✓

Effective May 24, 2021

The task force will create an implementation plan for the 988 crisis hotline established by the federal government in 2020.

Senators appointed by the Executive Board to the task force are:

Senator Eliot Bostar; Lincoln
Senator Tom Brandt; Plymouth
Senator Jen Day; Omaha
Senator Curt Friesen; Henderson
Senator Patty Pansing Brooks. Lincoln

The task force will terminate on December 31, 2022.

LB296 (Hansen, B.) Change provisions regarding access to patient records for Department of Health and Human Services Institutions

NHA Position: Monitored

Effective August 27, 2021

Makes DHHS institution records accessible by order of a mental health board.

LB337 (Kolterman) Adopt the Step-Therapy Reform Act

NHA Position: Supported ✓

Effective August 27, 2021

Improves patient access to prescribed medications, without undue interference from insurance companies. The bill does not ban the use of step therapy, but instead implements reasonable timelines and override protocols. Insurers will need to be in compliance as of January 1, 2022.

LB338 (Bostelman) Change provisions regarding broadband service and provide requirements for and change provisions relating to funding for broadband infrastructure

NHA Position: Monitored

Effective May 5, 2021

Allows the Public Service Commission to redirect Universal Service Funds to broadband providers that partner with community members, including hospitals, on rural-based plans for 100x100 mbps broadband Internet service in unserved and underserved communities.

2021 Statute Changes That Impact Nebraska Hospitals

LB380 (Hilgers) Mainline Budget Bill

NHA Position: Supported ✓

Effective July 1, 2021

The state's \$9.7 billion budget package includes: 2% Medicaid provider rate increase in each of the next two years and an additional \$3 million in funding for qualified educational debts owed by eligible health professionals as determined pursuant to the Rural Health Systems and Professional Incentive Act practicing in a designated health profession shortage area in Nebraska.

LB388 (Friesen) Adopt the Nebraska Broadband Bridge Act

NHA Position: Supported ✓

Effective May 26, 2021

Appropriates \$20 million in General Funds over each of the next two years to the Public Service Commission to provide grants for broadband Internet service in unserved and underserved areas.

LB390 (Murman) Provide for credentials based on reciprocity and change requirements for credentials under the Uniform Credentialing Act

NHA Position: Supported ✓

Effective August 27, 2021

Allows for an expedited credential in Nebraska for PAs, nurses, EMS providers, dentists, optometrists, pharmacists, psychologists, dialysis technicians, licensed medical nutrition therapists, medical radiographers, perfusionists, surgical first assistants and acupuncturists. An applicant receiving a reciprocal license under the bill is required to establish residency in Nebraska within 180 days of obtaining the license.

LB400 (Arch) Change requirements related to coverage of telehealth by insurers and Medicaid

NHA Position: Supported ✓

Effective August 27, 2021

Allows established patients to receive audio-only telehealth for individual behavioral health services originating from any location. Allows a patient to provide verbal consent (previously written consent was required prior to service provision) during an initial telehealth visit, if written approval is received within 10 days.

LB411 (Lathrop) Require sharing of information with the designated health information exchange and change provisions related to the Health Information Technology Board

NHA Position: Supported ✓

Effective May 24, 2021

Requires that certain health care facilities and payors participate in the designated health information exchange by sharing clinical information, that is clinical data captured in existing electronic health records. Specifies that health care facilities participate free of cost and the board shall not require a facility to purchase or contract for an electronic records management system or service.

LB451 (McKinney) Define terms and change provisions relating to unlawful employment practices under the Nebraska Fair Employment Practice Act

NHA Position: Monitored

Effective August 27, 2021

If an employer enacts standards that regulate the expression of an applicant's or employee's race, including hairstyles of braids, locks and twists, the employer must demonstrate that the standard is for health and safety reasons, the standard is nondiscriminatory, the standard is applied equally and the employer has engaged in good faith efforts to reasonably accommodate the applicant or employee.

2021 Statute Changes That Impact Nebraska Hospitals

LB476 (Blood) Change provisions relating to the Stroke System of Care Act

NHA Position: Monitored

Effective August 27, 2021

Creates a plan for a comprehensive stroke system for stroke response and treatment.

