An Act

ENROLLED SENATE
BILL NO. 23x

By: Thompson (Roger) and Hall of the Senate

and

Wallace and Martinez of the House

An Act relating to the Ambulance Service Provider Access Payment Program; amending 63 O.S. 2021, Section 3242, which relates to supplemental Medicaid reimbursement for ground emergency transportation; deleting certain requirement for reimbursement; providing calculation and payment methodology for certain services; allowing intergovernmental agreements to substitute for certain requirements; updating statutory language; and declaring an emergency.

SUBJECT: Ambulance Service Provider Access Payment Program

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

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

Section 3242. A. An eligible provider, as described in subsection B of this section, in addition to the rate of payment that the provider would otherwise receive for Medicaid ground emergency medical transportation services, shall receive supplemental Medicaid reimbursement to the extent provided by law.

B. A provider shall be eligible for supplemental reimbursement only if the provider meets the following conditions during the state fiscal year:

1. Provides ground emergency medical transportation services to Medicaid beneficiaries;

2. Is a provider that is enrolled as a Medicaid provider for the period being claimed; and

3. Is owned or operated by the state, a political subdivision or local government, that employs or contracts with persons who are licensed to provide emergency medical services in ~~the State of Oklahoma~~ this state, and includes private entities to the extent permissible under federal law.

C. An eligible provider's supplemental reimbursement pursuant to this section shall be calculated and paid as follows:

1. ~~The supplemental reimbursement to an eligible provider, as described in subsection B of this section, shall be equal to~~

a. for services reimbursed through fee-for-service contracts, the amount of federal financial participation received because of the claims submitted pursuant to paragraph 3 of subsection F of this section, and

b. for services reimbursed through capitated contracts, an amount to be determined in accordance with the approved directed payment pre-print, based on claims submitted pursuant to paragraph 3 of subsection F of this section;

2. In no instance shall the amount certified pursuant to paragraph 1 of subsection E of this section, when combined with the amount received from all other sources of reimbursement from the Medicaid program, exceed one hundred percent (100%) of actual costs, as determined pursuant to the Medicaid state plan, for ground emergency medical transportation services; and

3. The supplemental Medicaid reimbursement provided by this section shall be distributed exclusively to eligible providers under a payment methodology based on ground emergency medical transportation services provided to Medicaid beneficiaries by

eligible providers on a per-transport basis or other federally permissible basis. The Oklahoma Health Care Authority shall obtain approval from the Centers for Medicare and Medicaid Services for the payment methodology to be utilized, and shall not make any payment pursuant to this section prior to obtaining that approval.

D. 1. It is the Legislature's intent in enacting this section to provide the supplemental reimbursement described in this section without any expenditure from the state General Revenue Fund. An eligible provider, as a condition of receiving supplemental reimbursement pursuant to this section, shall enter into, and maintain, an agreement with the Authority for the purposes of implementing this section and reimbursing the state for the costs of administering this section.

2. The nonfederal share of the supplemental reimbursement submitted to the federal Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation shall be paid only with funds from the governmental entities described in paragraph 3 of subsection B of this section and certified to the state as provided in subsection E of this section.

E. Participation in the reimbursement program provided by this section by an eligible provider as set forth in subsection B of this section is voluntary. If an applicable governmental entity elects to seek supplemental reimbursement pursuant to this section on behalf of an eligible provider, the governmental entity shall do the following:

1. ~~Certify~~

a. certify, in conformity with the requirements of 42 C.F.R. ~~§~~, Section 433.51, that the claimed expenditures for the ground emergency medical transportation services are eligible for federal financial participation~~;~~,

~~2. Provide~~

b. provide evidence supporting the certification as specified by the Oklahoma Health Care Authority~~;~~,

~~3. Submit~~

c. submit data as specified by the Authority to determine the appropriate amounts to claim as expenditures qualifying for federal financial participation~~;~~, and

~~4. Keep~~

d. keep, maintain, and have readily retrievable any records specified by the Authority to fully disclose reimbursement amounts to which the eligible provider is entitled, and any other records required by the Centers for Medicare and Medicaid Services; or

2. Enter into and maintain an intergovernmental agreement with the Authority, as specified by the Authority.

F. 1. The Authority shall promptly seek any necessary federal approvals for the implementation of this section. The Authority may limit the program to those costs that are allowable expenditures under Title XIX of the Social Security Act, 42 U.S.C. ~~§~~, Section 1396 et seq. If federal approval is not obtained for implementation of this section, this section shall not be implemented.

2. The Authority shall submit claims for federal financial participation for the expenditures for the services delineated in subsection E of this section that are allowable expenditures under federal law.

3. The Authority shall submit any necessary materials to the federal government to provide assurances that claims for federal financial participation will include only those expenditures that are allowable under federal law.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 24th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of May, 20 23, at 5:48 o'clock p. M.

By: Summer Curry

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd

day of June, 20 23, at 10:02 o'clock A M.

By: Brian Bingman

OFFICE OF

THE GOVERNOR
STATE OF OKLAHOMA

No. SB 23x

OKLAHOMA CITY, OKLA., June 2, 20 23

TIME SIGNED: _____

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
FIRST ***EXTRAORDINARY*** SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 23x:

Both because I support fiscal discipline and strongly oppose an increase in recurring expenditures, and because I am disheartened by other aspects of the budget package, I have not signed Senate Bill 23x.

Subject to objections to the unique process by which the Bill made its way to my desk, the Bill will become law without signature.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

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Delivered to SENATE: Sumer Curry

Date/Time: 6/2/23; 12:50pm

SENATE:

By Cindy Faulkner

Date/Time 6/2/23 12:52 pm

RECEIVED
JUN 02 2023
OKLAHOMA SECRETARY
OF STATE