

By Senator Legg

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

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

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

30 WHEREAS, emergency air ambulance service providers provide
31 coverage to multiple counties within a 100-mile radius of their
32 bases, and often their transports originate in a county other

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33 than where they are based, which makes local funding difficult,
34 and

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

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

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

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

51 WHEREAS, an additional fee of \$1 per moving traffic
52 violation will result in a very small percentage increase on
53 each traffic violation penalty to be used to support air
54 ambulance services, and

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

59
60 Be It Enacted by the Legislature of the State of Florida:
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62 Section 1. Paragraph (a) of subsection (13) of section
63 20.435, Florida Statutes, is amended to read:

64 20.435 Department of Health; trust funds.—The following
65 trust funds shall be administered by the Department of Health:

66 (13) Emergency Medical Services Trust Fund.

67 (a) Funds to be credited to and uses of the trust fund
68 shall be administered in accordance with ss. 318.14, 318.18,
69 318.21, 395.403, ~~and 395.4036,~~ and 401.2515 and parts I and II
70 of chapter 401.

71 Section 2. Section 401.2515, Florida Statutes, is created
72 to read:

73 401.2515 Emergency air ambulance services.—

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

75 (a) "Director" means the director of the division.

76 (b) "Division" means the Division of Emergency Preparedness
77 and Community Support of the Department of Health.

78 (c) "Provider" means a provider of emergency air ambulance
79 services.

80 (2) TRAFFIC VIOLATION PENALTY.—

81 (a) Except for red light violations, toll violations, and
82 parking offenses, a penalty of \$1 is imposed upon every motor
83 vehicle moving violation of chapter 316 or a local ordinance
84 adopted pursuant to the Florida Uniform Traffic Control Law. The
85 penalty is in addition to any penalty assessed pursuant to
86 chapter 316.

87 (b) Each municipality and county, within 30 days after the
88 last day of each calendar quarter of the year, shall transfer
89 moneys collected under this section to the Emergency Medical
90 Services Trust Fund established by s. 20.435. The department

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91 shall keep the moneys collected in a separate account named the
92 Emergency Air Ambulance Service Account.

93 (3) ADMINISTRATION AND USE OF FUNDS.—

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

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

103 1. Moneys in the Emergency Air Ambulance Service Account
104 cover the cost of increased payments;

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

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

109 (4) METHODOLOGY.—

110 (a) The department, working with the Agency for Health Care
111 Administration, must seek to obtain federal matching funds to
112 augment the Florida Medicaid reimbursement for emergency air
113 ambulance service providers.

114 (b) The director shall:

115 1. By July 1, 2017, meet with air ambulance service
116 providers to determine the most appropriate methodology to
117 distribute the funds for air ambulance services;

118 2. Implement in a timely manner the methodology determined
119 most appropriate, giving great weight to the needs of the air

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120 ambulance service providers;

121 3. Work in coordination with the Agency for Health Care
122 Administration to submit any state plan amendment or waiver
123 request that may be necessary to implement this section; and

124 4. Seek federal approvals or waivers as may be necessary to
125 implement this section and to obtain federal financial
126 participation to the maximum extent possible for the payments
127 under this section. If federal approvals are not received,
128 moneys in the fund may be distributed pursuant to this section
129 until federal approvals are received.

130 Section 3. This act shall take effect October 1, 2016.