

1                   **EMERGENCY MEDICAL SERVICES AMENDMENTS**

2                                   2015 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Curtis S. Bramble**

5                           House Sponsor: Brad R. Wilson

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7   **LONG TITLE**

8   **General Description:**

9           This bill enacts provisions related to an assessment on ambulance service providers.

10 **Highlighted Provisions:**

11       This bill:

- 12       ▶ imposes a uniform assessment on ambulance service providers;
- 13       ▶ directs the Division of Health Care Financing to collect the assessment;
- 14       ▶ gives the division the authority to impose a penalty on an ambulance service
- 15 provider that declines to pay the assessment; and
- 16       ▶ provides for the administration of the funds collected through the assessment.

17 **Money Appropriated in this Bill:**

18       None

19 **Other Special Clauses:**

20       This bill provides a special effective date.

21 **Utah Code Sections Affected:**

22 ENACTS:

- 23       **26-37a-101**, Utah Code Annotated 1953
- 24       **26-37a-102**, Utah Code Annotated 1953
- 25       **26-37a-103**, Utah Code Annotated 1953
- 26       **26-37a-104**, Utah Code Annotated 1953
- 27       **26-37a-105**, Utah Code Annotated 1953



28 [26-37a-106](#), Utah Code Annotated 1953  
 29 [26-37a-107](#), Utah Code Annotated 1953  
 30 [26-37a-108](#), Utah Code Annotated 1953



32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **26-37a-101** is enacted to read:

34 **CHAPTER 37a. AMBULANCE SERVICE PROVIDER ASSESSMENT**

35 **Part 1. General Provisions**

36 **26-37a-101. Title.**

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

38 Section 2. Section **26-37a-102** is enacted to read:

39 **26-37a-102. Definitions.**

40 As used in this chapter:

41 (1) "Ambulance provider" means:

42 (a) an ambulance provider as defined in Section [26-8a-102](#); or

43 (b) a non-911 service provider as defined in Section [26-8a-102](#).

44 (2) "Assessment" means the Medicaid ambulance provider assessment established by  
45 this chapter.

46 (3) "Division" means the Division of Health Care Financing within the department.

47 (4) "Non-federal portion" means the non-federal share the division needs to seed  
48 amounts that will support fee-for-service ambulance provider rates, as described in Section  
49 [26-27a-105](#).

50 (5) "Total transports" means the number of total ambulance transports applicable to a  
51 given fiscal year, as determined under Subsection [26-37a-104](#)(5).

52 Section 3. Section **26-37a-103** is enacted to read:

53 **26-37a-103. Assessment, collection, and payment of ambulance provider**  
54 **assessment.**

55 (1) An ambulance service provider shall pay an assessment to the division:

56 (a) in the amount designated in Section [26-37a-104](#);

57 (b) in accordance with this chapter;

58 (c) quarterly, on a day determined by the division by rule made under Subsection

59 (2)(b); and  
60 (d) no more than 15 business days after the day on which the division issues the  
61 ambulance service provider notice of the assessment.  
62 (2) The division shall:  
63 (a) collect the assessment described in Subsection (1);  
64 (b) determine, by rule made in accordance with Title 63G, Chapter 3, Utah  
65 Administrative Rulemaking Act, standards and procedures for implementing and enforcing the  
66 provisions of this chapter; and  
67 (c) transfer assessment proceeds to the state treasurer for deposit into the Ambulance  
68 Service Provider Assessment Expendable Revenue Fund created in Section [26-37a-107](#).  
69 Section 4. Section **26-37a-104** is enacted to read:  
70 **26-37a-104. Calculation of assessment.**  
71 (1) The division shall calculate a uniform assessment per transport as described in this  
72 section.  
73 (2) The assessment due from a given ambulance service provider equals the  
74 non-federal portion divided by total transports, multiplied by the number of transports for the  
75 ambulance service provider.  
76 (3) The division shall apply any quarterly changes to the assessment rate, calculated as  
77 described in Subsection (2), uniformly to all assessed ambulance service providers.  
78 (4) The assessment may not generate more than the total of:  
79 (a) an annual amount of \$20,000 to offset Medicaid administration expenses; and  
80 (b) the non-federal portion.  
81 (5) (a) For each state fiscal year, the division shall calculate total transports using data  
82 from the Emergency Medical System as follows:  
83 (i) for state fiscal year 2016, the division shall use ambulance service provider  
84 transports during the 2014 calendar year; and  
85 (ii) for a fiscal year after 2016, the division shall use ambulance service provider  
86 transports during the calendar year ending 18 months before the end of the fiscal year.  
87 (b) If an ambulance service provider fails to submit transport information to the  
88 Emergency Medical System, the division may audit the ambulance service provider to  
89 determine the ambulance service provider's transports for a given fiscal year.

90 Section 5. Section **26-37a-105** is enacted to read:

91 **26-37a-105. Medicaid ambulance provider adjustment under fee-for-service rates.**

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

96 Section 6. Section **26-37a-106** is enacted to read:

97 **26-37a-106. Penalties.**

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

102 Section 7. Section **26-37a-107** is enacted to read:

103 **26-37a-107. Ambulance Service Provider Assessment Expendable Revenue Fund.**

104 (1) There is created an expendable special revenue fund known as the "Ambulance  
105 Service Provider Assessment Expendable Revenue Fund."

106 (2) The fund shall consist of:

107 (a) the assessments collected by the division under this chapter;

108 (b) the penalties collected by the division under this chapter;

109 (c) donations to the fund; and

110 (d) appropriations by the Legislature.

111 (3) Money in the fund shall be used:

112 (a) to support fee-for-service rates; and

113 (b) to reimburse money to an ambulance service provider that is collected by the  
114 division from the ambulance service provider through a mistake made under this chapter.

115 Section 8. Section **26-37a-108** is enacted to read:

116 **26-37a-108. Repeal of assessment.**

117 (1) This chapter is repealed when, as certified by the executive director of the  
118 department, any of the following occurs:

119 (a) an action by Congress that disqualifies the assessment imposed by this chapter from  
120 state Medicaid funds available to be used to determine the federal financial participation takes

121 legal effect; or

122 (b) an action, decision, enactment, or other determination by the Legislature or by any  
123 court, officer, department, or agency of the state or federal government takes effect that:

124 (i) disqualifies the assessment from counting toward state Medicaid funds available to  
125 be used to determine federal financial participation for Medicaid matching funds; or

126 (ii) creates for any reason a failure of the state to use the assessments for the Medicaid  
127 program as described in this chapter.

128 (2) If this chapter is repealed under Subsection (1):

129 (a) money in the Ambulance Service Provider Assessment Expendable Revenue Fund  
130 that was derived from assessments imposed by this chapter, deposited before the determination  
131 made under Subsection (1), shall be disbursed under Section [26-37a-107](#) to the extent federal  
132 matching is not reduced due to the impermissibility of the assessments; and

133 (b) any funds remaining in the special revenue fund shall be refunded to each  
134 ambulance service provider in proportion to the amount paid by the ambulance service  
135 provider.

136 Section 9. **Effective date.**

137 This bill takes effect on July 1, 2015.

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**Legislative Review Note**  
**as of 2-9-15 11:13 AM**

**Office of Legislative Research and General Counsel**