

SENATE BILL No. 186

By Committee on Ways and Means

2-10

1 AN ACT relating to reimbursement to eligible providers for medicaid
2 ground emergency medical transportation services.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) An eligible provider, as described in subsection (b), in
6 addition to the rate of payment that the provider would otherwise receive
7 for medicaid ground emergency medical transportation services, shall
8 receive supplemental medicaid reimbursement to the extent provided by
9 law.

10 (b) A provider shall be eligible for supplemental reimbursement only
11 if the provider meets the following conditions during the ~~state fiscal year~~
12 **reporting period**:

13 (1) Provides ground emergency medical transportation services to
14 medicaid beneficiaries;

15 (2) is a provider that is enrolled as a medicaid provider for the period
16 being claimed; and

17 (3) is owned or operated by the state, a political subdivision or local
18 government, that employs or contracts with persons **or providers** who are
19 licensed **or permitted** to provide emergency medical services in the state of
20 Kansas, ~~and includes~~ **including hospitals and** private entities to the extent
21 permissible under federal law.

22 (c) An eligible provider's supplemental reimbursement pursuant to
23 this section shall be calculated and paid as follows:

24 (1) The supplemental reimbursement to an eligible provider, as
25 described in subsection (b), shall be equal to the amount of federal
26 financial participation received as a result of the claims submitted pursuant
27 to subsection (f)(2);

28 (2) in no instance may the amount certified pursuant to subsection (e)
29 (1), when combined with the amount received from all other sources of
30 reimbursement from the medicaid program, exceed or be less than 100%
31 of actual costs, as determined pursuant to the medicaid state plan, for
32 ground emergency medical transportation services; and

33 (3) the supplemental medicaid reimbursement provided by this
34 section must be distributed exclusively to eligible providers under a
35 payment methodology based on ground emergency medical transportation
36 services provided to medicaid beneficiaries by eligible providers on a per-

1 transport basis or other federally permissible basis. The department of
2 health and environment shall obtain approval from the federal centers for
3 medicare and medicaid services for the payment methodology to be
4 utilized, and shall not make any payment pursuant to this section prior to
5 obtaining that approval.

6 (d) (1) It is the legislature's intent in enacting this section to provide
7 the supplemental reimbursement described in this section without any
8 expenditure from the state general fund. An eligible provider, as a
9 condition of receiving supplemental reimbursement pursuant to this
10 section, shall enter into, and maintain, an agreement with the department
11 for the purposes of implementing this section and reimbursing the
12 department for the costs of administering this section.

13 (2) The nonfederal share of the supplemental reimbursement
14 submitted to the federal centers for medicare and medicaid services for
15 purposes of claiming federal financial participation shall be paid only with
16 funds from the governmental entities described in subsection (b)(3) and
17 certified to the state as provided in subsection (e).

18 (e) Participation in the program by an eligible provider described in
19 this section is voluntary. If an applicable governmental entity elects to seek
20 supplemental reimbursement pursuant to this section on behalf of an
21 eligible provider, the governmental entity shall do the following:

22 (1) Certify, in conformity with the requirements of 42 C.F.R. §
23 433.51, that the claimed expenditures for the ground emergency medical
24 transportation services are eligible for federal financial participation;

25 (2) provide evidence supporting the certification as specified by the
26 department;

27 (3) submit data as specified by the department to determine the
28 appropriate amounts to claim as expenditures qualifying for federal
29 financial participation; and

30 (4) keep, maintain, and have readily retrievable any records specified
31 by the department to fully disclose reimbursement amounts to which the
32 eligible provider is entitled, and any other records required by the federal
33 centers for medicare and medicaid services.

34 (f) The department shall promptly seek any necessary federal
35 approvals for the implementation of this section. The department may limit
36 the program to those costs that are allowable expenditures under title XIX
37 of the federal social security act, 42 U.S.C. § 1396 et seq. If federal
38 approval is not obtained for implementation of this section, this section
39 shall not be implemented.

40 (1) The department shall submit claims for federal financial
41 participation for the expenditures for the services described in subsection
42 (e) that are allowable expenditures under federal law.