The plan shall 1) require a statewide stroke data registry, 2) require comprehensive stroke centers, thrombectomy capable stroke centers, primary stroke centers and encourage other hospitals and emergency medical services to report data on the treatment of suspected stroke patients, and 3) promote provider data sharing and health care professional communication to improve quality of care.

Requires DHHS to establish a data oversight process for stroke response and treatment, including data analysis and identification of potential interventions to improve care. Provides that all data collection pursuant to this Act is subject to the Medical Records and Health Information Act.

LB487 (Arch) Payment Parity for Mental Health Telehealth Appointments

NHA Position: Supported ✓

Effective August 27, 2021

Prohibits a private health insurance plan that covers mental health treatment from establishing rates, terms or conditions that place a greater financial burden on an insured for accessing treatment via telehealth.

Requires that the reimbursement rate for telehealth treatment for a mental health condition be the same as the rate for a comparable treatment provided in person.

LB566 (McDonnell) Adopt the Shovel-Ready Capital Recovery and Investment Act

NHA Position: Supported ✓

Effective May 25, 2021

Provides matching grants for capital projects by nonprofit organizations, including sports complexes that have been delayed due to COVID. Administered by DED (Department of Economic Development).

Provides up to \$1 million for a capital project with an estimated cost of less than \$5 million, up to \$5 million for projects with costs between \$5-\$25 million, up to \$10 million for a project with costs between \$25-\$50 million costs and up to \$15 million for a project with a cost of \$50 million or more. Recipients must begin construction by June 30, 2022, and must abide by Davis-Bacon federal laws. Appropriates \$15 million in General Funds and, subject to the appropriations process, up to the amount needed to fully fund all approved grants from Federal Funds, if allowed.

LB583 (Murman) Require electronic prescriptions for controlled substances

NHA Position: Monitored

Effective January 1, 2022

Beginning January 1, 2022, prescribers must issue prescriptions to a pharmacy or controlled substances using electronic prescription technology. Provides prescriptions issued by a dentist are subject to reporting beginning January 1, 2024. Provides exceptions for veterinarians when there is a temporary technological failure.

Bills Opposed by the NHA

LB133 (Erdman) Adopt the Nebraska EPIC Consumption Tax Act and eliminate certain other taxes and LR11CA (Erdman) Constitutional amendment to require enactment of a consumption tax and prohibit certain other forms of taxation

NHA Position: Opposed

Would have eliminated property, income and corporate taxes to be replaced with a flat tax on the consumption of taxable property or services (including health care services) at the rate of 10.64%.

LB133 failed to advance from the Revenue Committee.

LR11CA failed to advance from the first round of debate on a vote of 23-19.

LB160 (Wayne) Change provisions of the Nebraska Hospital-Medical Liability Act

NHA Position: Opposed

A health care provider or health care provider's employer, employee, partner or LLC member shall file with the Director of Insurance proof of financial responsibility, \$5 million dollars (up from \$500,000) for each occurrence. In the case of physicians or certified registered nurse anesthetists and their employers, employees, partners or LLC members, an aggregate liability amount of \$10 million dollars (up from \$1 million) for all occurrences or claims made in any policy year for each named insured shall be provided.

In the case of hospitals and their employees, an aggregate liability amount of \$30 million dollars (up from \$3 million) for all occurrences or claims made in any policy year or risk-loss trust year shall be provided. The total amount recoverable under the Nebraska Hospital-Medical Liability Act from any and all health care providers and the Excess Liability Fund for any occurrence resulting in any injury or death of a patient may not exceed \$10 million (up from \$2.25 million) for any occurrence after Dec. 31, 2021.

Failed to advance from the Judiciary Committee.

LB263 (Briese) Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction

NHA Position: Opposed

Provides an additional method of obtaining an occupational license or government certificate, requiring that the Occupational Board shall issue a license or certification to applicants if certain requirements are met where, the applicant has a license in another state or government certificate, the applicant has work experience in another state or government, the applicant holds a private certification and relevant work experience, all in an occupation of similar scope. In each of these circumstances, the Occupational Board may require the applicant to pass certain occupation specific exams.

Failed to advance from the Government, Military and Veterans Affairs Committee.

