

DRAFT

SUMMARY

Assesses fee on emergency medical services providers and uses fee to increase reimbursement paid by Oregon Health Authority for emergency medical services transports.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to emergency medical services providers; and declaring an emer-
3 gency.

4 Whereas emergency medical services providers play an essential role in
5 serving this state's medical assistance recipients; and

6 Whereas private and contracted emergency medical services providers
7 must be ensured equal access to funding for service that is available from
8 the federal government; now, therefore,

9 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. As used in sections 1 to 4 of this 2019 Act:

10
11 **(1) "Emergency medical services" means the services provided by**
12 **an emergency medical services provider to an individual experiencing**
13 **a medical emergency in order to:**

14 **(a) Assess, treat and stabilize the individual's medical condition; or**

15 **(b) Prepare and transport the individual to a medical facility.**

16 **(2) "Emergency medical services provider" means an entity other**
17 **than a fire department that:**

18 **(a) Employs individuals who are licensed by the Oregon Health**
19 **Authority under ORS chapter 682 to provide emergency medical ser-**
20 **vices; and**

1 (b) Contracts with a local government pursuant to a plan described
2 in ORS 682.062.

3 (3) “Emergency medical services transport” means the evaluation
4 of an individual experiencing a medical emergency and the transpor-
5 tation of the individual to the nearest medical facility capable of
6 meeting the needs of the individual, for which an emergency medical
7 services provider bills using any of the following Healthcare Common
8 Procedure Codes:

9 (a) Advanced life support level 1, emergency;

10 (b) Basic life support, emergency;

11 (c) Advanced life support level 2, emergency or nonemergency; or

12 (d) Any successor procedure codes for services described in para-
13 graphs (a) to (c) of this subsection, as determined by the authority.

14 (4)(a) “Gross receipts” means gross payments received as patient
15 care revenue for emergency medical services transports, determined
16 on a cash basis of accounting.

17 (b) “Gross receipts” does not include Medicaid supplemental re-
18 imbursement pursuant to ORS 413.234.

19 SECTION 2. (1) Beginning July 1 of each year, the Oregon Health
20 Authority shall assess a quality assurance fee on each emergency
21 medical services transport provided by an emergency medical services
22 provider licensed in this state. The fee shall be in an amount equal to
23 five percent of the projected total gross receipts for the following
24 12-month period divided by the projected number of emergency medical
25 services transports in the following 12-month period. The projections
26 must be based on the data reported under section 4 of this 2019 Act.

27 (2) The authority shall prescribe the manner and due dates for the
28 assessment and collection of quality assurance fees under this section.

29 (3) The quality assurance fees collected by the authority may not
30 exceed the amounts allowed by federal law.

31 (4) The authority may modify or make adjustments to any meth-

1 odology, fee amount or other provision specified in this section and
2 section 3 of this 2019 Act to the extent necessary to meet the require-
3 ments of federal law or to ensure federal financial participation in the
4 costs of emergency medical services transports reimbursed by the au-
5 thority.

6 (5) Interest shall be assessed on quality assurance fees not paid by
7 the date due at 10 percent per annum beginning on the day after the
8 date the payment was due.

9 (6) In the event that any payment of a quality assurance fee is more
10 than 60 days overdue, the authority shall assess a penalty equal to the
11 interest charged under subsection (5) of this section for each month
12 for which the payment is more than 60 days overdue.

13 (7) The authority may deduct the amount of any unpaid fee, inter-
14 est or penalty assessed under this section from any fee-for-service
15 medical assistance reimbursement owed to the emergency medical
16 services provider until the full amount of the fee, interest or penalty
17 is recovered. The authority may not make a deduction pursuant to this
18 subsection until after the authority gives the emergency medical ser-
19 vices provider written notification. The authority may permit the
20 amount owed to be deducted over a period of time that takes into ac-
21 count the financial condition of the emergency medical services pro-
22 vider.

23 (8) All quality assurance fees, interest and penalties collected under
24 this section shall be deposited into the Emergency Medical Services
25 Fund established in section 5 of this 2019 Act.

26 (9) The authority may waive a portion or all of the interest or
27 penalties, or both, assessed under subsections (5) and (6) of this section
28 if the authority determines that the imposition of the full amount of
29 the quality assurance fee in accordance with the due dates established
30 under subsection (2) of this section is likely to impose an undue fi-
31 nancial hardship on the emergency medical services provider. The

1 waiver must be conditioned on the emergency medical services
2 provider's agreement to pay the quality assurance fees on an alterna-
3 tive schedule developed by the authority.

4 (10) In the event of a merger, acquisition or similar transaction
5 involving an emergency medical services provider that has outstanding
6 quality assurance fees, interest or penalties due, the successor emer-
7 gency medical services provider is responsible for paying to the au-
8 thority the full amount of outstanding quality assurance fees, interest
9 and penalties that are due on the effective date of the merger, acqui-
10 sition or transaction.

