

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5103

By Delegates Mallow, Jennings, DeVault, Adkins,
Heckert, Summers and Young

[Introduced January 25, 2024; Referred to the
Committee on Fire Departments and Emergency
Medical Services then Finance]

1 A BILL to amend and reenact §7-15-17 of the Code of West Virginia, 1931, as amended; and to
 2 Code of West Virginia, 1931, as amended, by adding thereto a new article, designated
 3 §33-63-1, all relating to authorizing county commissions to initiate collection actions for
 4 emergency ambulance service; allowing county commissions to assess a fee for
 5 ambulance calls when a person has refused transport; requiring that the fees for
 6 ambulance call where no transport takes place be covered by health insurance.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. EMERGENCY AMBULANCE SERVICE ACT OF 1975.

§7-15-17. Imposition and collection of special emergency ambulance service fee by county commission.

1 (a) A county commission may, by ordinance, impose upon and collect from the users of
 2 emergency ambulance service within the county a special service fee, which shall be known as the
 3 "special emergency ambulance service fee." The proceeds from the imposition and collection of
 4 any special service fee shall be deposited in a special fund and used only to pay reasonable and
 5 necessary expenses actually incurred and the cost of buildings and equipment used in providing
 6 emergency ambulance service to residents of the county. The proceeds may be used to pay for, in
 7 whole or in part, the establishment, maintenance and operation of an authority, as provided for in
 8 this article: *Provided*, That an ambulance company or authority receiving funds from the special
 9 emergency ambulance fees collected pursuant to this section may not be precluded from making
 10 nonemergency transports.

11 (b) A county commission may submit the special emergency ambulance fees to the
 12 patient's insurance provider for payment.

13 (c) In the event that the patient does not pay his or her portion of the special emergency
 14 ambulance fee within six months of being presented with the correct billing, the county
 15 commission may initiate collection of delinquent fees through filing an action in magistrate court or
 16 placement of a judgement lien, and is not required to pay court costs and fees associated with

17 these processes. Upon a finding by a court that the delinquent fee is lawfully owed, all court fees
18 relating to collection shall be imposed upon the person found to be delinquent. The county
19 commission may nominate a representative to perform the duties of this process.

20 (c) A county commission is authorized to set an amount to be due from those calls made
21 for emergency ambulance service where a person has signed a "refusal"; and to charge that
22 person a fee not to exceed \$300. The manner of collection shall be pursuant to this section and
23 §33-63-1 of the code.

ARTICLE 63. REQUIRED HEALTH INSURANCE.

§33-63-1. Cost sharing in special emergency ambulance fees.

1 (a) Findings. –

2 (1) That treatment by an ambulance that does not result in transportation to a hospital, or in
3 situations in which the condition of the person for whom emergency services was sought has been
4 stabilized, take time from other emergency calls that do require transportation; and that

5 (2) Patients who are assessed special ambulance service fees would otherwise be
6 required to pay these fees out-of-pocket, which could lead to a refusal to call for emergency
7 services.

8 (b) Notwithstanding the provisions of §33-1-1 et seq. of this code, an insurer subject to
9 §33-15-1 et seq., §33-16-1 et seq., §33-24-1 et seq., §33-25-1 et seq., and §33-25A-1 et seq. of
10 this code which issues or renews a health insurance policy on or after July 1, 2024, shall provide
11 coverage for special emergency ambulance fees assessed by counties for ambulance calls that
12 do not result in transportation of the patient, with or without treatment.

13 (c) Cost sharing for a special emergency ambulance fee in which no services are provided
14 shall not exceed \$50.

15 (d) Cost sharing for a special emergency ambulance fee in which services are provided
16 shall not exceed \$100.

NOTE: The purpose of this bill is to allow county commissions to initiate collections for emergency ambulance services and to set a fee for those who refuse transport and to require insurance plans to cover special emergency ambulance service fees.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.