

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

HOUSE BILL NO. 828

INTRODUCED BY E. BUTTREY, S. KERNS, S. GIST, R. FITZGERALD, J. KASSMIER, N. DURAM

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN AMBULANCE PROVIDER ASSESSMENT FEE; ESTABLISHING PROCEDURES FOR COLLECTING AND DISTRIBUTING THE FEE; ALLOWING AUDITING OF AMBULANCE PROVIDER REPORTS AND PAYMENTS; ALLOWING FOR PENALTIES AND INTEREST; REQUIRING REVENUES GENERATED BY THE FEE TO BE USED FOR SUPPLEMENTING AMBULANCE PROVIDER MEDICAID PAYMENTS; PROVIDING RULEMAKING AUTHORITY; PROVIDING DEFINITIONS; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE AND A CONTINGENT TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 13], the following definitions apply:

(1) (a) "Ambulance provider" means a person licensed pursuant to 50-6-306 to provide ground ambulance transport, including transport for a municipal fire or police department or other government entity.

(b) The term does not include:

(i) an entity that exclusively provides air ambulance services; or

(ii) a hospital required to pay the utilization fees provided for in 15-66-102.

(2) "Department" means the department of revenue provided for in 2-15-1301.

(3) "Emergency ambulance services" means any service delivered by an ambulance provider other than air ambulance services.

(4) "Fee" means the ambulance provider assessment fee as provided in [section 2].

(5) (A) "Net operating revenue" means gross revenue collected by ambulance providers for the delivery of emergency ambulance services, minus amounts deducted for bad debt, charity care, and payer discounts.

(B) THE TERM DOES NOT INCLUDE NONPATIENT SERVICE-RELATED REVENUE.

1            NEW SECTION. **Section 14. Ambulance provider assessment special revenue account --**  
2 **statutory appropriation.** (1) There is an account in the state special revenue account provided for in 17-2-102  
3 to the credit of the department of public health and human services.  
4            (2) The account consists of:  
5            (a) money from the ambulance provider assessment provided for in [section 2];  
6            (b) an amount equal to any federal financial participation claimed and received by the state for  
7 eligible expenditures from the account;  
8            (c) any penalties and interest on penalties collected pursuant to [sections 1 through 13];  
9            (d) appropriations or other money authorized by the legislature to be credited to the account; and  
10           (e) income earned on the account.  
11           (3) Money in the account must be used by the department as follows:  
12           (a) ~~up to 1% of the new net federal revenue deposited in the account~~ up to 1% of the revenue  
13 generated from the ambulance provider assessment is available to the department each fiscal year for the  
14 costs of administering the supplemental payments provided for in this section; and  
15           (b) the remainder must be used to supplement payments to ambulance providers, on an annual  
16 basis, in a manner that increases medicaid payments for emergency ambulance services up to the average  
17 commercial rate for the services, to the extent possible by the amount of funds generated from the fee.  
18           (4) Money remaining in the account at the end of a fiscal year may not be expended or transferred  
19 for any other purpose.  
20           (5) Money in the account is statutorily appropriated, as provided in 17-7-502, for the purposes  
21 provided for in this section.  
22           (6) In carrying out the requirements of this section, the department of public health and human  
23 services shall:  
24           (a) seek federal financial participation in a manner that provides the maximum match for the  
25 revenue generated by the fee; and  
26           (b) consult with any statewide association representing ambulance providers in the development  
27 and implementation of the payments.  
28

1 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the  
2 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement  
3 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410  
4 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental  
5 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on  
6 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117  
7 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30,  
8 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025;  
9 pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8,  
10 Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec.  
11 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017,  
12 the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-  
13 209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates  
14 June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June  
15 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to  
16 sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139,  
17 L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion  
18 of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004  
19 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30,  
20 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and  
21 pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

22

23

**NEW SECTION. Section 16. Direction to department of revenue and department of public**

24

**health and human services.** ~~(1)~~ The legislature directs the department of revenue to delay collection of the  
25 ambulance provider assessment fee provided for in [section 2] until the department of public health and human  
26 services notifies the department of revenue that the centers for medicare and medicaid services has approved  
27 the payments provided for in [section 14].

28

~~(2) — The legislature directs the department of revenue and the department of public health and~~

1 ~~human services to implement the provisions of [this act] no later than July 1, 2024.~~

2

3 NEW SECTION. Section 17. Codification instruction. (1) [Sections 1 through 13] are intended to

4 be codified as a new chapter in Title 15, and the provisions of Title 15 apply to [sections 1 through 13].

5 (2) [Section 14] is intended to be codified as an integral part of Title 53, chapter 6, part 1, and the

6 provisions of Title 53, chapter 6, part 1, apply to [section 14].

7

8 NEW SECTION. Section 18. Effective date. [This act] is effective July 1, 2023.

9

10 NEW SECTION. Section 19. Contingent termination. (1) [Sections 1 through 15] terminate on the

11 date that federal law or policy is amended so that the assessment fee collected pursuant to [sections 1 through

12 15] may not be considered as the state's share in claiming federal financial participation under the medicaid

13 program. The department of public health and human services shall submit certification of the change in federal

14 law or policy within 15 days of the occurrence of the contingency.

15 (2) If [sections 1 through 15] are terminated under the provisions of this section, all fees received

16 or collected by the department of revenue prior to the date on which the act becomes void must be deposited in

17 accordance with [section 2], and a person or party may not receive a refund of any fees received or collected by

18 the department prior to the date on which [sections 1 through 15] become void."

19

- END -