

1 **EMERGENCY MEDICAL SERVICES AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Brad R. Wilson

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions related to an assessment on ambulance service providers.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ imposes a uniform assessment on ambulance service providers;
- 13 ▶ directs the Division of Health Care Financing to collect the assessment;
- 14 ▶ gives the division the authority to impose a penalty on an ambulance service
- 15 provider that declines to pay the assessment; and
- 16 ▶ provides for the administration of the funds collected through the assessment.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **26-37a-101**, Utah Code Annotated 1953

24 **26-37a-102**, Utah Code Annotated 1953

25 **26-37a-103**, Utah Code Annotated 1953

26 **26-37a-104**, Utah Code Annotated 1953

27 **26-37a-105**, Utah Code Annotated 1953

28 **26-37a-106**, Utah Code Annotated 1953

29 **26-37a-107**, Utah Code Annotated 1953

30 [26-37a-108](#), Utah Code Annotated 1953



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **26-37a-101** is enacted to read:

34 **CHAPTER 37a. AMBULANCE SERVICE PROVIDER ASSESSMENT**

35 **Part 1. General Provisions**

36 **26-37a-101. Title.**

37 This chapter is known as "Ambulance Service Provider Assessment."

38 Section 2. Section **26-37a-102** is enacted to read:

39 **26-37a-102. Definitions.**

40 As used in this chapter:

41 (1) "Ambulance provider" means:

42 (a) an ambulance provider as defined in Section [26-8a-102](#); or

43 (b) a non-911 service provider as defined in Section [26-8a-102](#).

44 (2) "Assessment" means the Medicaid ambulance provider assessment established by
45 this chapter.

46 (3) "Division" means the Division of Health Care Financing within the department.

47 (4) "Non-federal portion" means the non-federal share the division needs to seed
48 amounts that will support fee-for-service ambulance provider rates, as described in Section
49 [26-27a-105](#).

50 (5) "Total transports" means the number of total ambulance transports applicable to a
51 given fiscal year, as determined under Subsection [26-37a-104](#)(5).

52 Section 3. Section **26-37a-103** is enacted to read:

53 **26-37a-103. Assessment, collection, and payment of ambulance service provider**
54 **assessment.**

55 (1) An ambulance service provider shall pay an assessment to the division:

56 (a) in the amount designated in Section [26-37a-104](#);

57 (b) in accordance with this chapter;

58 (c) quarterly, on a day determined by the division by rule made under Subsection
59 (2)(b); and

60 (d) no more than 15 business days after the day on which the division issues the
61 ambulance service provider notice of the assessment.

62 (2) The division shall:

63 (a) collect the assessment described in Subsection (1);

64 (b) determine, by rule made in accordance with Title 63G, Chapter 3, Utah
65 Administrative Rulemaking Act, standards and procedures for implementing and enforcing the
66 provisions of this chapter; and

67 (c) transfer assessment proceeds to the state treasurer for deposit into the Ambulance
68 Service Provider Assessment Expendable Revenue Fund created in Section [26-37a-107](#).

69 Section 4. Section **26-37a-104** is enacted to read:

70 **26-37a-104. Calculation of assessment.**

71 (1) The division shall calculate a uniform assessment per transport as described in this
72 section.

73 (2) The assessment due from a given ambulance service provider equals the
74 non-federal portion divided by total transports, multiplied by the number of transports for the
75 ambulance service provider.

76 (3) The division shall apply any quarterly changes to the assessment rate, calculated as
77 described in Subsection (2), uniformly to all assessed ambulance service providers.

78 (4) The assessment may not generate more than the total of:

79 (a) an annual amount of \$20,000 to offset Medicaid administration expenses; and

80 (b) the non-federal portion.

81 (5) (a) For each state fiscal year, the division shall calculate total transports using data
82 from the Emergency Medical System as follows:

83 (i) for state fiscal year 2016, the division shall use ambulance service provider
84 transports during the 2014 calendar year; and

85 (ii) for a fiscal year after 2016, the division shall use ambulance service provider

86 transports during the calendar year ending 18 months before the end of the fiscal year.

87 (b) If an ambulance service provider fails to submit transport information to the
88 Emergency Medical System, the division may audit the ambulance service provider to
89 determine the ambulance service provider's transports for a given fiscal year.

90 Section 5. Section **26-37a-105** is enacted to read:

91 **26-37a-105. Medicaid ambulance service provider adjustment under**
92 **fee-for-service rates.**

93 The division shall, if the assessment imposed by this chapter is approved by the Centers
94 for Medicare and Medicaid Services, for fee-for-service rates effective on or after July 1, 2015,
95 reimburse an ambulance service provider in an amount up to the Emergency Medical Services
96 Ambulance Rates adopted annually by the department.

97 Section 6. Section **26-37a-106** is enacted to read:

98 **26-37a-106. Penalties.**

99 The division shall require an ambulance service provider that fails to pay an assessment
100 due under this chapter to pay the division, in addition to the assessment, a penalty determined
101 by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
102 Rulemaking Act.

103 Section 7. Section **26-37a-107** is enacted to read:

104 **26-37a-107. Ambulance Service Provider Assessment Expendable Revenue Fund.**

105 (1) There is created an expendable special revenue fund known as the "Ambulance
106 Service Provider Assessment Expendable Revenue Fund."

107 (2) The fund shall consist of:

108 (a) the assessments collected by the division under this chapter;

109 (b) the penalties collected by the division under this chapter;

110 (c) donations to the fund; and

111 (d) appropriations by the Legislature.

112 (3) Money in the fund shall be used:

113 (a) to support fee-for-service rates; and

114 (b) to reimburse money to an ambulance service provider that is collected by the
115 division from the ambulance service provider through a mistake made under this chapter.

116 Section 8. Section **26-37a-108** is enacted to read:

117 **26-37a-108. Repeal of assessment.**

118 (1) This chapter is repealed when, as certified by the executive director of the
119 department, any of the following occurs:

120 (a) an action by Congress that disqualifies the assessment imposed by this chapter from
121 state Medicaid funds available to be used to determine the federal financial participation takes
122 legal effect; or

123 (b) an action, decision, enactment, or other determination by the Legislature or by any
124 court, officer, department, or agency of the state or federal government takes effect that:

125 (i) disqualifies the assessment from counting toward state Medicaid funds available to
126 be used to determine federal financial participation for Medicaid matching funds; or

127 (ii) creates for any reason a failure of the state to use the assessments for the Medicaid
128 program as described in this chapter.

129 (2) If this chapter is repealed under Subsection (1):

130 (a) money in the Ambulance Service Provider Assessment Expendable Revenue Fund
131 that was derived from assessments imposed by this chapter, deposited before the determination
132 made under Subsection (1), shall be disbursed under Section [26-37a-107](#) to the extent federal
133 matching is not reduced due to the impermissibility of the assessments; and

134 (b) any funds remaining in the special revenue fund shall be refunded to each
135 ambulance service provider in proportion to the amount paid by the ambulance service
136 provider.

137 Section 9. **Effective date.**

138 This bill takes effect on July 1, 2015.