

1 A bill to be entitled
 2 An act relating to emergency medical air
 3 transportation services; creating s. 401.2515, F.S.;
 4 providing a short title; providing definitions;
 5 directing the Department of Health to establish a
 6 separate account within the Emergency Medical Services
 7 Trust Fund; requiring certain fees to be deposited in
 8 the account to be used for specified purposes;
 9 providing duties of the director of the Division of
 10 Emergency Preparedness and Community Support;
 11 providing conditions for increasing reimbursement for
 12 emergency medical air transportation services
 13 providers; amending ss. 318.18 and 318.21, F.S.;
 14 requiring an additional penalty to be imposed for
 15 certain moving violations; providing for distribution
 16 and use of the moneys received; providing an effective
 17 date.

18
 19 WHEREAS, emergency medical air transportation services
 20 providers offer lifesaving transportation for the most critical
 21 patients from automobile accident scenes directly to trauma
 22 centers, and

23 WHEREAS, emergency medical air transportation services
 24 providers transport all emergency patients without knowing
 25 whether the patient has medical insurance or the ability to pay
 26 for the service, and

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27 WHEREAS, emergency medical air transportation services
28 providers are not eligible to apply for additional federal
29 funding for providing services to high numbers of Medicaid,
30 uninsured, or underinsured patients pursuant to Florida's
31 Medicaid program, and

32 WHEREAS, emergency medical air transportation services
33 providers provide coverage to multiple counties within a 100-
34 mile radius of their bases, and often their transports originate
35 in a county other than where the provider is based, which makes
36 it difficult for the provider to be locally funded except in the
37 largest of counties, and

38 WHEREAS, the Florida Medicaid program reimburses emergency
39 medical air transportation services providers far below what it
40 costs the providers to provide emergency air transportation and
41 pays nothing if the patient is indigent and not eligible for
42 Medicaid, and

43 WHEREAS, fines and penalties for traffic violations
44 discourage dangerous driving behavior and, for certain traffic
45 violations, a portion of the penalty is used to fund programs
46 that provide health care and rehabilitation to victims of
47 dangerous drivers, and

48 WHEREAS, an additional penalty for each moving traffic
49 violation will provide support for emergency medical air
50 transportation services, which are the most critical services
51 for persons injured as a result of a traffic collision, and

52 WHEREAS, emergency medical air transportation services play

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53 a key role in the statewide emergency medical services system,
54 including disaster response and homeland security, and,
55 therefore, it is important for the state to support these vital
56 services, NOW, THEREFORE,

57

58 Be It Enacted by the Legislature of the State of Florida:

59

60 Section 1. Section 401.2515, Florida Statutes, is created
61 to read:

62 401.2515 Emergency medical air transportation services.-

63 (1) This section may be cited as the "Emergency Medical
64 Air Transportation Act."

65 (2) As used in this section, the term:

66 (a) "Air mileage rate" means the per-mile reimbursement
67 rate paid for services rendered by rotary-wing and fixed-wing
68 providers.

69 (b) "Director" means the director of the Division of
70 Emergency Preparedness and Community Support.

71 (c) "Fixed-wing" means a type of aircraft, commonly
72 referred to as an airplane, which generates lift through the use
73 of the forward motion of the aircraft and wings that do not
74 revolve around a mast but are fixed in relation to the fuselage
75 of the aircraft.

76 (d) "Provider" means a provider of emergency medical air
77 transportation services.

78 (e) "Rotary-wing" means a type of aircraft, commonly

79 referred to as a helicopter, that generates lift through the use
80 of wings, known as rotor blades, which revolve around a mast.

81 (3) The department shall establish, as a part of the
82 Emergency Medical Services Trust Fund, a separate account, in an
83 amount determined by the Legislature, to be known as the
84 "Emergency Medical Air Transportation Act Account." The
85 Emergency Medical Air Transportation Act Account shall be used
86 to augment reimbursement payments for emergency medical air
87 transportation services made under the Florida Medicaid program.

88 (4) In cooperation with the Agency for Health Care
89 Administration, the department shall use the moneys in the
90 Emergency Medical Air Transportation Act Account to generate
91 federal matching funds to augment reimbursement payments made to
92 emergency medical air transportation services providers by the
93 Florida Medicaid program. The director shall:

94 (a) By September 1, 2016, meet with emergency medical air
95 transportation services providers to develop the most
96 appropriate methodology for distribution of reimbursement
97 payments.

98 (b) Implement the methodology developed under paragraph
99 (a) in a timely manner.

100 (c) Seek amendments to the Medicaid state plan and waivers
101 of federal laws, as necessary, to implement this section. Moneys
102 in the account may be distributed pursuant to this section until
103 federal approvals are received.

104 (5) (a) Upon appropriation by the Legislature, the

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105 department shall use moneys in the Emergency Medical Air
106 Transportation Act Account and federal matching funds to
107 increase the Florida Medicaid reimbursement for emergency
108 medical air transportation services providers by not more than
109 the customary fees charged by the providers.

110 (b) Notwithstanding any other provision of law and
111 pursuant to this section, the department shall increase the
112 Florida Medicaid reimbursement for emergency medical air
113 transportation services if both of the following conditions are
114 met:

115 1. Moneys in the Emergency Medical Air Transportation Act
116 Account are sufficient to cover the cost of increased
117 reimbursement payments to providers of emergency medical air
118 transportation services made pursuant to paragraph (a).

119 2. General revenue funds of the state may not be used to
120 offset the cost of increased reimbursement payments to providers
121 of emergency medical air transportation services.

122 Section 2. Subsection (23) is added to section 318.18,
123 Florida Statutes, to read:

124 318.18 Amount of penalties.—The penalties required for a
125 noncriminal disposition pursuant to s. 318.14 or a criminal
126 offense listed in s. 318.17 are as follows:

127 (23) In addition to any other penalty, \$1 for a moving
128 violation under chapter 316, except for penalties imposed under
129 subsections (7) and (15). Within 30 days after the last day of
130 each calendar quarter, each municipality and county shall

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131 transfer moneys collected under this subsection to the Emergency
132 Medical Services Trust Fund within the Department of Health,
133 established under s. 20.435, for deposit into the Emergency
134 Medical Air Transportation Act Account, established under s.
135 401.2515, to be used as provided in that section.

136 Section 3. Subsection (22) is added to section 318.21,
137 Florida Statutes, to read:

138 318.21 Disposition of civil penalties by county courts.—
139 All civil penalties received by a county court pursuant to the
140 provisions of this chapter shall be distributed and paid monthly
141 as follows:

142 (22) Notwithstanding subsections (1) and (2), the proceeds
143 from the additional penalty imposed under s. 318.18(23) shall be
144 distributed as provided in that subsection.

145 Section 4. This act shall take effect July 1, 2016.