

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4519

BY DELEGATES STATLER, MAYNARD, COOPER, R. MILLER,

SPONAUGLE, LOVE, JENNINGS AND LOVEJOY

[Introduced February 13, 2018; Referred
to the Committee on Fire Departments and
Emergency Medical Services then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated, §9-5-27, relating to supplemental Medicaid and Medicare reimbursements for
 3 ground emergency medical transportation services providers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-27. Supplemental Medicaid reimbursement.

1 (a) A ground emergency medical transportation services provider, owned or operated by
 2 the state, or a city, a county, or city and county, paid fire and rescue services, or volunteer fire
 3 departments that provides services, including ground transport service, to Medicaid or Medicare
 4 beneficiaries is eligible for supplemental reimbursement: *Provided*, That Medicare reimbursement
 5 is available.

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

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

10 (2) In no instance may the amount certified, when combined with the amount received
 11 from all other sources of reimbursement from the Medicaid program, exceed 100 percent of actual
 12 costs, as determined pursuant to the Medicaid State Plan, for ground emergency medical
 13 transportation services.

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

20 (c) No funds may be expended from the state fund, general revenue for any supplemental

21 reimbursement paid under this section.

22 (d) The nonfederal share of the supplemental reimbursement submitted to the federal
23 Centers for Medicare and Medicaid Services for purposes of claiming federal financial
24 participation may be paid only with funds from the governmental entities.

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

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

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

32 (2) Provide evidence supporting the certification as specified by the Department of Health
33 and Human Resources;

34 (3) Submit data as specified by the Department of Health and Human Resources to
35 determine the appropriate amounts to claim as expenditures qualifying for federal financial
36 participation; and

37 (4) Keep, maintain, and have readily retrievable, any records specified by the Department
38 of Health and Human Resources to fully disclose reimbursement amounts to which the eligible
39 provider is entitled, and any other records required by the federal Centers for Medicare and
40 Medicaid Services.

41 (g) (1) The Department of Health and Human Resources shall promptly seek any
42 necessary federal approvals for the implementation of this section. The Department of Health and
43 Human Resources may limit the program to those costs that are allowable expenditures under
44 Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.). If federal approval is not
45 obtained for implementation of this section, this section may not be implemented.

46 (2) The department shall submit claims for federal financial participation for the

47 expenditures for the services that are allowable expenditures under federal law.

48 (3) The Department of Health and Human Resources shall, on an annual basis, submit
49 any necessary materials to the federal government to provide assurances that claims for federal
50 financial participation will include only those expenditures that are allowable under federal law.

51 (4) Notwithstanding the provisions of subdivision (1) of this subsection, the Department of
52 Health and Human Resources shall, prior to seeking federal approval of any supplemental
53 reimbursement pursuant to this section, attempt to maximize the number of qualified group
54 emergency medical transportation service providers eligible to receive the supplemental
55 reimbursement. These emergency medical transportation service providers would include:

56 (A) Any not-for-profit emergency medical transport providers not owned by the state or a
57 city, a county, or a city and county;

58 (B) Any voluntary emergency transportation service providers not owned by the state or a
59 city, a county, or a city and county; and

60 (C) All other emergency medical transportation service providers licensed pursuant to the
61 provisions of §16-4C-1 et seq. of this code.

NOTE: The purpose of this bill is to provide that an eligible provider may receive supplemental Medicaid reimbursement and reimbursement from Medicare, if available, in addition to the rate of payment that the provider would otherwise receive, for ground emergency medical transportation services, including ground transport service by paid fire and rescue services, or volunteer fire departments; 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.