

**Effective 7/1/2015**

**Part 1  
General Provisions**

**26-37a-101 Title.**

This chapter is known as "Ambulance Service Provider Assessment."

Enacted by Chapter 440, 2015 General Session

**26-37a-102 Definitions.**

As used in this chapter:

- (1) "Ambulance service provider" means:
  - (a) an ambulance provider as defined in Section 26-8a-102; or
  - (b) a non-911 service provider as defined in Section 26-8a-102.
- (2) "Assessment" means the Medicaid ambulance service provider assessment established by this chapter.
- (3) "Division" means the Division of Health Care Financing within the department.
- (4) "Non-federal portion" means the non-federal share the division needs to seed amounts that will support fee-for-service ambulance service provider rates, as described in Section 26-37a-105.
- (5) "Total transports" means the number of total ambulance transports applicable to a given fiscal year, as determined under Subsection 26-37a-104(5).

Amended by Chapter 348, 2016 General Session

**26-37a-103 Assessment, collection, and payment of ambulance service provider assessment.**

- (1) An ambulance service provider shall pay an assessment to the division:
  - (a) in the amount designated in Section 26-37a-104;
  - (b) in accordance with this chapter;
  - (c) quarterly, on a day determined by the division by rule made under Subsection (2)(b); and
  - (d) no more than 15 business days after the day on which the division issues the ambulance service provider notice of the assessment.
- (2) The division shall:
  - (a) collect the assessment described in Subsection (1);
  - (b) determine, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, standards and procedures for implementing and enforcing the provisions of this chapter; and
  - (c) transfer assessment proceeds to the state treasurer for deposit into the Ambulance Service Provider Assessment Expendable Revenue Fund created in Section 26-37a-107.

Enacted by Chapter 440, 2015 General Session

**26-37a-104 Calculation of assessment.**

- (1) The division shall calculate a uniform assessment per transport as described in this section.
- (2) The assessment due from a given ambulance service provider equals the non-federal portion divided by total transports, multiplied by the number of transports for the ambulance service provider.

- (3) The division shall apply any quarterly changes to the assessment rate, calculated as described in Subsection (2), uniformly to all assessed ambulance service providers.
- (4) The assessment may not generate more than the total of:
  - (a) an annual amount of \$20,000 to offset Medicaid administration expenses; and
  - (b) the non-federal portion.
- (5)
  - (a) For each state fiscal year, the division shall calculate total transports using data from the Emergency Medical System as follows:
    - (i) for state fiscal year 2016, the division shall use ambulance service provider transports during the 2014 calendar year; and
    - (ii) for a fiscal year after 2016, the division shall use ambulance service provider transports during the calendar year ending 18 months before the end of the fiscal year.
  - (b) If an ambulance service provider fails to submit transport information to the Emergency Medical System, the division may audit the ambulance service provider to determine the ambulance service provider's transports for a given fiscal year.

Enacted by Chapter 440, 2015 General Session

**26-37a-105 Medicaid ambulance service provider adjustment under fee-for-service rates.**

The division shall, if the assessment imposed by this chapter is approved by the Centers for Medicare and Medicaid Services, for fee-for-service rates effective on or after July 1, 2015, reimburse an ambulance service provider in an amount up to the Emergency Medical Services Ambulance Rates adopted annually by the department.

Enacted by Chapter 440, 2015 General Session

**26-37a-106 Penalties.**

The division shall require an ambulance service provider that fails to pay an assessment due under this chapter to pay the division, in addition to the assessment, a penalty determined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 440, 2015 General Session

**26-37a-107 Ambulance Service Provider Assessment Expendable Revenue Fund.**

- (1) There is created an expendable special revenue fund known as the "Ambulance Service Provider Assessment Expendable Revenue Fund."
- (2) The fund shall consist of:
  - (a) the assessments collected by the division under this chapter;
  - (b) the penalties collected by the division under this chapter;
  - (c) donations to the fund; and
  - (d) appropriations by the Legislature.
- (3) Money in the fund shall be used:
  - (a) to support fee-for-service rates; and
  - (b) to reimburse money to an ambulance service provider that is collected by the division from the ambulance service provider through a mistake made under this chapter.

Enacted by Chapter 440, 2015 General Session

**26-37a-108 Repeal of assessment.**

- (1) This chapter is repealed when, as certified by the executive director of the department, any of the following occurs:
  - (a) an action by Congress that disqualifies the assessment imposed by this chapter from state Medicaid funds available to be used to determine the federal financial participation takes legal effect; or
  - (b) an action, decision, enactment, or other determination by the Legislature or by any court, officer, department, or agency of the state or federal government takes effect that:
    - (i) disqualifies the assessment from counting toward state Medicaid funds available to be used to determine federal financial participation for Medicaid matching funds; or
    - (ii) creates for any reason a failure of the state to use the assessments for the Medicaid program as described in this chapter.
- (2) If this chapter is repealed under Subsection (1):
  - (a) money in the Ambulance Service Provider Assessment Expendable Revenue Fund that was derived from assessments imposed by this chapter, deposited before the determination made under Subsection (1), shall be disbursed under Section 26-37a-107 to the extent federal matching is not reduced due to the impermissibility of the assessments; and
  - (b) any funds remaining in the special revenue fund shall be refunded to each ambulance service provider in proportion to the amount paid by the ambulance service provider.

Enacted by Chapter 440, 2015 General Session