

2023 Regular Session

HOUSE BILL NO. 493

BY REPRESENTATIVE DUSTIN MILLER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICAID: Provides for fees on emergency ground ambulance providers and the disposition of fees

1 AN ACT

2 To amend and reenact R.S. 46:2626(A), (F), (G), (H)(1), and (I)(2), (5), (6), and (7) and to
3 repeal R.S. 46:2626(B), relative to emergency ambulance providers and the
4 disposition of fees; to impose fees for healthcare services provided by the Medicaid
5 program; to require State Plan Amendment approval from the Centers for Medicare
6 and Medicaid Services; to revise existing definitions; to provide for an effective date;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:2626(A), (F), (G), (H)(1), and (I)(2), (5), (6), and (7) are hereby
10 amended and reenacted to read as follows:

11 §2626. Fees on emergency ground ambulance service ~~providers~~; disposition of fees

12 A. The Louisiana Department of Health may adopt and impose fees on ~~for~~
13 ~~healthcare services provided by the Medicaid program on~~ emergency ground
14 ambulance ~~service~~ providers for healthcare services allowed under 42 CFR 433.56
15 provided by emergency ground ambulance providers. ~~The amount of any fee shall~~
16 ~~not exceed the total cost to the state of providing the healthcare service subject to the~~
17 ~~fee~~.

18 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 F. Notwithstanding any provision of this Section to the contrary, the
2 department shall adopt and promulgate, pursuant to the Administrative Procedure
3 Act and in compliance with Article VII, Section 10.14 of the Constitution of
4 Louisiana, a fee to be imposed pursuant to Subsection A of this Section in
5 accordance with all of the following:

6 (1) The department shall calculate, levy, and collect a fee ~~from every~~
7 ~~emergency ground ambulance service provider~~ on each ~~emergency and~~
8 ~~nonemergency~~ ground ambulance transport service allowed under 42 CFR 433.56
9 provided by an emergency ground ambulance provider upon the occurrence of all of
10 the following:

11 (a) Implementation of the reimbursement ~~enhancements~~ as provided for in
12 Subsection G of this Section.

13 (b)(i) Approval from the Centers for Medicare and Medicaid Services.

14 (ii) ~~The department shall submit all required documentation necessary for~~
15 ~~approval and implementation of the reimbursement enhancements set forth in~~
16 ~~Subsection G of this Section on or before August 31, 2016.~~

17 (2) ~~The total assessment for the initial state fiscal year in which the~~
18 ~~assessment is charged shall not exceed the lesser of the following:~~

19 (a) ~~The state portion of the cost, excluding any federal financial~~
20 ~~participation, of the reimbursement enhancements provided for in this Section that~~
21 ~~are directly attributable to payments to emergency ground ambulance service~~
22 ~~providers.~~

23 (b) ~~One and one-half percent of the net operating revenue of all emergency~~
24 ~~ground ambulance service providers assessed relating to the provision of emergency~~
25 ~~ground ambulance transportation.~~

26 (3) ~~The department shall uniformly impose and shall allocate the assessment~~
27 ~~to each emergency ground ambulance service provider on a consistent basis and the~~
28 ~~assessment formula shall be the same for every emergency ground ambulance~~
29 ~~service provider.~~

1 ~~(4) For the initial year of the assessment, the department shall assess each~~
2 ~~emergency ground transport provider in accordance with Paragraph (2) of this~~
3 ~~Subsection. The total amount of the assessment shall be paid by the emergency~~
4 ~~ground ambulance service provider in installments as prescribed by the secretary in~~
5 ~~conjunction with the written consent of emergency ground ambulance service~~
6 ~~providers, and shall be due from the provider within thirty days of the notification~~
7 ~~of assessment owed.~~

