

1 **SENATE FLOOR VERSION**

2 February 23, 2023

3 SENATE BILL NO. 744

By: Thompson (Roger) of the  
Senate

4 and

5 Wallace of the House  
6

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

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

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

20 Section 3242. A. An eligible provider, as described in  
21 subsection B of this section, in addition to the rate of payment  
22 that the provider would otherwise receive for Medicaid ground  
23 emergency medical transportation services, shall receive  
24 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, and includes private entities to the extent permissible  
12 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. § 433.51, that the claimed expenditures for the  
18 ground emergency medical transportation services are  
19 eligible for federal financial participation~~†, 1~~

20 2. ~~Provide~~

21 b. provide evidence supporting the certification as  
22 specified by the Oklahoma Health Care Authority~~†, 1~~

23 3. ~~Submit~~

24

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~~r~~, 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. § 1396 et seq.  
16 If federal approval is not obtained for implementation of this  
17 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.

7 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
8 February 23, 2023 - DO PASS

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