

By Senator Soto

14-01011-15

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1 A bill to be entitled
2 An act relating to emergency air medical service;
3 creating s. 401.2515, F.S.; defining terms; imposing a
4 fee on certain motor vehicle moving violations and
5 local ordinances; requiring municipalities and
6 counties to transfer moneys collected to the Emergency
7 Medical Services Trust Fund; creating a separate
8 account within the trust fund; providing for the
9 administration and use of the funds; requiring the
10 Department of Health to seek to obtain federal
11 matching funds; amending s. 20.435, F.S.; conforming
12 provisions to changes made by the act; providing an
13 effective date.

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15 WHEREAS, air ambulance services provide lifesaving
16 emergency transportation directly from automobile accident
17 scenes to trauma centers for the most critical patients, and

18 WHEREAS, in rural areas, air ambulance services are the
19 only means of transport to get patients to trauma centers in a
20 reasonable amount of time, and, in urban areas, air ambulance
21 services are able to avoid traffic congestion, and

22 WHEREAS, air ambulance service providers transport
23 emergency patients without knowing if the patient has any form
24 of medical insurance or an ability to pay for the service, and

25 WHEREAS, many patients transported by air ambulances do not
26 have insurance or the ability to pay for the service, but are
27 given the same high level of care as those with medical
28 insurance, and

29 WHEREAS, emergency air ambulance service providers provide

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30 coverage to multiple counties within a 100-mile radius of their
31 bases, and often their transports originate in a county other
32 than where they are based, which makes local funding difficult,
33 and

34 WHEREAS, air ambulance service providers are reimbursed by
35 the state's Medicaid program far below what it costs to cover
36 emergency air transportation and are not reimbursed if the
37 patient is indigent or not eligible for Medicaid, and

38 WHEREAS, unlike the hospitals to which air ambulance
39 service providers deliver patients, air ambulance service
40 providers are not eligible to apply for federal funding to cover
41 providing services to high numbers of Medicaid, uninsured, or
42 underinsured patients, and

43 WHEREAS, a portion of the penalty for certain traffic
44 violations is used to fund other programs and providers that
45 make health care and rehabilitation available to patients, and

46 WHEREAS, air ambulance services are the most critical means
47 of supporting patients who are injured as a result of major
48 traffic collisions, and

49 WHEREAS, an additional fee of \$5 per moving traffic
50 violation will result in a very small percentage increase on
51 each traffic violation penalty and be used to support air
52 ambulance services, and

53 WHEREAS, air ambulance services play a key role in the
54 statewide emergency medical services system, including disaster
55 response and homeland security, and it is important for the
56 state to support these vital services, NOW, THEREFORE,

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58 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 401.2515, Florida Statutes, is created to read:

401.2515 Emergency air medical service.-

(1) DEFINITIONS.-As used in this section, the term:

(a) "Director" means the director of the Division of Emergency Preparedness and Community Support.

(b) "Provider" means a provider of emergency medical air transportation services.

(2) TRAFFIC VIOLATION FEE.-

(a) Except for red light violations, toll violations, and parking offenses, a fee of \$5 is imposed upon every motor vehicle moving violation of chapter 316 or a local ordinance adopted pursuant to the Florida Uniform Traffic Control Law. The fee is in addition to any penalty assessed pursuant to chapter 316.

(b) Each municipality and county, within 30 days after the last day of each calendar quarter of the year, shall transfer moneys collected under this section to the Emergency Medical Services Trust Fund established by s. 20.435. The department shall keep the moneys collected in a separate account named the Emergency Air Ambulance Service Account.

(3) ADMINISTRATION AND USE OF FUNDS.-

(a) The Emergency Air Ambulance Service account shall be administered by the division. Moneys in the account shall be made available, upon appropriation by the Legislature, to the department to pay administrative costs and then to augment emergency air ambulance service provider reimbursement payments made through the Florida Medicaid program.

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88 (b) Notwithstanding any other provision of law, the
89 department shall increase the Florida Medicaid reimbursement for
90 emergency air ambulance service providers if:

91 1. Moneys in the Emergency Air Ambulance Service account
92 cover the cost of increased payments;

93 2. Any reimbursement amount does not exceed the normal and
94 customary charges of the provider; and

95 3. The state does not incur any general revenue expense to
96 pay for the increase.

97 (4) METHODOLOGY.—

98 (a) The department, working with the Agency for Health Care
99 Administration, must seek to obtain federal matching funds to
100 augment Florida Medicaid reimbursement for emergency air
101 ambulance service providers.

102 (b) The director shall:

103 1. By July 1, 2016, meet with air ambulance service
104 providers to determine the most appropriate methodology to
105 distribute the funds for air ambulance services;

106 2. Implement in a timely manner the methodology determined
107 most appropriate, giving great weight to the needs of the air
108 ambulance service providers;

109 3. Submit any state plan amendment or waiver request that
110 may be necessary to implement this section; and

111 4. Seek federal approvals or waivers as may be necessary to
112 implement this section and to obtain federal financial
113 participation to the maximum extent possible for the payments
114 under this section. If federal approvals are not received,
115 moneys in the fund may be distributed pursuant to this section
116 until federal approvals are received.

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117 Section 2. Paragraph (a) of subsection (13) of section
118 20.435, Florida Statutes, is amended to read:

119 20.435 Department of Health; trust funds.—The following
120 trust funds shall be administered by the Department of Health:

121 (13) Emergency Medical Services Trust Fund.

122 (a) Funds to be credited to and uses of the trust fund
123 shall be administered in accordance with ss. 318.14, 318.18,
124 318.21, 395.403, ~~and 395.4036,~~ and 401.2515 and parts I and II
125 of chapter 401.

126 Section 3. This act shall take effect October 1, 2015.