LB494 (Cavanaugh, M.) Direct the Department of Health and Human Services to apply for grants to establish and maintain a health care insurance claims and payment information database

NHA Position: Opposed

Failed to advance from the Health and Human Services Committee.

LB581 (Hansen, B.) Change motorcycle, moped and autocycle helmet provisions

NHA Position: Opposed

Makes persons above the age of 21 exempt from having to wear a helmet on a motorcycle. Requires all motorcycle operators to wear eye protection.

Failed to advance from the Transportation and Telecommunications Committee.

LB643 (Hansen, B.) Protect an individual liberty right to accept or decline a vaccination under a mandatory directive

NHA Position: Opposed

Provides that each citizen of Nebraska, of parents with respect to their dependents and of each businesses with respect to its employees has the right to accept or decline a mandatory vaccination directive by the state government.

Failed to advance from the Health and Human Services Committee.

Not Acted Upon

Legislation not acted upon in the 2021 session will carry over into the 2022 session and be eligible for further consideration.

LB30 (Wayne) Limit the amount an insured pays for prescription insulin drugs (Support)

LB115 (McCollister) Impose sales tax on candy and soft drinks and provide for distribution of proceeds (Support)

LB243 (Bostar) Adopt the Access College Early Tech Promise Program Act (Support)

LB270 (Morfeld) Adopt the Pharmacy Benefit Manager Regulation Act and require an audit under the Medical Assistance Act (Support)

LB314 (Pahls) Change provisions related to insurance coverage of telehealth (Support)

LB374 (DeBoer) Adopt the Alzheimer's Disease and Other Dementia Support Act (Support)

LB375 (Kolterman) Adopt the Pharmacy Benefit Manager Regulation and Transparency Act (Support)

LB413 (Wishart) Require coverage of medications for substance use disorder treatment and addiction medicine services under the Medical Assistance Act (Support)

LB421 (Stinner) State intent regarding appropriations for qualified educational debt under the Rural Health Systems and Professional Incentive Act (Support)

LB425 (Health and Human Services Committee) Require the Department of Health and Human Services to complete a needs assessment and cost analysis for an inpatient adolescent psychiatric unit (Support)

Interim Studies

Each year at the close of the legislative session, senators introduce interim study resolutions authorizing a legislative committee to study a specific issue while the Legislature is in recess. The interim study resolutions often indicate a senator's special interest in an issue that he or she intends to address through a legislative proposal the following year.

The NHA often participates providing research assistance, proposal development and testimony in support or opposition.

LR143 (Stinner) Interim study to examine the mental and behavioral health needs of Nebraskans, assess the shortages of providers, and determine what is need to ensure an adequate behavioral health service delivery system

LR163 (Stinner) Interim study to examine postacute placement challenges in Nebraska's health care system

LR178 (Wishart) Interim study to solicit input from Nebraskans regarding funds from the federal American Rescue Plan Act of 2021

LR179 (Cavanaugh, M.) Interim study to examine funding mechanisms in the American Rescue Plan Act of 2021

LR200 (Executive Board) Interim study to examine the long-term fiscal sustainability of the Nebraska Health Care Cash Fund

LR201 (Executive Board) Interim study to examine issues within the jurisdiction of the Health and Human Services Committee

LR202 (Executive Board) Interim study to examine federal legislation regarding COVID-19 pandemic assistance

