
HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 662 by Representative Barras

AMENDMENT NO. 1

On page 1, line 4, after "definitions;" and before "and to" insert the following:

"to provide for disposition of collected fees; to provide for enhanced reimbursements; to provide for the termination of the assessment; to require the Department of Health and Hospitals to take certain actions; to provide for an effective date;"

AMENDMENT NO. 2On page 1, at the end of line 8, insert a semicolon ";" and "disposition of fees"AMENDMENT NO. 3On page 1, line 13, after "imposed" and before "under" insert "in the first year"AMENDMENT NO. 4On page 1, at the end of line 15, after "providers" and before the period "." insert "as defined in Subsection I of this Section"AMENDMENT NO. 5

On page 1, between lines 15 and 16, insert the following:

"C. Any fee authorized by and imposed pursuant to this Section shall be considered an allowable cost for the purposes of insurance or other third party reimbursements and shall be included in the establishment of reimbursement rates.

D. Subject to the exceptions contained in Article VII, Section 9(A) and Article VII, Section 10.14 of the Constitution of Louisiana, all fees collected by the department pursuant to the authority granted in this Section shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing the remaining funds in the state general fund, pay into the Emergency Ground Ambulance Service Provider Trust Fund Account within the Louisiana Medical Assistance Trust Fund an amount equal to the total amount of the fees collected. Thereafter the secretary shall use the fees within the fund to carry out the provisions of Subsection G of this Section.

E.(1) Notwithstanding any other provision of law to the contrary, except for the first year maximum fee of one and one half percent of the net operating revenue, the department shall not impose any new fee or increase any fee on any emergency ground ambulance service provider on or after July 1, 2016, without first obtaining either of the following:

1 (a) Prior approval of the specific fee amount by record vote of two-
 2 thirds of the elected members of each house of the legislature while in
 3 regular session.

4 (b) Written agreement of those providers subject to the fee which
 5 provide a minimum of sixty-five percent of the emergency ground ambulance
 6 transports.

7 (2) Any fee otherwise imposed or increased by the department on or
 8 after July 1, 2016, shall be null and of no effect.

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

14 (1) The department shall calculate, levy, and collect a fee from every
 15 emergency ground ambulance service provider on each emergency ground
 16 ambulance transport upon the occurrence of all of the following:

17 (a) Implementation of the reimbursement enhancements as provided
 18 for in Subsection G of this Section.

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

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

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

26 (a) The state portion of the cost, excluding any federal financial
 27 participation, of the reimbursement enhancements provided for in this
 28 Section that are directly attributable to payments to emergency ground
 29 ambulance service providers.

30 (b) One and one half percent of the net operating revenue of all
 31 emergency ground ambulance service providers assessed relating to the
 32 provision of emergency ground ambulance transportation.

33 (3) The department shall uniformly impose and shall allocate the
 34 assessment to each emergency ground ambulance service provider on a
 35 consistent basis and the assessment formula shall be the same for every
 36 emergency ground ambulance service provider.

37 (4) For the initial year of the assessment, the department shall assess
 38 each emergency ground transport provider one and one half percent of the
 39 annual net operating revenue of the emergency ground ambulance service
 40 provider as reported by the provider and subject to audit for the previous
 41 fiscal year of the provider. The total amount of the assessment shall be paid
 42 by the emergency ground ambulance service provider in installments as
 43 prescribed by the secretary in conjunction with the written consent of
 44 emergency ground ambulance service providers, and shall be due from the
 45 provider within thirty days of the notification of assessment owed.

46 (5) Thereafter, the department shall assess each emergency ground
 47 ambulance service provider a percentage fee, determined at the discretion of
 48 the secretary subject to the provisions of Paragraph (2) of this Subsection in
 49 collaboration and with the express and written mutual agreement of the
 50 emergency ground ambulance service providers subject to the assessment
 51 and which make up a minimum of sixty-five percent of all emergency ground
 52 ambulance transports in the state of Louisiana. The maximum gross fee
 53 allowable pursuant to this Section in any year shall not exceed three and one-
 54 half percent of the annual net operating revenue of the emergency ground
 55 ambulance service provider as reported by the provider and subject to audit
 56 for the previous fiscal year of the provider. The total amount of the
 57 assessment shall be paid by the emergency ground ambulance service
 58 provider in installments as prescribed by the secretary in conjunction with

1 the agreement of emergency ground ambulance service providers, and shall
 2 be due from the provider within thirty days of the notification of the fee
 3 amount owed.

4 (6) Prior to levying or collecting the assessment for the applicable
 5 assessment period, the department shall publish in the official state journal
 6 the total amount of the assessment and the corresponding applicable
 7 percentage of net operating revenue that will be applied to the assessed
 8 providers.

9 G. The department shall provide for reimbursement enhancements in
 10 accordance with all of the following:

11 (1) Reimbursement or payment to emergency ground ambulance
 12 service providers by any state or state sponsored program, including but not
 13 limited to the Bayou Health Plans or their successors, at or above rates at the
 14 level which were in effect on July 1, 2015, for emergency transport and
 15 related services provided pursuant to the Louisiana medical assistance
 16 program provided that funds are appropriated in the budget.