11 SECTION 3. (1) On July 1 of each year, the Oregon Health Author-
12 ity shall increase the fee-for-service medical assistance reimbursement
13 paid for each emergency medical services transport by an amount
14 equal to the total quality assurance fees projected to be received in the
15 following 12-month period, minus the amounts retained by the au-
16 thority under subsection (2) of this section, divided by the projected
17 number of emergency medical services transports in the following
18 12-month period. The projections must be based on the data reported
19 to the authority under section 4 of this 2019 Act.

20 (2) The authority shall retain 10 percent of the fees collected under
21 section 2 of this 2019 Act. Of the amount retained:

22 (a) Fifty percent shall be used by the authority to provide grants
23 to coordinated care organizations to be used to fund innovative am-
24 bulance programs; and

25 (b) Fifty percent may be used by the authority for the adminis-
26 tration of sections 1 to 4 of this 2019 Act.

27 (3) The increase in reimbursement required under subsection (1) of
28 this section shall be paid only from the following sources:

29 (a) The Emergency Medical Services Fund established under section
30 5 of this 2019 Act; and

31 (b) Federal financial participation in the costs of emergency med-

1 ical services transports.

2 (4) The moneys described in subsection (2) of this section may not
3 be used to supplant existing funding for emergency medical services
4 transports.

5 (5) The increase in reimbursement required under subsection (1) of
6 this section shall be required and payable only for periods in which
7 emergency medical services providers are required to pay quality as-
8 surance fees.

9 SECTION 4. (1) The Oregon Health Authority shall prescribe the
10 form and manner for an emergency medical services provider to report
11 the data necessary to administer sections 2 and 3 of this 2019 Act.

12 (2) The authority may require a certification by each emergency
13 medical services provider under penalty of perjury of the truth of the
14 data reported under this section. An emergency medical services pro-
15 vider shall report the data required by this section within five days
16 after the date upon which the report is due. After sending written
17 notice to an emergency medical services provider, the authority may
18 impose a penalty of \$100 per day against an emergency medical ser-
19 vices provider for every day that the report is overdue. Any funds re-
20 sulting from a penalty imposed under this subsection shall be
21 deposited in the Emergency Medical Services Fund established in sec-
22 tion 5 of this 2019 Act.

23 (3) An emergency medical services provider shall report to the au-
24 thority the number of emergency medical services transports it pro-
25 vided in each 12-month period, by payer type.

26 (4) An emergency medical services provider shall report to the au-
27 thority its gross receipts for each 12-month period.

28 SECTION 5. (1) The Emergency Medical Services Fund is estab-
29 lished in the State Treasury, separate and distinct from the General
30 Fund. The Emergency Medical Services Fund consists of moneys col-
31 lected by the Oregon Health Authority under sections 2 and 4 of this

1 **2019 Act. Moneys in the fund are continuously appropriated to the**
2 **authority for the purpose of:**

3 **(a) Enhancing federal financial participation in the costs of pro-**
4 **viding emergency medical services transports to medical assistance**
5 **recipients;**

6 **(b) Supporting quality improvement efforts by emergency medical**
7 **services providers;**

8 **(c) Paying the expenses of the authority in administering sections**
9 **1 to 4 of this 2019 Act; and**

10 **(d) Funding medical assistance for residents of this state.**

11 **(2) Interest earned by the fund shall be credited to the fund.**

12 **SECTION 6. (1) Sections 2 and 3 of this 2019 Act are in addition to**
13 **and not in lieu of the provisions of ORS 413.234 and 413.235.**

14 **(2) The increase in reimbursement required under section 3 of this**
15 **2019 Act also applies to the reimbursement of emergency medical ser-**
16 **vices providers, as defined in section 1 of this 2019 Act, by coordinated**
17 **care organizations, as defined in ORS 414.025.**

18 **SECTION 7. The Oregon Health Authority shall request federal ap-**
19 **proval as necessary to carry out sections 1 to 4 of this 2019 Act.**

20 **SECTION 8. (1) Sections 1 to 4 of this 2019 Act become operative**
21 **on the date that the Centers for Medicare and Medicaid Services ap-**
22 **proves the implementation of sections 1 to 4 of this 2019 Act.**

23 **(2) The Oregon Health Authority shall immediately notify the Leg-**
24 **islative Counsel if the Centers for Medicare and Medicaid Services ap-**
25 **proves or disapproves, in whole or in part, the implementation of**
26 **sections 1 to 4 of this 2019 Act.**

27 **SECTION 9. This 2019 Act being necessary for the immediate pres-**
28 **ervation of the public peace, health and safety, an emergency is de-**
29 **clared to exist, and this 2019 Act takes effect on its passage.**

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