

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), (E), (F), (G), (H)(1), and (I)(2), (5), (6), and (7) and
3 to 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), (E), (F), (G), (H)(1), and (I)(2), (5), (6), and (7) are
10 hereby 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 for
13 healthcare services provided by the Medicaid program on emergency ground
14 ambulance ~~service~~ services and the providers thereof. The amount of any fee shall
15 not exceed the total cost to the state of providing the healthcare service subject to the
16 fee.

17 * * *

18 ~~E.(1) Notwithstanding any other provision of law to the contrary, except for~~
19 ~~the first year maximum fee of one and one-half percent of the net operating revenue,~~
20 ~~the department shall not impose any new fee or increase any fee on any emergency~~

1 ~~ground ambulance service provider on or after July 1, 2016, without first obtaining~~
2 ~~either of the following:~~

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

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

7 ~~(2) Any fee otherwise imposed or increased by the department on or after~~
8 ~~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 Procedure
11 Act and in compliance with Article VII, Section 10.14 of the Constitution of
12 Louisiana, a fee to be imposed pursuant to Subsection A of this Section in
13 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 and~~
16 ~~nonemergency ground ambulance services from every emergency ground ambulance~~
17 ~~service provider transport upon the occurrence of all of the following:~~

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

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

21 (ii) ~~The department shall submit all required documentation necessary for~~
22 ~~approval and implementation of the reimbursement enhancements set forth in~~
23 ~~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 Section that~~
28 ~~are directly attributable to payments to emergency ground ambulance service~~
29 ~~providers.~~

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

4 ~~(3) The department shall uniformly impose and shall allocate the assessment~~
5 ~~to each emergency ground ambulance service provider on a consistent basis and the~~
6 ~~assessment formula shall be the same for every emergency ground ambulance~~
7 ~~service provider.~~

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

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

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

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

9 (2) The legislature shall annually appropriate from the state general fund and
10 not from the Emergency Ground Ambulance Service Provider Trust Fund Account
11 an amount necessary to fund the state share of the base reimbursement ~~to for~~
12 emergency ground ambulance ~~service providers pursuant to Paragraph (1) of this~~
13 ~~Subsection~~ services.

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

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

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

8 H.(1) No additional assessment shall be collected and any assessment shall
 9 be terminated for the remainder of the fiscal year from the date on which ~~any of the~~
 10 ~~following occur:~~ the assessment amount is not sufficient to fund the entirety of the
 11 enhancement.

12 ~~(a) The secretary and the emergency ground ambulance service provider~~
 13 ~~representing a minimum of sixty-five percent of all emergency ground transports fail~~
 14 ~~to reach an agreement on any proposed changes to the formula for the next fiscal~~
 15 ~~year.~~

16 ~~(b) The department, or its successor or contractors, reduces or does not pay~~
 17 ~~reimbursement enhancements established in the current formula as adopted by the~~
 18 ~~legislature.~~

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~~

1 ~~Amendment LA-11-23 and any amendments thereto in effect on the effective date~~
2 ~~of this Section~~ as determined by the Louisiana Department of Health.

3 * * *

4 (5) "Emergency ground ambulance ~~service provider services~~" means only
5 those services provided by a nonpublic, nonfederal provider of emergency ground
6 ambulance services.

7 (6) "Emergency Ground Ambulance Service Provider Trust Fund Account"
8 or "the fund" means the fund provided for in Article VII, Section 10.14 of the
9 Constitution of Louisiana upon the payment of fees by emergency ground ambulance
10 service providers pursuant to this Section and to which all fees shall be paid into and
11 utilized solely for the reimbursement ~~enhancements~~ to be provided to emergency
12 ground ambulance service providers.

13 (7) "Net operating revenue" means the gross revenues of the emergency
14 ground ambulance service provider for the provision of emergency ~~and~~
15 ~~nonemergency~~ ground ambulance transportation services, ~~excluding any Medicaid~~
16 ~~reimbursements~~, less any deducted amounts for bad debts, charity care, and payer
17 discounts.

18 * * *

19 Section 2. R.S. 46:2626(B) is hereby repealed in its entirety.

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

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 Engrossed

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. 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, 2015, for emergency and nonemergency transport and related services provided in accordance with the La. medical assistance program provided that funds are appropriated in the budget plus and 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 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 provides that assessment shall be terminated for the remainder of the fiscal year from the date on which the assessment amount is not sufficient to fund the entirety of the enhancement, retains the instances for which termination is required and otherwise 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), (E), (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.