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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 331, L.D. 526, “An Act to Provide Funding to Emergency Medical Services Organizations”

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. **Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 130th Legislature enacted Public Law 2021, chapter 749, which established the Blue Ribbon Commission To Study Emergency Medical Services in the State, which was directed to examine and make recommendations on the structure, support and delivery of emergency medical services in the State; and

Whereas, that commission determined that emergency medical services reimbursements are not keeping pace with the cost of providing services, that current subsidies are increasingly insufficient to fund the gap between those figures and that there is a need for \$70 million in funding per year for the next 5 years to support transporting emergency medical services in the State; and

Whereas, that commission recommended initially allocating \$25 million of that \$70 million to specifically target transporting emergency medical services at immediate risk of failing and leaving their service area without adequate access to emergency medical services and allocating \$6 million of that \$70 million to specifically target nontransporting emergency medical services at immediate risk of failing and leaving their service area without adequate access to emergency medical services; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

Sec. 1. 32 MRSA §98 is enacted to read:

COMMITTEE AMENDMENT

1 **§98. Emergency Medical Services Stabilization Program**

2 The Emergency Medical Services Stabilization Program, referred to in this section as
3 "the program," is established within the department, to be administered by Maine
4 Emergency Medical Services in consultation with the board, to ensure that all residents of
5 the State continue to have access to high-quality, out-of-hospital clinical care provided by
6 the emergency medical services system by providing financial assistance to emergency
7 medical services entities based in the State facing immediate risk of failure.

8 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
9 following terms have the following meanings.

10 A. "Community" means a municipality, group of municipalities or other area of the
11 State served by an emergency medical services entity.

12 B. "Emergency medical services entity" means a nonprofit or for-profit ambulance
13 service or nontransporting emergency medical service.

14 C. "Historical activations" means the number of times an emergency medical services
15 entity was dispatched by the E-9-1-1 system within a defined period of time.

16 D. "Rurality" means a community's score established by the United States Department
17 of Agriculture that indicates the rural nature of the community.

18 **2. Purpose and use of funding.** The purpose of the program is to provide financial
19 assistance, in accordance with subsection 4, to emergency medical services entities at
20 immediate risk of failing and leaving their communities without access to adequate
21 emergency medical services.

22 **3. Stabilization fund established.** The Emergency Medical Services Stabilization
23 Fund is established as a nonlapsing fund within the Department of Health and Human
24 Services, to be administered by the Department of Health and Human Services in
25 consultation with Maine Emergency Medical Services. This fund receives all funds
26 appropriated, allocated or otherwise deposited in the fund for the purposes of subsection 4
27 and must be distributed by the Department of Health and Human Services in accordance
28 with subsection 4 to provide financial assistance to emergency medical services entities at
29 immediate risk of failing and leaving their communities without access to adequate
30 emergency medical services.

31 **4. Emergency funding requirements.** This subsection provides requirements for
32 financial assistance to emergency medical services entities at immediate risk of failing and
33 leaving their communities without access to adequate emergency medical services.
34 Financial assistance under this subsection must be provided through the fund established
35 under subsection 3.

36 A. Funds available under this subsection must be distributed as follows:

37 (1) An amount not to exceed \$10,000,000 in the aggregate may be distributed to
38 emergency medical services entities that are nonprofit or for-profit ambulance
39 services licensed under this chapter and that meet all applicable requirements under
40 this subsection; and

41 (2) An amount not to exceed \$2,000,000 in the aggregate may be distributed to
42 emergency medical services entities that are nonprofit or for-profit nontransporting

1 emergency medical services licensed under this chapter and that meet all applicable
2 requirements under this subsection.

3 B. Using a form developed and made available by the board, an emergency medical
4 services entity applying for funding under this subsection must demonstrate that the
5 entity:

6 (1) Is at immediate risk of failing and leaving its community without access to
7 adequate emergency medical services due to employee recruitment or retention
8 issues or an inability to finance daily operations. The entity must submit a financial
9 statement covering its most recent fiscal year;

10 (2) Provided ambulance services or nontransporting emergency medical services
11 to its community during the prior calendar year;

12 (3) Is providing and intends to continue to provide ambulance services or
13 nontransporting emergency medical services to its community; and

14 (4) In the case of an applicant that is an ambulance service only, is participating in
15 the MaineCare program and maintains an electronic funds transfer account with
16 the Department of Health and Human Services.

