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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 and Sustainability Program**

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

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

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

14 B. "Emergency medical services entity" means a nonprofit or for-profit ambulance  
15 service or nontransporting emergency medical service or emergency medical services  
16 training center licensed under this chapter or a regional council.

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

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

21 **2. Purpose and use of funding.** The purpose of the program is to provide financial  
22 assistance, in accordance with subsection 5, to emergency medical services entities at  
23 immediate risk of failing and leaving their communities without access to adequate  
24 emergency medical services and to provide grants to assist emergency medical services  
25 entities with long-term sustainability and resiliency planning and programming within the  
26 emergency medical services system, in accordance with subsection 6.

27 **3. Stabilization fund established.** The Emergency Medical Services Stabilization  
28 Fund is established as a nonlapsing fund within the Department of Health and Human  
29 Services, to be administered by the Department of Health and Human Services in  
30 consultation with Maine Emergency Medical Services. This fund receives all funds  
31 appropriated, allocated or otherwise deposited in the fund for the purposes of subsection 5  
32 and must be distributed by the Department of Health and Human Services in accordance  
33 with subsection 5 to provide financial assistance to emergency medical services entities at  
34 immediate risk of failing and leaving their communities without access to adequate  
35 emergency medical services.

36 **4. Sustainability fund established.** The Emergency Medical Services Sustainability  
37 Fund is established as a nonlapsing fund within the department, to be administered by  
38 Maine Emergency Medical Services with the advice and consent of the commissioner. This  
39 fund receives all funds appropriated, allocated or otherwise deposited in the fund for the  
40 purposes of subsection 6 and must be distributed by the department in accordance with  
41 subsection 6 to provide grants to assist emergency medical services entities with long-term  
42 sustainability and resiliency planning and programming within the emergency medical  
43 services system.

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

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

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

11                   (2) An amount not to exceed \$2,000,000 in the aggregate may be distributed to  
12 emergency medical services entities that are nonprofit or for-profit nontransporting  
13 emergency medical services licensed under this chapter and that meet all applicable  
14 requirements under this subsection.

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

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

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

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

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

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

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

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

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

38                           (c) Supplementing wages, benefits, stipends and incentives for administrative  
39 support staff;

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

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

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

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

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

12                  (b) To the extent permissible under applicable federal laws and regulations  
13                  and state laws and rules, the Department of Health and Human Services may  
14                  withhold future payments or reimbursements under the MaineCare program  
15                  that are due to an entity that is an ambulance service and that is required to  
16                  repay unauthorized expenditures under this subparagraph until such  
17                  unauthorized expenditures are repaid in full.

18                  D. The board shall establish an allocation algorithm for maximum and minimum  
19                  funding distributions to emergency medical services entities under this subsection  
20                  based on the rurality of a community and historical activations for emergency medical  
21                  services.

22                  E. For each emergency medical services entity that applies for and is determined to  
23                  meet the applicable requirements of paragraph B and that enters into an agreement with  
24                  Maine Emergency Medical Services pursuant to paragraph C, the board shall determine  
25                  the amount of funding to be distributed to the entity using the algorithm adopted  
26                  pursuant to paragraph D. Maine Emergency Medical Services shall provide to the  
27                  Department of Health and Human Services a copy of the agreement and specify the  
28                  amount of funding to be distributed to the emergency medical services entity based on  
29                  the board's determination.

30                  (1) In the case of an emergency medical services entity that is an ambulance  
31                  service, or is a nontransporting emergency medical service that maintains an  
32                  electronic funds transfer account with the Department of Health and Human  
33                  Services, upon receipt of the agreement and the specified funding amount, the  
34                  Department of Health and Human Services shall withdraw that funding amount  
35                  from the fund established in subsection 3 and deposit it into the entity's electronic  
36                  funds transfer account.

37                  (2) In the case of an emergency medical services entity that is a nontransporting  
38                  emergency medical service that does not maintain an electronic funds transfer  
39                  account with the Department of Health and Human Services, upon receipt of the  
40                  agreement and the specified funding amount, the Department of Health and Human  
41                  Services shall provide the funding amount from the fund established in subsection  
42                  3 to the entity in a manner determined by the Department of Health and Human  
43                  Services in consultation with Maine Emergency Medical Services.