43 (2) The department shall submit any necessary materials to the

1 federal government to provide assurances that claims for federal financial
2 participation will include only those expenditures that are allowable under
3 federal law. ***The department may utilize intergovernmental transfers or***
4 ***certified public expenditures to implement this section subject to the***
5 ***same provisions and requirements of section 2, and amendments thereto.***

6 Sec. 2. (a) The department of health and environment shall design
7 and implement, in consultation and coordination with eligible providers as
8 described in subsection (b), an intergovernmental transfer program relating
9 to medicaid managed care, ground emergency medical transport services
10 and those services provided by emergency medical services personnel at
11 the emergency medical responder, emergency medical technician,
12 advanced emergency medical technician and paramedic levels in the pre-
13 stabilization and preparation for transport ~~in order to increase capitation~~
14 ~~payments for the purpose of increasing reimbursement to eligible~~
15 ~~providers.~~

16 (b) A provider shall be eligible ~~for increased reimbursement to~~
17 ***transfer public funds to the state*** pursuant to this section only if the
18 provider meets both of the following conditions in an applicable ~~state~~
19 ~~fiscal year reporting period:~~

20 (1) Provides ground emergency medical transport services to
21 medicaid managed care enrollees pursuant to a contract or other
22 arrangement with a medicaid managed care plan; and

23 (2) is owned or operated by the state, a political subdivision or local
24 government that employs or contracts with persons ***or providers*** who are
25 licensed ~~by the department~~ ***or permitted*** to provide emergency medical
26 services in the state of Kansas, ***including hospitals and private entities to***
27 ***the extent permissible under federal law.***

28 (c) To the extent intergovernmental transfers are voluntarily made by,
29 and accepted from, an eligible provider described in subsection (b), or a
30 governmental entity affiliated with an eligible provider, the department
31 shall make increased capitation payments to applicable medicaid managed
32 care plans ~~for covered ground emergency medical transportation services.~~

33 (1) The increased capitation payments made pursuant to this section
34 shall be ~~in amounts at least actuarially equivalent to the supplemental fee-~~
35 ~~for-service payments and up to equivalent of commercial reimbursement~~
36 ~~rates available for eligible providers,~~ ***at a minimum, in actuarially***
37 ***determined amounts*** to the extent permissible under federal law.

38 (2) Except as provided in subsection (f), ~~all~~ funds associated with
39 intergovernmental transfers made and accepted pursuant to this section
40 shall be used to fund additional payments to ~~eligible providers~~ ***medicaid***
41 ***managed care plans.***

42 (3) Medicaid managed care plans shall ~~pay 100% of any amount of~~
43 ~~increased capitation payments made pursuant to this section to eligible~~

1 ~~providers for providing and making available ground emergency medical~~
2 ~~transportation and pre-stabilization services pursuant to a contract or other~~
3 ~~arrangement with a medicaid managed care plan~~ ***enter into contracts or***
4 ***contract amendments with eligible providers for the disbursement of***
5 ***increased capitation payments made pursuant to this section.***

6 (d) The intergovernmental transfer program developed pursuant to
7 this section shall be implemented on the date federal approval is obtained,
8 and only to the extent intergovernmental transfers from the eligible
9 provider, or the governmental entity with which it is affiliated, are
10 provided for this purpose. ***To the extent permissible under federal law,*** the
11 department shall implement the intergovernmental transfer program and
12 increased capitation payments under this section on a retroactive basis as
13 ~~permitted by federal law~~ ***approved by the federal centers for medicare***
14 ***and medicaid services.***

15 (e) Participation in the intergovernmental transfers under this section
16 is voluntary on the part of the transferring entities for purposes of all
17 applicable federal laws.

18 (f) This section shall be implemented without any additional
19 expenditure from the state general fund. As a condition of participation
20 under this section, each eligible provider as described in subsection (b), or
21 the governmental entity affiliated with an eligible provider, shall agree to
22 reimburse the department for any costs associated with implementing this
23 section. Intergovernmental transfers described in this section are subject to
24 an administration fee of up to 20% of the non-federal share paid to the
25 department and shall be allowed to count as a cost of providing the
26 services not to exceed 120% of the total amount.

27 (g) As a condition of participation under this section, medicaid
28 managed care plans, eligible providers as described in subsection (b), and
29 governmental entities affiliated with eligible providers shall agree to
30 comply with any requests for information or similar data requirements
31 imposed by the department for purposes of obtaining supporting
32 documentation necessary to claim federal funds or to obtain federal
33 approvals.

34 (h) This section shall be implemented only if and to the extent federal
35 financial participation is available and is not otherwise jeopardized and
36 any necessary federal approvals have been obtained.

37 (i) To the extent that the department determines that the payments
38 made pursuant to this section do not comply with federal medicaid
39 requirements, the department may return or not accept an
40 intergovernmental transfer and may adjust payments pursuant to this
41 section as necessary to comply with federal medicaid requirements.

42 (j) The state of Kansas and the department of health and environment
43 shall implement whatever program the center for medicare and medicaid

1 services approves for use in Kansas under this act.

2 Sec. 3. This act shall take effect and be in force from and after its

3 publication in the statute book.