17 C. As a condition of receiving funding under this subsection, an emergency medical
18 services entity meeting the requirements of paragraph B must enter into an agreement
19 with Maine Emergency Medical Services requiring the entity to:

20 (1) Use all funding received to support only those activities as specified by the
21 board in the application, which must include, but are not limited to:

22 (a) Supplementing wages, benefits, stipends and incentives for emergency
23 medical services persons;

24 (b) Supporting training directly related to the provision of clinical care,
25 leadership or management of emergency medical services;

26 (c) Supplementing wages, benefits, stipends and incentives for administrative
27 support staff;

28 (d) Implementation of programming directly related to a strategic plan for the
29 emergency medical services system developed by the board; and

30 (e) Investment in capital expenditures not to exceed \$50,000 in the aggregate;

31 (2) Submit a report to the board no later than December 31st of the year in which
32 the entity receives the funding identifying how the funding was expended; and

33 (3) If the board determines, based on the report, that the funding was used to
34 support activities not identified in the application as authorized expenditures, repay
35 all such unauthorized expenditures for redistribution in accordance with this
36 subsection.

37 (a) For the purposes of this subparagraph, a funding expenditure by an entity
38 is deemed to be unauthorized and subject to repayment if the board determines
39 the expenditure was used to supplant the entity's existing emergency medical
40 services funding sources, except for funding sources originating from in-kind
41 donations, fund-raisers or volunteer labor.

1 **(b)** To the extent permissible under applicable federal laws and regulations
2 and state laws and rules, the Department of Health and Human Services may
3 withhold future payments or reimbursements under the MaineCare program
4 that are due to an entity that is an ambulance service and that is required to
5 repay unauthorized expenditures under this subparagraph until such
6 unauthorized expenditures are repaid in full.

7 **D.** The board shall establish an allocation algorithm for maximum and minimum
8 funding distributions to emergency medical services entities under this subsection
9 based on the rurality of a community and historical activations for emergency medical
10 services.

11 **E.** For each emergency medical services entity that applies for and is determined to
12 meet the applicable requirements of paragraph B and that enters into an agreement with
13 Maine Emergency Medical Services pursuant to paragraph C, the board shall determine
14 the amount of funding to be distributed to the entity using the algorithm adopted
15 pursuant to paragraph D. Maine Emergency Medical Services shall provide to the
16 Department of Health and Human Services a copy of the agreement and specify the
17 amount of funding to be distributed to the emergency medical services entity based on
18 the board's determination.

19 **(1)** In the case of an emergency medical services entity that is an ambulance
20 service, or is a nontransporting emergency medical service that maintains an
21 electronic funds transfer account with the Department of Health and Human
22 Services, upon receipt of the agreement and the specified funding amount, the
23 Department of Health and Human Services shall withdraw that funding amount
24 from the fund established in subsection 3 and deposit it into the entity's electronic
25 funds transfer account.

26 **(2)** In the case of an emergency medical services entity that is a nontransporting
27 emergency medical service that does not maintain an electronic funds transfer
28 account with the Department of Health and Human Services, upon receipt of the
29 agreement and the specified funding amount, the Department of Health and Human
30 Services shall provide the funding amount from the fund established in subsection
31 3 to the entity in a manner determined by the Department of Health and Human
32 Services in consultation with Maine Emergency Medical Services.

33 **F.** The board may establish reasonable deadlines by which an emergency medical
34 services entity seeking funding under this subsection must enter into an agreement
35 pursuant to paragraph C.

36 **Sec. 2. Appropriations and allocations.** The following appropriations and
37 allocations are made.

38 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
39 **Emergency Medical Services Stabilization Fund N465**

40 Initiative: Provides a one-time appropriation to the Emergency Medical Services
41 Stabilization Fund established under the Maine Revised Statutes, Title 32, section 98,
42 subsection 3 to provide financial assistance in accordance with Title 32, section 98 to
43 emergency medical services entities at immediate risk of failing and leaving their
44 communities without access to adequate emergency medical services.

1	GENERAL FUND	2023-24	2024-25
2	All Other	\$12,000,000	\$0
3			
4	GENERAL FUND TOTAL	<u>\$12,000,000</u>	<u>\$0</u>

5

6 Amend the bill by adding before the summary the following:

7 **'Emergency clause.** In view of the emergency cited in the preamble, this legislation
8 takes effect when approved.'

9 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
10 number to read consecutively.

11 **SUMMARY**

12 This amendment, which is the minority report of the committee, replaces the bill. It
13 adds an emergency preamble and emergency clause and establishes the Emergency
14 Medical Services Stabilization Program within the Department of Public Safety, to be
15 administered by Maine Emergency Medical Services in consultation with the Emergency
16 Medical Services' Board.

17 Under this program, financial assistance of up to \$12,000,000, through a one-time
18 General Fund appropriation, may be provided to emergency medical services entities at
19 immediate risk of failing and leaving their communities without access to adequate
20 emergency medical services.

21 **FISCAL NOTE REQUIRED**

22 **(See attached)**