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

4           **6. Sustainability grant requirements.** This subsection provides requirements for  
5           grants to emergency medical services entities to increase support and develop a plan for  
6           sustainability, collaboration and enhancement of efficiency in the delivery of emergency  
7           medical services in the State. Grant funding under this subsection must be provided  
8           through the fund established under subsection 4.

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

10           (1) An amount not to exceed \$15,000,000 in the aggregate may be distributed to  
11           emergency medical services entities that are nonprofit or for-profit ambulance  
12           services licensed under this chapter and that meet all applicable grant requirements  
13           under this subsection;

14           (2) An amount not to exceed \$3,000,000 in the aggregate may be distributed to  
15           emergency medical services entities that are nonprofit or for-profit nontransporting  
16           emergency medical services licensed under this chapter and that meet all applicable  
17           grant requirements under this subsection; and

18           (3) An amount not to exceed \$1,000,000 in the aggregate may be distributed to  
19           emergency medical services entities that are nonprofit or for-profit emergency  
20           medical services training centers licensed under this chapter or to regional  
21           councils, as long as the entities meet all applicable grant requirements under this  
22           subsection.

23           B. The board shall adopt rules establishing requirements for grants under this  
24           subsection. Rules adopted pursuant to this paragraph are routine technical rules as  
25           defined in Title 5, chapter 375, subchapter 2-A.

26           (1) Using a form developed and made available by the board, an emergency  
27           medical services entity may apply for and be awarded a grant under this subsection  
28           upon a determination by the board that the applicant meets all applicable  
29           requirements for the grant as established by the board by rule.

30           (2) Upon the recommendation of the director after consultation with the board, the  
31           board shall establish an allocation algorithm for maximum and minimum funding  
32           distributions to emergency medical services entities under this subsection, which  
33           may, as applicable, be based on the rurality of the community and historical  
34           activations for emergency medical services.

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

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

38           **Emergency Medical Services Stabilization Fund N465**

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

1	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
2	All Other	\$12,000,000	\$0
3			
4	<b>GENERAL FUND TOTAL</b>	<u>\$12,000,000</u>	<u>\$0</u>
5			
6	<b>HEALTH AND HUMAN SERVICES,</b>		
7	<b>DEPARTMENT OF</b>		
8	<b>DEPARTMENT TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
9			
10	<b>GENERAL FUND</b>	<b>\$12,000,000</b>	<b>\$0</b>
11			
12	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$12,000,000</u>	<u>\$0</u>
13	<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
14	<b>Emergency Medical Services Sustainability Fund N464</b>		
15	Initiative: Provides a one-time appropriation to the Emergency Medical Services		
16	Sustainability Fund established under Title 32, section 98, subsection 4 to provide grants		
17	to assist emergency medical services entities with long-term sustainability and resiliency		
18	planning and programming within the emergency medical services system.		
19	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
20	All Other	\$19,000,000	\$0
21			
22	<b>GENERAL FUND TOTAL</b>	<u>\$19,000,000</u>	<u>\$0</u>
23			
24	<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
25	<b>DEPARTMENT TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
26			
27	<b>GENERAL FUND</b>	<b>\$19,000,000</b>	<b>\$0</b>
28			
29	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$19,000,000</u>	<u>\$0</u>
30			
31	<b>SECTION TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
32			
33	<b>GENERAL FUND</b>	<b>\$31,000,000</b>	<b>\$0</b>
34			
35	<b>SECTION TOTAL - ALL FUNDS</b>	<u>\$31,000,000</u>	<u>\$0</u>

36  
37 Amend the bill by adding before the summary the following:

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

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

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**SUMMARY**

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

Under this program, financial assistance of up to \$12,000,000, through a one-time General Fund appropriation, may be provided to emergency medical services entities at immediate risk of failing and leaving their communities without access to adequate emergency medical services. Also under the program, grant funding totaling up to \$19,000,000, through a separate one-time General Fund appropriation, may be provided to assist emergency medical services entities with long-term sustainability and resiliency planning and programming within the emergency medical services system.

**FISCAL NOTE REQUIRED**

**(See attached)**