

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Date: (Filing No. S-)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 56, L.D. 35, “An Act to Strengthen Local Emergency Medical Services by Increasing the MaineCare Reimbursement Rate for Ambulance Services”

Amend the bill by striking out the title and substituting the following:

'An Act to Maximize Federal Funding in Support of Emergency Medical Services'

Amend the bill by striking out all of the emergency preamble.

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'Sec. 1. 22 MRSA c. 425 is enacted to read:

CHAPTER 425

AMBULANCE ASSESSMENTS

§2150-M. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Ambulance service provider. "Ambulance service provider" means a person that is a provider of transportation of ill or injured individuals or that routinely provides transportation for ill or injured individuals and is licensed under Title 32, chapter 2-B. "Ambulance service provider" does not include:

A. The Maine Army National Guard, the Maine Air National Guard or the United States Armed Forces;

B. A municipal fire or police department or any other governmental entity that provides emergency ambulance services; or

C. An entity that exclusively provides air ambulance services.

COMMITTEE AMENDMENT

1 **2. Emergency ambulance services.** "Emergency ambulance services" means services
2 provided by an ambulance service provider in response to a condition or a situation in
3 which an individual has a need for immediate medical attention or whether the potential
4 for such a need is perceived by the individual, a bystander or an ambulance service
5 provider.

6 **3. Fee.** "Fee" means the ambulance service assessment fee authorized by this chapter.

7 **4. Fund.** "Fund" means the ambulance fee fund established in section 2150-O.

8 **5. Net operating revenue.** "Net operating revenue" means gross revenue collected
9 by an ambulance service provider for the delivery of emergency ambulance services less
10 any deducted amounts for bad debts, charity care or payer discounts.

11 **§2150-N. Ambulance service assessment fees**

12 **1. Fee established.** The department shall charge every ambulance service provider a
13 6% ambulance service assessment fee. The fee must be assessed on each ambulance
14 service provider's net operating revenue at a rate determined annually by the department.
15 The department shall establish each ambulance service provider's fee using the most recent
16 data available as determined by the department in consultation with a statewide
17 organization representing ambulance service providers and shall update each ambulance
18 service provider's fee amount on a periodic basis, but at least annually. All emergency
19 ambulance services, regardless of payer, are subject to the fee, including, but not limited
20 to, emergency ambulance services provided by ambulance service providers under fee-for-
21 service and managed care arrangements. An ambulance service provider's liability for the
22 fee must, in the case of a transfer of ownership, be assumed by the successor in interest to
23 the ambulance service provider.

24 **2. Federal approval required.** The department may charge the fee only if the
25 department has received approval from the United States Department of Health and Human
26 Services, Centers for Medicare and Medicaid Services necessary to authorize the Medicaid
27 payments to ambulance service providers in accordance with section 2150-O.

28 **3. Deposit of fees.** All revenues generated from the fee must be deposited into the
29 fund and used only in accordance with section 2150-O.

30 **§2150-O. Ambulance fee fund**

31 **1. Fund created.** An ambulance fee fund is established as a separate nonlapsing fund
32 within the department.

33 **2. Source of funds.** The following sources of income must be credited to the fund:

34 A. All revenues generated from the fee;

35 B. An amount equal to any federal financial participation revenues claimed and
36 received by the State for eligible expenditures made from the fund;

37 C. Any revenue appropriated or allocated by the Legislature specifically designated to
38 be credited to the fund; and

39 D. Interest earned on money in the fund.

40 **3. Federal funds.** The department shall seek federal funds to achieve the maximum
41 amount of federal funding in a manner in which the assessment amount equals the state
42 share under section 2150-N, subsection 1. The expenditures from the fund must be made

1 by the department in a manner consistent with the requirements and conditions of 42 United
2 States Code, Section 1396b(w) and 42 Code of Federal Regulations, Section 433.68 and
3 may be made only under federally approved payment methods, consistent with federal
4 funding requirements and consistent with all federal payment limits.

