

1 ENGROSSED SENATE  
2 BILL NO. 744

By: Thompson (Roger) of the  
Senate

3 and

4 Wallace of the House

5  
6 An Act relating to the Ambulance Service Provider  
7 Access Payment Program; amending 63 O.S. 2021,  
8 Section 3242, which relates to supplemental Medicaid  
9 reimbursement for ground emergency transportation;  
10 deleting certain requirement for reimbursement;  
11 providing calculation and payment methodology for  
12 certain services; allowing intergovernmental  
13 agreements to substitute for certain requirements;  
14 and declaring an emergency.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 63 O.S. 2021, Section 3242, is  
17 amended to read as follows:

18 Section 3242. A. An eligible provider, as described in  
19 subsection B of this section, in addition to the rate of payment  
20 that the provider would otherwise receive for Medicaid ground  
21 emergency medical transportation services, shall receive  
22 supplemental Medicaid reimbursement to the extent provided by law.

23 B. A provider shall be eligible for supplemental reimbursement  
24 only if the provider meets the following conditions during the state  
fiscal year:

1. Provides ground emergency medical transportation services to  
Medicaid beneficiaries;

1           2. Is a provider that is enrolled as a Medicaid provider for  
2 the period being claimed; and

3           3. Is owned or operated by the state, a political subdivision  
4 or local government, that employs or contracts with persons who are  
5 licensed to provide emergency medical services in the State of  
6 Oklahoma, and includes private entities to the extent permissible  
7 under federal law.

8           C. An eligible provider's supplemental reimbursement pursuant  
9 to this section shall be calculated and paid as follows:

10          1. ~~The supplemental reimbursement to an eligible provider, as~~  
11 ~~described in subsection B of this section, shall be equal to~~

12           a. for services reimbursed through fee-for-service  
13           contracts, the amount of federal financial  
14           participation received because of the claims submitted  
15           pursuant to paragraph 3 of subsection F of this  
16           section, and

17           b. for services reimbursed through capitated contracts,  
18           an amount to be determined in accordance with the  
19           approved directed payment pre-print, based on claims  
20           submitted pursuant to paragraph 3 of subsection F of  
21           this section;

22          2. In no instance shall the amount certified pursuant to  
23 paragraph 1 of subsection E of this section, when combined with the  
24 amount received from all other sources of reimbursement from the

1 Medicaid program, exceed one hundred percent (100%) of actual costs,  
2 as determined pursuant to the Medicaid state plan, for ground  
3 emergency medical transportation services; and

4 3. The supplemental Medicaid reimbursement provided by this  
5 section shall be distributed exclusively to eligible providers under  
6 a payment methodology based on ground emergency medical  
7 transportation services provided to Medicaid beneficiaries by  
8 eligible providers on a per-transport basis or other federally  
9 permissible basis. The Oklahoma Health Care Authority shall obtain  
10 approval from the Centers for Medicare and Medicaid Services for the  
11 payment methodology to be utilized, and shall not make any payment  
12 pursuant to this section prior to obtaining that approval.

13 D. 1. It is the Legislature's intent in enacting this section  
14 to provide the supplemental reimbursement described in this section  
15 without any expenditure from the state General Revenue Fund. An  
16 eligible provider, as a condition of receiving supplemental  
17 reimbursement pursuant to this section, shall enter into, and  
18 maintain, an agreement with the Authority for the purposes of  
19 implementing this section and reimbursing the state for the costs of  
20 administering this section.

21 2. The nonfederal share of the supplemental reimbursement  
22 submitted to the federal Centers for Medicare and Medicaid Services  
23 for purposes of claiming federal financial participation shall be  
24 paid only with funds from the governmental entities described in

1 paragraph 3 of subsection B of this section and certified to the  
2 state as provided in subsection E of this section.

3 E. Participation in the reimbursement program provided by this  
4 section by an eligible provider as set forth in subsection B of this  
5 section is voluntary. If an applicable governmental entity elects  
6 to seek supplemental reimbursement pursuant to this section on  
7 behalf of an eligible provider, the governmental entity shall do the  
8 following:

9 1. ~~Certify~~

10 a. certify, in conformity with the requirements of 42  
11 C.F.R. § 433.51, that the claimed expenditures for the  
12 ground emergency medical transportation services are  
13 eligible for federal financial participation~~†~~†

14 2. ~~Provide~~

15 b. provide evidence supporting the certification as  
16 specified by the Oklahoma Health Care Authority~~†~~†

17 3. ~~Submit~~

18 c. submit data as specified by the Authority to determine  
19 the appropriate amounts to claim as expenditures  
20 qualifying for federal financial participation~~†~~† and

21 4. ~~Keep~~

22 d. keep, maintain, and have readily retrievable any  
23 records specified by the Authority to fully disclose  
24 reimbursement amounts to which the eligible provider

1 is entitled, and any other records required by the  
2 Centers for Medicare and Medicaid Services; or

3 2. Enter into and maintain an intergovernmental agreement with  
4 the Authority, as specified by the Authority.

5 F. 1. The Authority shall promptly seek any necessary federal  
6 approvals for the implementation of this section. The Authority may  
7 limit the program to those costs that are allowable expenditures  
8 under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.  
9 If federal approval is not obtained for implementation of this  
10 section, this section shall not be implemented.

11 2. The Authority shall submit claims for federal financial  
12 participation for the expenditures for the services delineated in  
13 subsection E of this section that are allowable expenditures under  
14 federal law.

15 3. The Authority shall submit any necessary materials to the  
16 federal government to provide assurances that claims for federal  
17 financial participation will include only those expenditures that  
18 are allowable under federal law.

19 SECTION 2. It being immediately necessary for the preservation  
20 of the public peace, health or safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

1 Passed the Senate the 6th day of March, 2023.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2023.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives