
HOUSE BILL 1980

State of Washington

68th Legislature

2024 Regular Session

By Representatives Reed, Pollet, Berry, Macri, and Street

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1 AN ACT Relating to ground emergency medical transportation
2 services; and amending RCW 41.05.730.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.05.730 and 2015 c 147 s 1 are each amended to
5 read as follows:

6 (1) An eligible provider, as described in subsection (2) of this
7 section, must, in addition to the rate of payment that the provider
8 would otherwise receive for medicaid ground emergency medical
9 transportation services, receive supplemental medicaid reimbursement
10 to the extent provided by law.

11 (2) A provider is eligible for supplemental reimbursement only if
12 the provider has all of the following characteristics continuously
13 during a state fiscal year:

14 (a) Provides ground emergency medical transportation services to
15 medicaid beneficiaries((+));

16 (b) Is a provider that is enrolled as a medicaid provider for the
17 period being claimed; and

18 (c) Is owned or operated by the state, a city, county, fire
19 protection district, community services district, health care
20 district, federally recognized Indian tribe or any unit of government
21 as defined in 42 C.F.R. Sec. 433.50((+)).

1 (3) Eligible public providers may contract with a private
2 provider for the provision of medicaid ground emergency medical
3 transportation services. The eligible public provider may only claim
4 supplemental reimbursement under this program for private provider
5 contract costs attributed to providing ground emergency medical
6 transportation services to medicaid beneficiaries, billing costs, and
7 the public provider's overhead costs allocated to the ground
8 emergency medical transportation services program, as allowed by
9 state plan amendment (SPA) 16-005, dated July 11, 2017. The eligible
10 public provider may not claim supplemental reimbursement for any
11 other cost incurred by the contracted private provider.

12 (4) An eligible provider's supplemental reimbursement pursuant to
13 this section must be calculated and paid as follows:

14 (a) The supplemental reimbursement to an eligible provider, as
15 described in subsection (2) of this section, must be equal to the
16 amount of federal financial participation received as a result of the
17 claims submitted pursuant to subsection ~~((+6))~~ (7)(b) of this
18 section;

19 (b) In no instance may the amount certified pursuant to
20 subsection ~~((+5))~~ (6)(a) of this section, when combined with the
21 amount received from all other sources of reimbursement from the
22 medicaid program, exceed one hundred percent of actual costs, as
23 determined pursuant to the medicaid state plan, for ground emergency
24 medical transportation services;

25 (c) The supplemental medicaid reimbursement provided by this
26 section must be distributed exclusively to eligible providers under a
27 payment methodology based on ground emergency medical transportation
28 services provided to medicaid beneficiaries by eligible providers on
29 a per-transport basis or other federally permissible basis. The
30 authority shall obtain approval from the federal centers for medicare
31 and medicaid services for the payment methodology to be utilized, and
32 may not make any payment pursuant to this section prior to obtaining
33 that approval.

34 ~~((+4))~~ (5)(a) It is the legislature's intent in enacting this
35 section to provide the supplemental reimbursement described in this
36 section without any expenditure from the general fund. An eligible
37 provider, as a condition of receiving supplemental reimbursement
38 pursuant to this section, shall enter into, and maintain, an
39 agreement with the authority for the purposes of implementing this

1 section and reimbursing the ((department)) authority for the costs of
2 administering this section.

3 (b) The nonfederal share of the supplemental reimbursement
4 submitted to the federal centers for medicare and medicaid services
5 for purposes of claiming federal financial participation shall be
6 paid only with funds from the governmental entities described in
7 subsection (2)(c) of this section and certified to the state as
8 provided in subsection ((+5)) (6) of this section.

9 ((+5)) (6) Participation in the program by an eligible provider
10 described in this section is voluntary. If an applicable governmental
11 entity elects to seek supplemental reimbursement pursuant to this
12 section on behalf of an eligible provider owned or operated by the
13 entity, as described in subsections (2)(c) and (3) of this section,
14 the governmental entity shall do all of the following:

15 (a) Certify, in conformity with the requirements of 42 C.F.R.
16 Sec. 433.51, that the claimed expenditures for the ground emergency
17 medical transportation services are eligible for federal financial
18 participation;

19 (b) Provide evidence supporting the certification as specified by
20 the ((department)) authority;

21 (c) Submit data as specified by the ((department)) authority to
22 determine the appropriate amounts to claim as expenditures qualifying
23 for federal financial participation;

24 (d) Keep, maintain, and have readily retrievable, any records
25 specified by the ((department)) authority to fully disclose
26 reimbursement amounts to which the eligible provider is entitled, and
27 any other records required by the federal centers for medicare and
28 medicaid services.

29 ((+6)) (7) The ((department)) authority shall promptly seek any
30 necessary federal approvals for the implementation of this section.
31 The ((department)) authority may limit the program to those costs
32 that are allowable expenditures under Title XIX of the federal social
33 security act (42 U.S.C. Sec. 1396 et seq.). If federal approval is
34 not obtained for implementation of this section, this section may not
35 be implemented.

36 (a) The ((department)) authority shall submit claims for federal
37 financial participation for the expenditures for the services
38 described in subsection ((+5)) (6) of this section that are
39 allowable expenditures under federal law.

1 (b) The (~~department~~) authority shall, on an annual basis,
2 submit any necessary materials to the federal government to provide
3 assurances that claims for federal financial participation will
4 include only those expenditures that are allowable under federal law.
5 (~~(7)~~) (8) If either a final judicial determination is made by
6 any court of appellate jurisdiction or a final determination is made
7 by the administrator of the federal centers for medicare and medicaid
8 services that the supplemental reimbursement provided for in this
9 section must be made to any provider not described in this section,
10 the director shall execute a declaration stating that the
11 determination has been made and on that date this section becomes
12 inoperative.

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