17 (2) The legislature shall annually appropriate from the state general
 18 fund and not from the Emergency Ground Ambulance Service Provider Trust
 19 Fund Account an amount necessary to fund the reimbursement to emergency
 20 ground ambulance service providers pursuant to Subsection F of this Section.

21 (3) Monies collected from the fees shall be appropriated by the state
 22 in accordance with Article VII, Section 10.14 of the Constitution of
 23 Louisiana as necessary for the state to maximize federal matching funds and
 24 all proceeds, including interest from the fees collected, shall be deposited in
 25 the Emergency Ground Ambulance Service Provider Trust Fund Account for
 26 application in accordance with this Subsection and State Plan Amendment
 27 LA-11-23 and any amendments thereto.

28 (4) The supplemental payment level shall be determined in a manner
 29 to bring the payments for these services up to the average commercial rate
 30 level as described in Section C(8) of State Plan Amendment LA-11-23 and
 31 any amendments thereto. The emergency ground ambulance service provider
 32 base reimbursement level shall be the difference between the reimbursement
 33 levels provided for in Paragraph (1) of this Subsection and the average
 34 commercial rate.

35 (5) Funds from the Emergency Ground Ambulance Service Provider
 36 Trust Fund Account shall be used to achieve the maximum reimbursement
 37 under federal law and appropriated solely to fund the reimbursement
 38 enhancements provided for in Paragraph (4) of this Subsection as provided
 39 in the most recent formula adopted by the legislature or the secretary as
 40 applicable and distributed exclusively among emergency ground ambulance
 41 service providers for emergency services provided.

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

45 (a) The secretary and the emergency ground ambulance service
 46 provider representing a minimum of sixty-five percent of all emergency
 47 ground transports fail to reach an agreement on the formula for the next fiscal
 48 year.

49 (b) The department, or its successor or contractors, reduces or does
 50 not pay reimbursement enhancements established in the current formula as
 51 adopted by the legislature.

52 (c) The appropriations provided for in Subsection D of this Section
 53 are reduced.

54 (d) The amount of the reimbursement for emergency ground
 55 ambulance services payable by any participant in the Bayou Health Plan or
 56 Medicaid managed care organization falls below one hundred percent of the
 57 Medicaid rate in effect at the time the service is rendered.

1 (2) The treasurer shall return any monies collected after the date of
2 termination of an assessment to the emergency ground ambulance service
3 provider from which it was collected, including any interest collected
4 thereon."

5 AMENDMENT NO. 6

6 On page 1, at the beginning of line 16, change "C." to "I."

7 AMENDMENT NO. 7

8 On page 1, between lines 17 and 18, insert the following:

9 (2) "Average commercial rate" means the average amount payable
10 by commercial payors for the same services and as further defined in State
11 Plan Amendment LA-11-23 and any amendments thereto in effect on the
12 effective date of this Section.

13
14 (3) "Centers for Medicare and Medicaid Services" or "CMS" means
15 the division of the United States Department of Health and Human Services
16 which regulates the medical assistance program provided for in Title XIX of
17 the Social Security Act.

18
19 (4) "Department" means the Department of Health and Hospitals.

20 AMENDMENT NO. 8

21 On page 1, at the beginning of line 18, change "(2)" to "(5)"

22 AMENDMENT NO. 9

23 On page 2, after line 2, insert the following:

24
25 "(6) "Emergency Ground Ambulance Service Provider Trust Fund
26 Account" or "the fund" means the fund provided for in Article VII, Section
27 10.14 of the Constitution of Louisiana upon the payment of fees by
28 emergency ground ambulance service providers pursuant to this Section and
29 to which all fees shall be paid into and utilized solely for the reimbursement
30 enhancements to be provided to emergency ground ambulance service
31 providers.

32 (7) "Net operating revenue" means the gross revenues of the
33 emergency ground ambulance service provider for the provision of
34 emergency ground ambulance transportation services, excluding any
35 Medicaid reimbursements, less any deducted amounts for bad debts, charity
36 care, and payer discounts.

37 (8) "Secretary" means the secretary of the Department of Health and
38 Hospitals.

39 (9) "State" means the state of Louisiana.

40
41 Section 2. The secretary shall promulgate all rules and regulations in
42 accordance with the Administrative Procedure Act, submit any necessary
43 Medicaid state plan amendments no later than ninety days after the effective
44 date of this Act, and take all other actions as are necessary to institute the
45 assessments and reimbursement enhancements provided for in this Act.
46

1 Section 3. This Act shall become effective upon signature by the
2 governor or, if not signed by the governor, upon expiration of the time for
3 bills to become law without signature by the governor, as provided by Article
4 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor
5 and subsequently approved by the legislature, this Act shall become effective
6 on the day following such approval."

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