8 (5) After the initial year, the The department shall assess on each emergency
9 ground ambulance service provider a percentage fee, determined at the discretion of
10 the secretary ~~subject to the provisions of Paragraph (3) of this Subsection in~~
11 ~~collaboration~~ and with the express and written mutual agreement of the emergency
12 ground ambulance service providers subject to the assessment and which make up
13 a minimum of sixty-five percent of all emergency ground ambulance ~~transports~~
14 services in the state of Louisiana. The maximum fee allowable pursuant to this
15 Section in any year, shall not exceed the percentage of net patient service revenues
16 permitted by federal regulation pursuant to 42 CFR 433.68 as determined by the
17 department, as reported by the provider and subject to audit for the previous fiscal
18 year of the provider. The total amount of the assessment shall be paid by the
19 emergency ground ambulance service provider in installments as prescribed by the
20 secretary in conjunction with the agreement of ~~emergency ground ambulance service~~
21 ~~providers~~, those providers subject to the fee which provide a minimum of sixty-five
22 percent of the emergency ground ambulance transports and shall be due from the
23 provider within thirty days of the notification of the fee amount owed.

24 G. For each year in which the assessment is in effect, the department shall
25 provide for reimbursement ~~enhancements~~ in accordance with all of the following:

26 (1) Reimbursement or payment to emergency ground ambulance service
27 providers by any state or state-sponsored program, ~~including but not limited to the~~
28 ~~Bayou Health Plans or their successors~~, at or above the base rates at the level which
29 were in effect on July 1, ~~2015~~ 2022, for ~~emergency and nonemergency ground~~

1 ambulance transport and related services provided pursuant to the Louisiana medical
2 assistance program provided that funds are appropriated in the budget plus an
3 enhancement.

4 (2) The legislature shall annually appropriate from the state general fund and
5 not from the Emergency Ground Ambulance Service Provider Trust Fund Account
6 an amount necessary to fund the state share of the base reimbursement to emergency
7 ground ambulance service providers ~~pursuant to Paragraph (1) of this Subsection~~.

8 (3) Monies collected from the fees shall be appropriated by the state in
9 accordance with Article VII, Section 10.14 of the Constitution of Louisiana as
10 necessary for the state to maximize federal matching funds and all proceeds,
11 including interest from the fees collected, shall be deposited in the Emergency
12 Ground Ambulance Service Provider Trust Fund Account for application in
13 accordance with this Subsection and any applicable State Plan Amendment
14 ~~LA-11-23 and any amendments thereto~~ pertaining to emergency ground ambulance
15 service provider reimbursement or payment.

16 (4) The enhancement payment level shall be determined in a manner to bring
17 the payments for these services up to ~~the average commercial rate level as described~~
18 ~~in Section C(8) of~~ any level described in any applicable State Plan Amendment ~~LA-~~
19 ~~11-23 and any amendments thereto to the extent of the availability of funds in~~
20 ~~Emergency Ground Ambulance Service Trust Fund~~; pertaining to emergency ground
21 ambulance service provider reimbursement or payment approved by the Centers for
22 Medicare and Medicaid Services. The enhancement payment level shall be the
23 difference between the reimbursement levels provided for in Paragraph (1) of this
24 Subsection and the ~~average commercial rate~~ levels as described in any applicable
25 State Plan Amendment pertaining to emergency ground ambulance service provider
26 reimbursement or payment approved by the Centers for Medicare and Medicaid
27 Services.

28 (5) Funds from the Emergency Ground Ambulance Service Provider Trust
29 Fund Account shall be used to achieve the maximum reimbursement under federal

1 law and appropriated ~~solely~~ to fund the reimbursement enhancements provided for
2 in Subsection G Paragraph (4) of this Subsection as provided in the most recent
3 formula adopted by the legislature or the secretary as applicable and distributed
4 exclusively among emergency ground ambulance service provider for emergency
5 and nonemergency ambulance transportation services provided.

6 H.(1) No additional assessment shall be collected and any assessment shall
7 be terminated for the remainder of the fiscal year from the date on which any of the
8 following occur:

9 (a) ~~The secretary and the emergency ground ambulance service provider~~
10 ~~representing a minimum of sixty-five percent of all emergency ground transports fail~~
11 ~~to reach an agreement on any proposed changes to the formula for the next fiscal~~
12 ~~year. The reimbursements set forth in Subsection G are reduced below the base~~
13 reimbursement.

14 (b) ~~The department, or its successor or contractors, reduces or does not pay~~
15 ~~reimbursement enhancements established in the current formula as adopted by the~~
16 ~~legislature. The amount of the reimbursement for ground ambulance services~~
17 ~~payable by any Medicaid Managed Care Organization falls below one hundred~~
18 percent of the Medicaid rate in effect at the time the service is rendered.