5 **4. Use of funds.** A portion of the amount in the fund must be expended for reimbursing
6 ambulance service providers under the MaineCare program and must be used to
7 supplement, not supplant, General Fund appropriations to support emergency ambulance
8 services reimbursements. Amounts in the fund may not be used to replace payment
9 commitments between the ambulance service providers and the State. The reimbursement
10 amounts established and distributed under the MaineCare program under this section must
11 increase the total reimbursement amount for emergency ambulance services up to the
12 average commercial rate to the extent permitted by the amount of funds generated from the
13 fee. Reimbursement payments must be made to ambulance service providers at least
14 quarterly. A portion of the funds, as determined by the department by rule, may be used
15 for other MaineCare services.

16 **5. Federal approval.** If the United States Department of Health and Human Services,
17 Centers for Medicare and Medicaid Services does not authorize or withdraws approval of
18 the Medicaid payments made to ambulance service providers in accordance with this
19 section, all money in the fund must be returned to ambulance service providers. If the
20 department no longer collects the fee, all money in the fund must be returned to ambulance
21 service providers.

22 **§2150-P. Rules**

23 The department shall adopt rules to implement this chapter. In adopting rules under
24 this section, the department shall consult with relevant stakeholders, including a statewide
25 organization representing ambulance service providers. Rules adopted pursuant to this
26 section are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A.

27 **§2150-Q. Additional funding mechanisms**

28 The department shall implement voluntary programs to increase funding to
29 governmental ambulance service providers, including, but not limited to,
30 intragovernmental transfer or certified public expenditure programs, to the extent allowed
31 under the United States Social Security Act, 42 United States Code, Section 1903(w)(6).

32 **Sec. 2. Federal Medicaid waivers or state plan amendments.** No later than
33 12 months after the effective date of this Act, the Department of Health and Human
34 Services shall submit to the United States Department of Health and Human Services,
35 Centers for Medicare and Medicaid Services any waivers or state plan amendments
36 determined necessary in order to accomplish the purposes of this Act.

37 **Sec. 3. Savings to MaineCare program.** The Department of Health and Human
38 Services shall determine the appropriate funding under the Maine Revised Statutes, Title
39 22, section 2150-O, subsection 4 that is used for reimbursement for emergency medical
40 services and for other MaineCare purposes prior to rulemaking.

41 **Sec. 4. Appropriations and allocations.** The following appropriations and
42 allocations are made.

43 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

1	Ambulance Fee Fund N556		
2	Initiative: Provides allocations to support reimbursement of emergency ambulance service		
3	providers under the MaineCare program.		
4	OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
5	All Other	\$0	\$2,330,814
6			
7	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,330,814
8	Medical Care - Payments to Providers 0147		
9	Initiative: Provides allocations to support reimbursement of emergency ambulance service		
10	providers under the MaineCare program.		
11	FEDERAL EXPENDITURES FUND	2025-26	2026-27
12	All Other	\$0	\$5,122,560
13			
14	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$5,122,560
15			
16	FEDERAL BLOCK GRANT FUND	2025-26	2026-27
17	All Other	\$0	\$70,936
18			
19	FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$70,936
20	Office of MaineCare Services 0129		
21	Initiative: Provides one-time funding to contract for services to determine the process for		
22	and allowability of intergovernmental transfer or certified public expenditure programs to		
23	increase funding to governmental ambulance service providers.		
24	GENERAL FUND	2025-26	2026-27
25	All Other	\$84,387	\$0
26			
27	GENERAL FUND TOTAL	\$84,387	\$0
28			
29	FEDERAL EXPENDITURES FUND	2025-26	2026-27
30	All Other	\$84,387	\$0
31			
32	FEDERAL EXPENDITURES FUND TOTAL	\$84,387	\$0
33	Office of MaineCare Services 0129		
34	Initiative: Establishes one Financial Analyst position to administer the ambulance fee fund		
35	program, including reimbursements to emergency ambulance service providers, required		
36	reporting and implementation of programs to increase reimbursement to governmental		
37	ambulance service providers, and provides funding for related All Other costs.		
38	GENERAL FUND	2025-26	2026-27
39	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
40	Personal Services	\$38,530	\$65,689
41	All Other	\$3,628	\$3,628
42			

