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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.

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

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

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

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

§2150-P. Rules

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

§2150-Q. Additional funding mechanisms

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

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

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

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Ambulance Fee Fund N556

Initiative: Provides allocations to support reimbursement of emergency ambulance service providers under the MaineCare program.

| OTHER SPECIAL REVENUE FUNDS | 2025-26 | 2026-27 |
|--|----------------|--------------------|
| All Other | \$0 | \$2,330,814 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$0 | \$2,330,814 |

Medical Care - Payments to Providers 0147

Initiative: Provides allocations to support reimbursement of emergency ambulance service providers under the MaineCare program.

| FEDERAL EXPENDITURES FUND | 2025-26 | 2026-27 |
|--|----------------|--------------------|
| All Other | \$0 | \$5,122,560 |
| FEDERAL EXPENDITURES FUND TOTAL | \$0 | \$5,122,560 |

| FEDERAL BLOCK GRANT FUND | 2025-26 | 2026-27 |
|---------------------------------------|----------------|-----------------|
| All Other | \$0 | \$70,936 |
| FEDERAL BLOCK GRANT FUND TOTAL | \$0 | \$70,936 |

Office of MaineCare Services 0129

Initiative: Provides one-time funding to contract for services to determine the process for and allowability of intergovernmental transfer or certified public expenditure programs to increase funding to governmental ambulance service providers.

| GENERAL FUND | 2025-26 | 2026-27 |
|---------------------------|-----------------|----------------|
| All Other | \$84,387 | \$0 |
| GENERAL FUND TOTAL | \$84,387 | \$0 |

| FEDERAL EXPENDITURES FUND | 2025-26 | 2026-27 |
|--|-----------------|----------------|
| All Other | \$84,387 | \$0 |
| FEDERAL EXPENDITURES FUND TOTAL | \$84,387 | \$0 |

Office of MaineCare Services 0129

Initiative: Establishes one Financial Analyst position to administer the ambulance fee fund program, including reimbursements to emergency ambulance service providers, required reporting and implementation of programs to increase reimbursement to governmental ambulance service providers, and provides funding for related All Other costs.

| GENERAL FUND | 2025-26 | 2026-27 |
|-------------------------------|----------------|----------------|
| POSITIONS - LEGISLATIVE COUNT | 1.000 | 1.000 |
| Personal Services | \$38,530 | \$65,689 |
| All Other | \$3,628 | \$3,628 |

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

This amendment replaces the bill, changes the title and removes the emergency preamble and emergency clause. It establishes a 6% ambulance service assessment fee on ambulance service providers in order to maximize federal funding for reimbursement to ambulance service providers under the MaineCare program. It establishes an ambulance fee fund. It requires the Department of Health and Human Services to apply for any waivers or state plan amendments necessary within 12 months of the effective date of this legislation. It requires the Department of Health and Human Services to determine the appropriate use of funds generated by the ambulance service assessment fee for reimbursement for emergency medical services and other MaineCare needs. It also adds an appropriations and allocations section.

(See attached)