19 (c) ~~The appropriations provided for in Subsection D of this Section are~~
20 ~~reduced.~~

21 (d) ~~The amount of the reimbursement for emergency and nonemergency~~
22 ~~ground ambulance services payable by any Medicaid managed care organization falls~~
23 ~~below one hundred percent of the Medicaid rate in effect at the time the service is~~
24 ~~rendered.~~

25 * * *

26 I. For purposes of this Section, the following definitions apply:

27 * * *

28 (2) "Average commercial rate" means the average amount payable by
29 commercial payors for the same services ~~and as further defined in State Plan~~

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 493 Reengrossed

2023 Regular Session

Dustin Miller

Abstract: Provides for the imposition of fees for emergency ground ambulance service providers.

Present law provides that the La. Dept. of Health (LDH) may adopt and impose fees for healthcare services provided by the Medicaid program on emergency ground ambulance service providers.

Proposed law provides that LDH may adopt and impose fees for healthcare services provided by the Medicaid program on emergency ground ambulance services and the providers thereof.

Present law requires LDH to calculate, levy, and collect a fee from every emergency ground ambulance service provider on each emergency and nonemergency ground ambulance transport in certain instances provided in present law.

Proposed law requires LDH to calculate, levy, and collect a fee on each emergency and nonemergency ground ambulance services from every emergency ground ambulance service provider upon the occurrence. Proposed law otherwise retains present law.

Present law requires the total amount of the assessment to be paid by the emergency ground ambulance service provider in installments as prescribed by the secretary of LDH in conjunction with the agreement of emergency ground ambulance service providers within 30 days of the notification of the fee amount owed.

Proposed law requires the total amount of the assessment to be paid by the provider of the emergency ground ambulance service in installments as prescribed by the secretary of LDH in conjunction with the agreement of those providers subject to the fee which provide a minimum of 65% of the emergency ground ambulance transports. Proposed law otherwise retains present law.

Present law requires LDH to provide reimbursement enhancements when reimbursement or payment to emergency ground ambulance service providers by any state or state-sponsored program at or above rates at the level which were in effect on July 1, 2015, for emergency and nonemergency transport and related services provided in accordance with the Louisiana medical assistance program provided that funds are appropriated in the budget.

Proposed law requires LDH to provide reimbursement enhancements when reimbursement for emergency ground ambulance services at or above rates at the level which were in effect on July 1, 2022, for ground ambulance transport and related services provided in accordance with the La. medical assistance program provided that funds are appropriated in the budget plus an enhancement.

Present law requires enhancement payment levels to be determined in a manner to bring the payments for these services up to the average commercial rate level as described in present law and any amendments thereto to the extent of the availability of funds in the Emergency Ground Ambulance Service Trust Fund.

Proposed law requires enhancement payment levels to be determined in a manner to bring the payments for these services up to the average commercial rate level as described in any

applicable State Plan Amendment pertaining to emergency ground ambulance service provider reimbursement or payment approved by the Centers for Medicare and Medicaid Services.

Present law prohibits an additional assessment from being collected and provides that any assessment shall be terminated for the remainder of the fiscal year from the date on which certain instances occur as provided in present law.

Proposed law retains present law.

Proposed law redefines "average commercial rate", "emergency ground ambulance services", and "net operating revenue".

Proposed law repeals present law relative to department fee restrictions, reimbursement documentation, assessments, funds from the Emergency Ground Ambulance Service Provider Trust Fund Account, and circumstances for the termination of assessment.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 46:2626(A), (F), (G), (H)(1), and (I)(2), (5), (6), and (7); Repeals R.S. 46:2626(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical corrections.

The House Floor Amendments to the engrossed bill:

1. Restore provisions in present law that refer to services provided by emergency ground ambulance service providers.
2. Require certain healthcare services provided in proposed law to be allowed under present law.
3. Establish requirements for payment installments.
4. Add language relative to emergency ground ambulance service provider reimbursement.
5. Provide that no additional assessment shall be collected and no assessment shall be terminated for the remainder of the fiscal year under certain occurrences specified in proposed law.
6. Make technical corrections.