

1 AN ACT relating to ground ambulance service providers and making an
2 appropriation therefor.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
5 READ AS FOLLOWS:

6 *For the purposes of Sections 1 to 6 of this Act, unless the context otherwise requires:*

- 7 *(1) "Ambulance service provider" means a Class I, II, or III ground ambulance*
8 *provider licensed under KRS Chapter 311A;*
9 *(2) "Assessment" means the Medicaid ambulance service provider assessment*
10 *established in Section 3 of this Act;*
11 *(3) "Board" means the Kentucky Board of Emergency Medical Services;*
12 *(4) "Cabinet" means the Cabinet for Health and Family Services;*
13 *(5) "Commissioner" means the commissioner for Medicaid services; and*
14 *(6) "Non-federal portion" means the state general fund dollars required to pay the*
15 *fee-for-service ambulance service provider rates as described in Section 4 of this*
16 *Act.*

17 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
18 READ AS FOLLOWS:

- 19 *(1) An ambulance service provider shall pay an assessment to the cabinet in the*
20 *amount designated in Section 3 of this Act. Payment to the cabinet shall be due*
21 *quarterly, on a day determined by the board through the promulgation of*
22 *administrative regulations, or no more than thirty (30) days after the day on*
23 *which the board issues the ambulance service provider notice of assessment,*
24 *whichever is later.*
25 *(2) An ambulance service provider shall not increase charges or add a surcharge to*
26 *ground transport fees based on, or as a result of, the assessment established in*
27 *Sections 1 to 6 of this Act.*

1 (3) No more than one hundred eighty (180) days after the end of each calendar year,
2 the board shall submit to the cabinet transport data for all ambulance service
3 providers licensed in Kentucky. That data shall include the number of emergency
4 ground transports completed during the previous calendar year.

5 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) The cabinet shall:

8 (a) Promulgate administrative regulations to establish the standards and
9 procedures necessary to implement the provisions of Sections 1 to 6 of this
10 Act;

11 (b) Calculate a uniform assessment per ground transport pursuant to
12 subsection (2) of this section;

13 (c) Transfer assessment proceeds to the Finance and Administration Cabinet;
14 and

15 (d) Apply any annual changes to the assessment rate described in subsection
16 (2) of this section uniformly to all assessed ambulance service providers.

17 (2) The assessment due from an ambulance service provider shall equal the non-
18 federal portion divided by the total number of statewide emergency ground
19 transports, multiplied by the number of emergency ground transports completed
20 by the ambulance service provider.

21 (3) The assessment shall not generate more than the sum of:

22 (a) An annual amount of two hundred thousand dollars (\$200,000) to offset the
23 Medicaid administration expenses; and

24 (b) The non-federal portion.

25 (4) For each fiscal year, the cabinet shall calculate the total number of emergency
26 ground transports using data from the board as follows:

27 (a) For the fiscal year 2020-2021, the cabinet shall use ambulance service

- 1 transport data for the 2019 calendar year; and
 2 (b) For each fiscal year after fiscal year 2020-2021, the cabinet shall use
 3 ambulance service transport data for the calendar year ending eighteen (18)
 4 months prior to the end of the respective fiscal year.
 5 (5) The cabinet shall require an ambulance service provider that fails to pay an
 6 assessment due under this section to pay a penalty fee to the cabinet in addition to
 7 the assessment. The cabinet shall promulgate administrative regulations to
 8 establish the penalty fee.

9 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
 10 READ AS FOLLOWS:

11 Upon approval by the Centers for Medicare and Medicaid Services of the assessment
 12 imposed under Sections 1 to 6 of this Act for fee-for-service rates effective on or after
 13 July 1, 2020, the cabinet shall reimburse each ambulance service provider that
 14 provided qualifying ground ambulance service transports during the relevant
 15 assessment period an amount not to exceed the emergency medical services ambulance
 16 rates adopted annually by the cabinet.

17 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
 18 READ AS FOLLOWS:

- 19 (1) The assessment shall not be implemented until after the commissioner receives
 20 notice of federal matching fund approval from the Centers for Medicaid and
 21 Medicare Services.
 22 (2) The commissioner shall implement Sections 1 to 6 of this Act to the extent that it
 23 is not inconsistent with the state Medicaid plan or any Kentucky federal Medicaid
 24 waivers.
 25 (3) Within ninety (90) days after the effective date of this Act, the commissioner shall
 26 determine whether an amendment to any Kentucky federal Medicaid waiver is
 27 required to implement Sections 1 to 6 of this Act. If the commissioner determines

1 that an amendment to a Kentucky federal waiver is necessary, the commissioner
2 is authorized to seek any necessary waiver amendment, and the assessment shall
3 not take effect until the waiver amendment is approved.

4 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) The ambulance service assessment revenue fund is hereby created as a trust fund
7 within the State Treasury. The fund shall consist of the assessments and any
8 related penalties collected by the cabinet under Sections 1 to 6 of this Act,
9 donations made to the fund from private sources, and appropriations by the
10 General Assembly.

11 (2) The ambulance service assessment revenue fund shall be administered by the
12 Finance and Administration Cabinet.

13 (3) Moneys in the fund shall not be diverted to the general fund or any other public
14 fund. Moneys in the fund may only be used to:

15 (a) Increase fee-for-service rates for ground ambulance services above those in
16 effect on the effective date of this Act;

17 (b) Reimburse money to an ambulance service that is erroneously collected by
18 the cabinet from an ambulance service provider under Sections 1 to 6 of
19 this Act; or

20 (c) Reimburse the cabinet in the amount of two hundred thousand dollars
21 (\$200,000) annually for the purpose of administrative expenses.

22 (4) In the event that Sections 1 to 6 of this Act are rendered invalid and void:

23 (a) To the extent that federal matching is not reduced due to the
24 impermissibility of the assessments, the cabinet shall disburse the moneys
25 remaining in the fund that were derived from the assessment imposed by
26 Sections 1 to 6 of this Act pursuant to subsection (3) of this section; and

27 (b) Following disbursement of moneys in the fund pursuant to paragraph (a) of

- 1 *this subsection, the cabinet shall refund any remaining moneys to each*
2 *ambulance service provider in proportion to the amount paid by each*
3 *provider during the most recently completed quarterly payment period.*
- 4 *(5) Notwithstanding KRS 45.229, moneys in the fund not expended at the close of the*
5 *fiscal year shall not lapse but shall be carried forward to the next fiscal year.*
- 6 *(6) Any interest earnings of the trust fund shall become part of the fund and shall*
7 *not lapse.*
- 8 *(7) Moneys transferred to this fund are hereby appropriated for the purposes set*
9 *forth in this section.*