

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 23x

By: Thompson (Roger) and Hall
of the Senate

6 and

7 Wallace and Martinez of the
8 House

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

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

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

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

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

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

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

8 3. Is owned or operated by the state, a political subdivision
9 or local government, that employs or contracts with persons who are
10 licensed to provide emergency medical services in ~~the State of~~
11 ~~Oklahoma~~ this state, and includes private entities to the extent
12 permissible under federal law.

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

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

17 a. for services reimbursed through fee-for-service
18 contracts, the amount of federal financial
19 participation received because of the claims submitted
20 pursuant to paragraph 3 of subsection F of this
21 section, and

22 b. for services reimbursed through capitated contracts,
23 an amount to be determined in accordance with the
24 approved directed payment pre-print, based on claims

1 submitted pursuant to paragraph 3 of subsection F of
2 this section;

3 2. In no instance shall the amount certified pursuant to
4 paragraph 1 of subsection E of this section, when combined with the
5 amount received from all other sources of reimbursement from the
6 Medicaid program, exceed one hundred percent (100%) of actual costs,
7 as determined pursuant to the Medicaid state plan, for ground
8 emergency medical transportation services; and

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

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

3 2. The nonfederal share of the supplemental reimbursement
4 submitted to the federal Centers for Medicare and Medicaid Services
5 for purposes of claiming federal financial participation shall be
6 paid only with funds from the governmental entities described in
7 paragraph 3 of subsection B of this section and certified to the
8 state as provided in subsection E of this section.

9 E. Participation in the reimbursement program provided by this
10 section by an eligible provider as set forth in subsection B of this
11 section is voluntary. If an applicable governmental entity elects
12 to seek supplemental reimbursement pursuant to this section on
13 behalf of an eligible provider, the governmental entity shall do the
14 following:

15 1. ~~Certify~~

16 a. certify, in conformity with the requirements of 42
17 C.F.R. ~~§~~, Section 433.51, that the claimed
18 expenditures for the ground emergency medical
19 transportation services are eligible for federal
20 financial participation~~†~~†

21 2. ~~Provide~~

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

24 3. ~~Submit~~

1 c. submit data as specified by the Authority to determine
2 the appropriate amounts to claim as expenditures
3 qualifying for federal financial participation~~+~~, and

4 ~~4. Keep~~

5 d. keep, maintain, and have readily retrievable any
6 records specified by the Authority to fully disclose
7 reimbursement amounts to which the eligible provider
8 is entitled, and any other records required by the
9 Centers for Medicare and Medicaid Services; or

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

12 F. 1. The Authority shall promptly seek any necessary federal
13 approvals for the implementation of this section. The Authority may
14 limit the program to those costs that are allowable expenditures
15 under Title XIX of the Social Security Act, 42 U.S.C. ~~§~~, Section
16 1396 et seq. If federal approval is not obtained for implementation
17 of this section, this section shall not be implemented.

18 2. The Authority shall submit claims for federal financial
19 participation for the expenditures for the services delineated in
20 subsection E of this section that are allowable expenditures under
21 federal law.

22 3. The Authority shall submit any necessary materials to the
23 federal government to provide assurances that claims for federal
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1 financial participation will include only those expenditures that
2 are allowable under federal law.

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

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8 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
9 AND BUDGET, dated 05/23/2023 - DO PASS, As Amended.

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