LR203 (Flood) Interim study to examine Medicaid expansion and behavioral health

LR206 (Morfeld) Interim study to examine workers' compensation

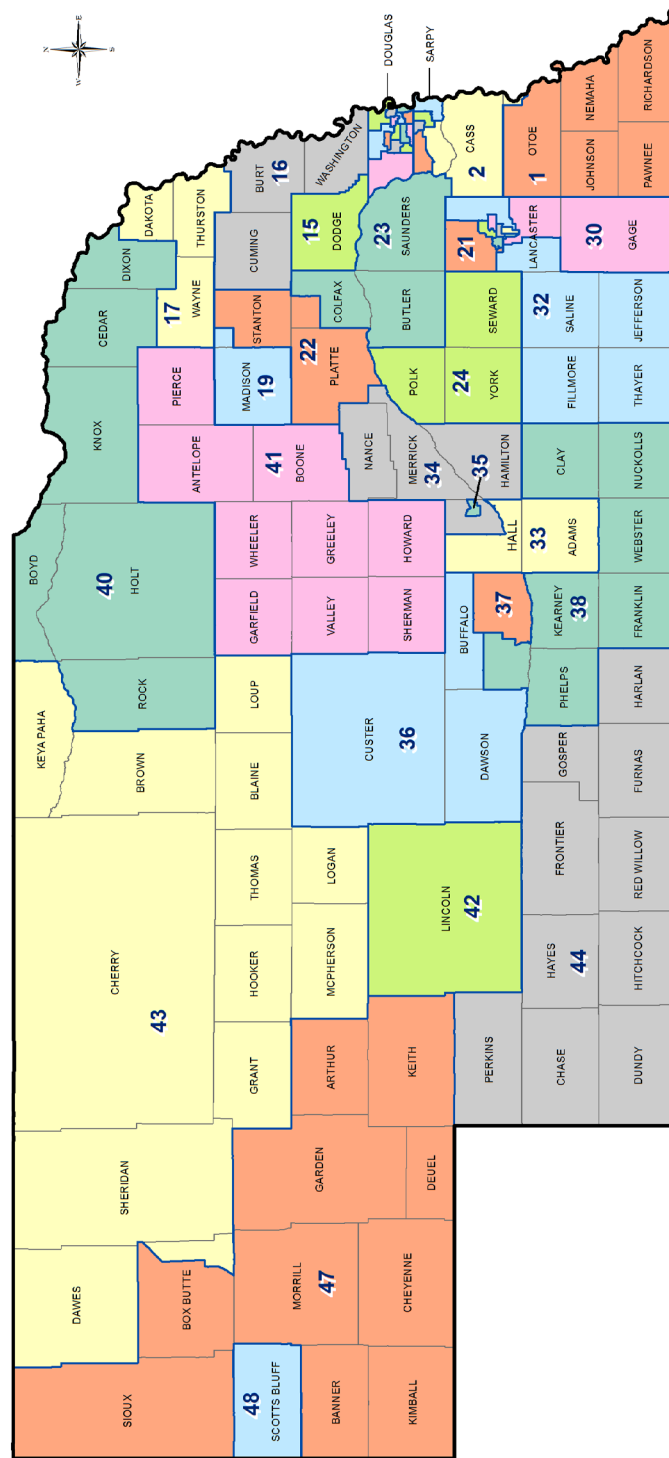
LR212 (McDonnell) Interim study to examine the health care workforce shortage in Nebraska

LR213 (Day) Interim study to examine the mental and behavioral health needs of Nebraska students and the role of school psychologists

LR239 (Health and Human Services Committee) Interim study to examine the effectiveness of Medicaid waivers in Nebraska overseen by the Department of Health and Human Services

Nebraska Legislative Districts - LB 703 (2011)

(Districts took effect May 27, 2011)



Geographic Information Systems
 Map Created by: Trisha Schlake, GIS Specialist
 Source: U.S. Census Bureau
 Date Created: 6-27-2011

