

ACT No. 171

2023 Regular Session

HOUSE BILL NO. 493

BY REPRESENTATIVE DUSTIN MILLER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

* * *

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

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

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

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

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

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

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

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

21 (3) ~~The department shall uniformly impose and shall allocate the assessment~~
22 ~~to each emergency ground ambulance service provider on a consistent basis and the~~
23 ~~assessment formula shall be the same for every emergency ground ambulance~~
24 ~~service provider.~~

25 (4) ~~For the initial year of the assessment, the department shall assess each~~
26 ~~emergency ground transport provider in accordance with Paragraph (2) of this~~
27 ~~Subsection. The total amount of the assessment shall be paid by the emergency~~
28 ~~ground ambulance service provider in installments as prescribed by the secretary in~~
29 ~~conjunction with the written consent of emergency ground ambulance service~~

1 providers, and shall be due from the provider within thirty days of the notification
2 of assessment owed.

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

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

21 (1) Reimbursement or payment to emergency ground ambulance service
22 providers by any state or state-sponsored program, ~~including but not limited to the~~
23 ~~Bayou Health Plans or their successors~~, at or above the base rates at the level which
24 were in effect on July 1, ~~2015~~ 2022, for ~~emergency and nonemergency ground~~
25 ambulance transport and related services provided pursuant to the Louisiana medical
26 assistance program provided that funds are appropriated in the budget plus an
27 enhancement.

28 (2) The legislature shall annually appropriate from the state general fund and
29 not from the Emergency Ground Ambulance Service Provider Trust Fund Account

1 an amount necessary to fund the state share of the base reimbursement to emergency
2 ground ambulance service providers ~~pursuant to Paragraph (1) of this Subsection.~~

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

11 (4) The enhancement payment level shall be determined in a manner to bring
12 the payments for these services up to ~~the average commercial rate level as described~~
13 ~~in Section C(8) of any level described in any applicable State Plan Amendment LA-~~
14 ~~11-23 and any amendments thereto to the extent of the availability of funds in~~
15 ~~Emergency Ground Ambulance Service Trust Fund.~~ pertaining to emergency ground
16 ambulance service provider reimbursement or payment approved by the Centers for
17 Medicare and Medicaid Services. The enhancement payment level shall be the
18 difference between the reimbursement levels provided for in Paragraph (1) of this
19 Subsection and the ~~average commercial rate~~ levels as described in any applicable
20 State Plan Amendment pertaining to emergency ground ambulance service provider
21 reimbursement or payment approved by the Centers for Medicare and Medicaid
22 Services.

23 (5) Funds from the Emergency Ground Ambulance Service Provider Trust
24 Fund Account shall be used to achieve the maximum reimbursement under federal
25 law and appropriated ~~solely~~ to fund the reimbursement enhancements provided for
26 in this Subsection ~~Paragraph (4) of this Subsection as provided in the most recent~~
27 ~~formula adopted by the legislature or the secretary as applicable and distributed~~
28 ~~exclusively among emergency ground ambulance service provider for emergency~~
29 ~~and nonemergency ambulance transportation services provided.~~

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

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

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

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

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

20 * * *

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

22 * * *

23 (2) "Average commercial rate" means the average amount payable by
24 commercial payors for the same services ~~and as further defined in State Plan~~
25 ~~Amendment LA-11-23 and any amendments thereto in effect on the effective date~~
26 ~~of this Section. as defined by any applicable State Plan Amendment pertaining to~~
27 ~~any emergency ground ambulance service payment or reimbursement.~~

28 * * *

