

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2739

BY DELEGATES SUMMERS, ELLINGTON, HOWELL,

STATLER AND FRICH

[Passed April 8, 2017; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated, §9-5-25, relating to supplemental Medicaid reimbursements for ground
3 emergency medical transportation services providers.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §9-5-25, to read as follows:

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-25. Supplemental Medicaid reimbursement.

1 (a) A ground emergency medical transportation services provider, owned or operated by
2 the state or a city, a county, or city and county, that provides services to Medicaid beneficiaries is
3 eligible for supplemental reimbursement.

4 (b) An eligible provider's supplemental reimbursement shall be calculated and paid as
5 follows:

6 (1) The supplemental reimbursement to an eligible provider shall be equal to the amount
7 of federal financial participation received as a result of the claims submitted.

8 (2) In no instance may the amount certified, when combined with the amount received
9 from all other sources of reimbursement from the Medicaid program, exceed one hundred percent
10 of actual costs, as determined pursuant to the Medicaid State Plan, for ground emergency medical
11 transportation services.

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

18 (c) No funds may be expended from the state fund, general revenue for any supplemental
19 reimbursement paid under this section.

20 (d) The nonfederal share of the supplemental reimbursement submitted to the federal
21 Centers for Medicare and Medicaid Services for purposes of claiming federal financial
22 participation may be paid only with funds from the governmental entities.

23 (e) Participation in the program by an eligible provider described in this section is
24 voluntary.

25 (f) If an applicable governmental entity elects to seek supplemental reimbursement
26 pursuant to this section on behalf of an eligible provider, the governmental entity shall:

27 (1) Certify, in conformity with the requirements of Section 433.51 of Title 42 of the Code
28 of Federal Regulations, that the claimed expenditures for the ground emergency medical
29 transportation services are eligible for federal financial participation;

30 (2) Provide evidence supporting the certification as specified by the Department of Health
31 and Human Resources;

32 (3) Submit data as specified by the Department of Health and Human Resources to
33 determine the appropriate amounts to claim as expenditures qualifying for federal financial
34 participation; and

35 (4) Keep, maintain, and have readily retrievable, any records specified by the Department
36 of Health and Human Resources to fully disclose reimbursement amounts to which the eligible
37 provider is entitled, and any other records required by the federal Centers for Medicare and
38 Medicaid Services.

39 (g) (1) The Department of Health and Human Resources shall promptly seek any
40 necessary federal approvals for the implementation of this section. The Department of Health and
41 Human Resources may limit the program to those costs that are allowable expenditures under
42 Title XIX of the federal Social Security Act (42 U.S.C. 1396 *et seq.*). If federal approval is not
43 obtained for implementation of this section, this section may not be implemented.

44 (2) The department shall submit claims for federal financial participation for the
45 expenditures for the services that are allowable expenditures under federal law.

46 (3) The Department of Health and Human Resources shall, on an annual basis, submit
47 any necessary materials to the federal government to provide assurances that claims for federal
48 financial participation will include only those expenditures that are allowable under federal law.

49 (4) Notwithstanding the provisions of subdivision (1) of this subsection, the Department of
50 Health and Human Resources shall, prior to seeking federal approval of any supplemental
51 reimbursement pursuant to this section, attempt to maximize the number of qualified group
52 emergency medical transportation service providers eligible to receive the supplemental
53 reimbursement. These emergency medical transportation service providers would include:

54 (A) Any not-for-profit emergency medical transport providers not owned by the state or a
55 city, a county, or a city and county;

56 (B) Any voluntary emergency transportation service providers not owned by the state or a
57 city, a county, or a city and county; and

58 (C) All other emergency medical transportation service providers licensed pursuant to the
59 provisions of article four-c, chapter sixteen of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2017.

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Governor