

ASSEMBLY BILL NO. 331—ASSEMBLYWOMEN KIRKPATRICK;
BENITEZ-THOMPSON, DIAZ AND NEAL

MARCH 16, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing Medicaid reimbursements for ground emergency medical transportation services. (BDR 38-961)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to include in the State Plan for Medicaid a voluntary program of reimbursement through which certain governmental entities and Indian tribes may obtain supplemental reimbursements for costs arising from the provision of ground emergency medical transportation services to recipients of Medicaid; requiring a participating governmental entity or Indian tribe to reimburse the Department for the costs of administering the program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing federal law requires the Federal Government to pay to each state for
2 which the Federal Government has approved a State Plan for Medicaid a certain
3 amount of the total amount expended as medical assistance under the State Plan.
4 The states are responsible for the remaining share of such expenditures. (42 U.S.C.
5 § 1396b(a)) Existing federal law and regulations allow certain governmental
6 entities and federally recognized Indian tribes to receive supplemental
7 reimbursements in addition to the federal payments discussed above for certain
8 health care services, including ground emergency medical transportation services,
9 pursuant to a State Plan for Medicaid. (42 U.S.C. §§ 1396a and 1396b; 42 C.F.R.
10 §§ 433.50-433.74) This bill requires the Director of the Department of Health and
11 Human Services to include in the State Plan for Medicaid a requirement that such a
12 governmental entity or Indian tribe that participates in a program of reimbursement
13 must receive supplemental reimbursements, in addition to the payments the
14 governmental entity or Indian tribe would otherwise receive from Medicaid, for



15 ground emergency medical transportation services provided to recipients of
16 Medicaid. In order to receive such reimbursements, the governmental entity or
17 Indian tribe must: (1) participate in the State Plan for Medicaid; (2) enter into an
18 agreement with the Department to reimburse the Department for the costs of
19 administering the program; (3) pay the nonfederal share of the expenditures arising
20 from providing such services; (4) certify that the claimed expenditures are eligible
21 for federal financial participation; (5) submit to the Department any required
22 evidence of the claimed expenditures; and (6) maintain any records required by the
23 Department. This bill provides that supplemental reimbursements will be paid only
24 to the extent approved by the Federal Government and if the program is not
25 approved by the Federal Government, reimbursements will not be paid.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 422 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. The Director shall include in the State Plan for Medicaid a***
4 ***voluntary program of reimbursement to provide supplemental***
5 ***reimbursement for ground emergency medical transportation***
6 ***services provided to recipients of Medicaid. The program must***
7 ***provide that a state or local governmental entity or federally***
8 ***recognized Indian tribe receive, in addition to the rate of payment***
9 ***that the governmental entity or Indian tribe would otherwise***
10 ***receive for ground emergency medical transportation services***
11 ***provided to recipients of Medicaid, a supplemental reimbursement***
12 ***for such services if the governmental entity or Indian tribe meets***
13 ***the requirements of subsection 2.***

14 ***2. A state or local governmental entity or federally recognized***
15 ***Indian tribe is not required to participate in the program of***
16 ***reimbursement established pursuant to this section. A state or***
17 ***local governmental entity or federally recognized Indian tribe that***
18 ***wishes to participate and receive the supplemental reimbursement***
19 ***described in subsection 1 must:***

20 ***(a) Hold a permit to operate an ambulance or permit to***
21 ***operate a vehicle of a fire-fighting agency at the scene of an***
22 ***emergency issued pursuant to NRS 450B.200;***

23 ***(b) Participate as a provider in the State Plan for Medicaid;***

24 ***(c) Enter into an agreement with the Department to reimburse***
25 ***the Department for the administrative costs of the Department for***
26 ***providing the reimbursements required by this section;***

27 ***(d) Submit documentation certifying that the claimed***
28 ***expenditures for ground emergency medical transportation***
29 ***services are eligible for federal financial participation in***
30 ***accordance with the requirements of 42 C.F.R. § 433.51;***



1 (e) *Submit to the Department any evidence required by the*
2 *Department to support the certification required pursuant to*
3 *paragraph (b) and any data required by the Department to*
4 *determine the appropriate amount to claim as expenditures that*
5 *qualify for federal financial participation; and*

6 (f) *Keep and maintain the records required by the Department*
7 *in an easily accessible manner.*

8 3. *The Department shall:*

9 (a) *Evaluate the evidence and data submitted pursuant to*
10 *paragraph (e) of subsection 2 and submit claims for*
11 *reimbursement to the Centers for Medicare and Medicaid Services*
12 *of the United States Department of Health and Human Services*
13 *for the expenditures that the Department determine qualify for*
14 *federal financial participation.*

15 (b) *Calculate and distribute supplemental reimbursements*
16 *pursuant to this section in a manner authorized by federal law and*
17 *obtain approval of the manner in which supplemental*
18 *reimbursements received from the Centers for Medicare and*
19 *Medicaid Services will be calculated and distributed before*
20 *calculating and distributing supplemental reimbursements.*

21 (c) *Cooperate with the Centers for Medicare and Medicaid*
22 *Services in carrying out the program described in this section and*
23 *comply with all requirements of the Centers for Medicare and*
24 *Medicaid Services, including, without limitation, those prescribed*
25 *by 42 C.F.R. § 433.74, and all other applicable federal laws and*
26 *regulations.*

27 (d) *Carry out the program described in this section only to the*
28 *extent approved by the Centers for Medicare and Medicaid*
29 *Services. The Department shall not provide supplemental*
30 *reimbursements pursuant to this section if the program described*
31 *in this section is not approved by the Centers for Medicare and*
32 *Medicaid Services.*

33 4. *The nonfederal share of the supplemental reimbursement*
34 *submitted to the Centers for Medicare and Medicaid Services for*
35 *purposes of claiming federal financial participation must be paid*
36 *with money from participating state or local governmental entities*
37 *and federally recognized Indian tribes that have been certified to*
38 *the Department as described in paragraph (b) of subsection 2.*

39 5. *A supplemental reimbursement for ground emergency*
40 *medical transportation services received by a state or local*
41 *governmental entity or federally recognized Indian tribe pursuant*
42 *to this section:*

43 (a) *Must equal the amount of federal financial participation*
44 *received as a result of claims submitted pursuant to paragraph (b)*
45 *of subsection 2; and*



1 ***(b) Must not, when combined with all other payments received***
2 ***for the ground emergency medical transportation services***
3 ***pursuant to the State Plan for Medicaid, exceed the costs of the***
4 ***governmental entity or Indian tribe for providing the ground***
5 ***emergency medical transportation services.***

6 ***6. As used in this section, “ground emergency medical***
7 ***transportation services” means emergency medical transportation***
8 ***services provided by an ambulance, as defined in NRS 450B.040,***
9 ***or a vehicle of a fire-fighting agency, as defined in NRS 450B.072.***

10 **Sec. 2.** This act becomes effective on July 1, 2015.

