

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 587

BY SENATOR TRUMP

[Introduced February 12, 2019; Referred
to the Committee on Finance]

1 A BILL to amend and reenact §5-16-8a of the Code of West Virginia, 1931, as amended, relating
2 to the West Virginia Public Employees Insurance Agency's reimbursement of air-
3 ambulance providers who provide emergency transportation to individuals covered by the
4 plan.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-8a. Air-ambulance fees.

1 (a) ~~Notwithstanding any provision of this code to the contrary~~ The plan shall reimburse
2 any air-ambulance provider ~~which does not have a contract with the plan that provides~~ emergency
3 air transportation or related emergency medical or treatment services to an employee or
4 dependent of an employee covered by the plan ~~may not collect from the plan and the covered~~
5 ~~employee or dependent of the employee, a combined amount for those services which exceeds~~
6 ~~the reimbursement~~ the amount then in effect for the federal Medicare program, including any
7 applicable Geographic Practice Cost Index.

8 (b) ~~If an air-ambulance provider has entered into a subscription service agreement with~~
9 ~~an employee or dependent of an employee covered by the plan, and the employee or dependent~~
10 ~~is in good standing with the agreement, the air-ambulance provider shall accept the fee or cost of~~
11 ~~the subscription service agreement as payment in full for any air-ambulance transport and related~~
12 ~~emergency treatment or services which the air-ambulance provider may provide to that employee~~
13 ~~or dependent of an employee~~

14 (b) Nothing in this section limits the authority of the director under §5-16-3(c) and §5-16-9
15 of this code, including, but not limited to, his or her authority to manage provider contracting and
16 payments and to designate covered and noncovered services.

17 (c) This section does not limit the authority of the director, the plan, or the plans under §5-
18 16-11 of this code.

19 (d) Notwithstanding any provision of this code to the contrary, wherever 49 U.S.C.
20 §41713(b) applies to the reimbursement of air ambulance providers under §5-16-8a of this code,
21 the provisions of this code, including any administrative, civil, or criminal penalties, are
22 inapplicable.

NOTE: The purpose of this bill is to set forth the amount the West Virginia Public Employees Insurance Agency will reimburse air-ambulance providers for the transportation of individuals covered by its plans, consistent with *Air Evac EMS, Inc. v. Cheatham*, 910 F. 3d 751 (4th Cir. 2018).

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