Senator Contact List

District	Senator	Capitol Phone	Room	City
1	Slama, Julie	(402) 471-2733	11 th Floor	Peru
2	Clements, Robert	(402) 471-2613	1120	Elmwood
3	Blood, Carol	(402) 471-2627	1021	Bellevue
4	Hilkemann, Robert	(402) 471-2621	2028	Omaha
5	McDonnell, Mike	(402) 471-2710	2107	Omaha
6	Cavanaugh, Machaela	(402) 471-2714	11 th Floor	Omaha
7	Vargas, Tony	(402) 471-2721	1000	Omaha
8	Hunt, Megan	(402) 471-2722	1523	Omaha
9	Cavanaugh, John	(402) 471-2723	1306	Omaha
10	DeBoer, Wendy	(402) 471-2718	1114	Bennington
11	McKinney, Terrell	(402) 471-2612	11 th Floor	Omaha
12	Lathrop, Steve	(402) 471-2623	1103	Omaha
13	Wayne, Justin T.	(402) 471-2727	1115	Omaha
14	Arch, John	(402) 471-2730	1402	La Vista
15	Walz, Lynne	(402) 471-2625	1107	Fremont
16	Hansen, Ben	(402) 471-2728	2010	Blair
17	Albrecht, Joni	(402) 471-2716	1404	Thurston
18	Lindstrom, Brett	(402) 471-2618	2015	Omaha
19	Flood, Michael	(402) 471-2929	11 th Floor	Norfolk
20	McCollister, John S.	(402) 471-2622	1017	Omaha
21	Hilgers, Mike	(402) 471-2673	2103	Lincoln
22	Moser, Mike	(402) 471-2715	1529	Columbus
23	Bostelman, Bruce	(402) 471-2719	1117	Brainard
24	Kolterman, Mark	(402) 471-2756	2004	Seward
25	Geist, Suzanne	(402) 471-2731	2000	Lincoln
26	Hansen, Matt	(402) 471-2610	1015	Lincoln
27	Wishart, Anna	(402) 471-2632	1308	Lincoln
28	Pansing Brooks, Patty	(402) 471-2633	1016	Lincoln
29	Bostar, Eliot	(402) 471-2734	1012	Lincoln
30	Dorn, Myron	(402) 471-2620	11 th Floor	Adams
31	Pahls, Rich	(402) 471-2327	1403	Omaha
32	Brandt, Tom	(402) 471-2711	1528	Plymouth
33	Halloran, Steve	(402) 471-2712	1022	Hastings
34	Friesen, Curt	(402) 471-2630	1110	Henderson
35	Aguilar, Raymond	(402) 471-2617	1118	Grand Island
36	Williams, Matt	(402) 471-2642	1401	Gothenburg
37	Lowe, John S., Sr	(402) 471-2726	2011	Kearney
38	Murman, Dave	(402) 471-2732	1522	Glenvil
39	Linehan, Lou Ann	(402) 471-2885	1116	Elkhorn
40	Gragert, Tim	(402) 471-2801	11 th Floor	Creighton
41	Briese, Tom	(402) 471-2631	1019	Albion
42	Groene, Mike	(402) 471-2729	1302	North Platte
43	Brewer, Tom	(402) 471-2628	1101	Gordon
44	Hughes, Dan	(402) 471-2805	2108	Venango
45	Sanders, Rita	(402) 471-2615	1406	Bellevue
46	Morfeld, Adam	(402) 471-2720	1008	Lincoln
47	Erdman, Steve	(402) 471-2616	1124	Bayard
48	Stinner, John P.	(402) 471-2802	1004	Gering
49	Day, Jen	(402) 471-2725	1018	Omaha

Thank You for your support!

The NHA staff would like to thank everyone who participated in the development of public policy during the 2021 legislative session. Your efforts of attending NHA meetings, participating in conference calls and contacting policymakers on behalf of Nebraska's hospitals, are invaluable. The NHA's advocacy priorities are driven by our vision of providing high-quality, accessible affordable health care to the patients we serve.

Through the Board of Directors, the Policy Development Committee, the NHA PAC Steering Committee, membership and staff, the NHA strives to promote public policy issues to make positive changes in Nebraska's health care environment.

Throughout the upcoming years, hospitals will need champions in the Legislature to deal with the issues that impact the operations and success of hospitals. Hospital representatives must be ready to engage in discussions vital to the communities they serve and to the mission of hospitals across Nebraska. **Together, we are the influential voice of Nebraska's hospitals.**

YOUR SUPPORT MATTERS

Invest in the NHA PAC Online



It's easier than ever to contribute!



**Contact the NHA Advocacy Team for
username and password.**



**Simply go online to:
pac.nebraskahospitals.org**

**Thank you for supporting for supporting those who care
about Nebraska's hospitals and the patients they serve.**



GET INVOLVED

For more information about how you can become involved in this critical effort or for more information about legislative bills or resolutions, contact David Slattery, Director of Advocacy, at 402-742-8153 or dslattery@nebraskahospitals.org.



KEEP INFORMED

To keep you informed about legislative activities, visit our helpful website, nebraskahospitals.org/advocacy, for links and advocacy resources.



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Cornhusker Marriott Lincoln



The influential voice of Nebraska's hospitals

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