

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Healthcare Services Provider Fees Emergency Ground Ambulance Service Providers (LAC 48:I.4001)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.4001 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49.950 et seq.

The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) requires that reimbursement for emergency ambulance services transition from the Full Medicaid Pricing program to an approved federal supplemental payment program by July 1, 2023. The Department of Health, Bureau of Health Services Financing amended the provisions governing provider fees for emergency ground ambulance services in order to ensure that the language in the administrative Rule reflects current CMS requirements (*Louisiana Register*, Volume 49, Number 5). This proposed rule is being promulgated to continue the provisions of the July 1, 2023 Emergency Rule.

Title 48

PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 1. General

Chapter 40. Provider Fees

§4001. Specific Fees

A. Definitions

Emergency Ground Ambulance Service Provider—a non-public, non-federal provider of emergency ~~and non-emergency~~ ground ambulance services.

B. - D. ...

E. Emergency ~~and Non-Emergency~~ Ground Ambulance Services.
~~Effective August 1, 2016, a~~ fee shall be imposed on emergency ground ambulance ~~service providers for emergency ground ambulance~~ services in accordance with R.S. 46:2626. ~~Effective July 1, 2019, this fee shall also include non-emergency ambulance services.~~

1. The ~~total~~ assessment ~~for the initial state fiscal year in which the assessment is charged~~ shall ~~not exceed~~ be a percentage fee, determined at the ~~lesser~~ discretion of the ~~following:~~ secretary with the express and written mutual agreement of the emergency ground ambulance service providers subject to the assessment and which make up a minimum of 65 percent of all emergency ground ambulance services in the state of Louisiana.

a. ~~the state portion of the cost,~~
~~excluding~~maximum fee allowable in any ~~federal financial~~
~~participation,~~of year shall not exceed the ~~reimbursement~~
~~enhancements provided for in R.S. 46:2626 that are directly~~
~~attributable~~percentage of net patient service revenues
permitted by federal regulation pursuant to ~~payments to~~
~~emergency ground ambulance~~42 CFR 433.68 as determined by the
department, as reported by the provider and subject to audit for
the previous fiscal year of the provider. The department will
arrive at net patient services providers; or revenue by using net
operating revenue as defined in R.S. 46:2626.

b. ~~1 1/2 percent of the net operating revenue~~
~~of all emergency ground ambulance service providers assessed~~
~~relating to the provision of emergency and non-emergency ground~~
~~ambulance transportation.~~

~~2. Except for the first year maximum fee of 1 1/2~~
~~percent of the net operating revenue, the department shall not~~
~~impose any new fee or increase any fee on any emergency ground~~
~~ambulance service provider on or after July 1, 2016, without~~
~~first obtaining either of the following:~~

~~a. prior approval of the specific fee amount by~~
~~record vote of two-thirds of the elected members of each house~~
~~of the legislature while in regular session;~~

~~_____ b. _____ written agreement of those providers subject to the fee which provide a minimum of 65 percent of the emergency and non-emergency ground ambulance transports.~~

~~_____ 3. _____ After the initial year of assessment, the assessment shall be a percentage fee, determined at the discretion of the secretary and subject to the provisions below in collaboration with the express and written mutual agreement of the emergency ground ambulance service providers subject to the assessment and which make up a minimum of 65 percent of all emergency and non-emergency ground ambulance transports in the state of Louisiana.~~
1.b. - 3.a. Repealed.

F. - F.3. ...

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601-2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and P.L. 102-234, R.S. 36:254, and Article VII, Section 10.13 of the Constitution of Louisiana.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), LR 26:1478 (July 2000), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:100 (January 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1887, 1888 (November 2016), LR

43:73 (January 2017), repromulgated LR 43:323 (February 2017), amended LR 44:1015 (June 2018), LR 44:1894 (October 2018), LR 45:1597 (November 2019), LR 49:263 (February 2023), LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has

been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on July 31, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no

later than 4:30 p.m. on July 10, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on July 27, 2023 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after July 10, 2023. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD

Secretary