NEBRASKA

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DEPARTMENT OF INSURANCE

Pete Ricketts, Governor

N-O-T-I-C-E

To: All Nebraska Insurers and Health Care Providers

From: Bruce R. Ramge, Director of Insurance

Date: March 23, 2020

Re: Telehealth Written Statement Requirement, Exception for Emergencies

The Nebraska Telehealth Act, Neb. Rev. Stat. §§ 71-8501 to 71-8508, defines telehealth as "any contact between a patient and a health care practitioner relating to the health care diagnosis or treatment of such patient through telehealth," and requires that a written statement be signed by a patient prior to an initial telehealth consultation. This written statement requirement is cross-referenced at § 44-312, which defines insurers' duties related to telehealth. There is an exception to the written statement requirement at § 71-8505(4) for an emergency situation in which the patient is unable to sign the written statement prior to an initial consultation.

The Department of Health and Human Services Public Health and the Department of Insurance read this exception to apply so long as Governor Ricketts' declared state of emergency related to the coronavirus (COVID-19) is in effect.

As a result:

- Health care providers are not required to obtain a patient's signature on a written agreement prior to providing telehealth services.
- Insurance claims for telehealth will not be denied solely on the basis of lack of a signed written statement.

Health care practitioners need to comply with all other provisions of the Nebraska Telehealth Act and any other applicable law or regulation including, but not limited to, requirements to be licensed, registered, or certified to practice in the State of Nebraska unless otherwise allowed under Executive Order.

Questions from insurers may be directed to Laura Arp at **laura.arp@nebraska.gov** or Martin Swanson at **martin.swanson@nebraska.gov**. Questions from health care providers may be directed to Becky Wisell (402) 471-0179 or Jesse Cushman (402) 471-4915.

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