

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **House Bill 2739**

**FISCAL  
NOTE**

BY DELEGATES SUMMERS, ELLINGTON, HOWELL,

STATLER AND FRICH

[Introduced February 28, 2017; Referred  
to the Committee on Health and Human Resources  
then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated, §9-5-25, relating to supplemental Medicaid provider reimbursement.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §9-5-25, to read as follows:

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-25. Supplemental Medicaid reimbursement.**

1 (a) A ground emergency medical transportation, owned or operated by the state or a city,  
2 a county, or city and county, that provides services to Medicaid beneficiaries is eligible for  
3 supplemental reimbursement.

4 (b) An eligible provider’s supplemental reimbursement shall be calculated and paid as  
5 follows:

6 (1) The supplemental reimbursement to an eligible provider shall be equal to the amount  
7 of federal financial participation received as a result of the claims submitted.

8 (2) In no instance may the amount certified, when combined with the amount received  
9 from all other sources of reimbursement from the Medicaid program, exceed one hundred percent  
10 of actual costs, as determined pursuant to the Medicaid State Plan, for ground emergency medical  
11 transportation services.

12 (3) The supplemental Medicaid reimbursement shall be distributed exclusively to eligible  
13 providers under a payment methodology based on ground emergency medical transportation  
14 services provided to Medicaid beneficiaries by eligible providers on a per-transport basis or other  
15 federally permissible basis. The department shall obtain approval from the Centers for Medicare  
16 and Medicaid Services for the payment methodology to be used, and may not make any payment  
17 pursuant to this section prior to obtaining that approval.

18 (c) Supplemental reimbursement is without any expenditure from the General Fund.

19 (d) The nonfederal share of the supplemental reimbursement submitted to the federal

20 Centers for Medicare and Medicaid Services for purposes of claiming federal financial  
21 participation may be paid only with funds from the governmental entities.

22 (e) Participation in the program by an eligible provider described in this section is  
23 voluntary.

24 (f) If an applicable governmental entity elects to seek supplemental reimbursement  
25 pursuant to this section on behalf of an eligible provider, the governmental entity shall:

26 (1) Certify, in conformity with the requirements of Section 433.51 of Title 42 of the Code  
27 of Federal Regulations, that the claimed expenditures for the ground emergency medical  
28 transportation services are eligible for federal financial participation;

29 (2) Provide evidence supporting the certification as specified by the department;

30 (3) Submit data as specified by the department to determine the appropriate amounts to  
31 claim as expenditures qualifying for federal financial participation; and

32 (4) Keep, maintain, and have readily retrievable, any records specified by the department  
33 to fully disclose reimbursement amounts to which the eligible provider is entitled, and any other  
34 records required by the federal Centers for Medicare and Medicaid Services.

35 (g) (1) The department shall promptly seek any necessary federal approvals for the  
36 implementation of this section. The department may limit the program to those costs that are  
37 allowable expenditures under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.).  
38 If federal approval is not obtained for implementation of this section, this section may not be  
39 implemented.

40 (2) The department shall submit claims for federal financial participation for the  
41 expenditures for the services that are allowable expenditures under federal law.

42 (3) The department shall, on an annual basis, submit any necessary materials to the  
43 federal government to provide assurances that claims for federal financial participation will include  
44 only those expenditures that are allowable under federal law.

NOTE: The purpose of this bill is to provide that an eligible provider may receive supplemental Medicaid reimbursement, in addition to the rate of payment that the provider would otherwise receive, for Medicaid ground emergency medical transportation services and that the supplemental reimbursement shall be equal to the amount of federal financial participation the department receives as a result of claims submitted for expenditures for services.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.