

1 A bill to be entitled
2 An act relating to emergency medical air
3 transportation services; creating s. 401.2515, F.S.;
4 providing a short title; providing definitions;
5 directing the Department of Health to establish the
6 Emergency Medical Air Transportation Act Account
7 within the Emergency Medical Services Trust Fund;
8 requiring the department to use the moneys in such
9 account for specified purposes; providing duties of
10 the director of the Division of Emergency Preparedness
11 and Community Support; providing conditions for the
12 department to increase Florida Medicaid reimbursement
13 payments to emergency medical air transportation
14 services providers; amending ss. 318.18 and 318.21,
15 F.S.; requiring an additional penalty to be imposed
16 for certain moving violations; providing for
17 distribution and use of the moneys received; providing
18 an effective date.

19
20 WHEREAS, emergency medical air transportation services
21 providers offer lifesaving transportation for the most critical
22 patients from motor vehicle accident scenes directly to trauma
23 centers, and

24 WHEREAS, emergency medical air transportation services
25 providers transport all emergency patients without knowing

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26 | whether the patient has medical insurance or the ability to pay
27 | for the service, and

28 | WHEREAS, emergency medical air transportation services
29 | providers are not eligible to apply for additional federal
30 | funding for providing services to high numbers of Medicaid,
31 | uninsured, or underinsured patients pursuant to Florida's
32 | Medicaid program, and

33 | WHEREAS, emergency medical air transportation services
34 | providers provide coverage to multiple counties within a 100-
35 | mile radius of their bases, and often their transports originate
36 | in a county other than the county in which the provider is
37 | based, which makes it difficult for providers in small counties
38 | to be locally funded, and

39 | WHEREAS, the Florida Medicaid program reimburses emergency
40 | medical air transportation services providers at a rate far less
41 | than what it costs the providers to provide emergency air
42 | transportation and does not reimburse the providers if the
43 | patient is indigent and ineligible for Medicaid, and

44 | WHEREAS, fines and penalties for traffic violations
45 | discourage dangerous driving behavior and, for certain traffic
46 | violations, a portion of the fines and penalties is used to fund
47 | programs that provide health care and rehabilitation to victims
48 | of dangerous drivers, and

49 | WHEREAS, an additional penalty for each moving traffic
50 | violation will provide support for emergency medical air

51 transportation services, which are the most critical services
 52 for persons injured as a result of a motor vehicle accident, and
 53 WHEREAS, emergency medical air transportation services play
 54 a key role in the statewide emergency medical services system,
 55 including disaster response and homeland security, and,
 56 therefore, it is important for the state to support these vital
 57 services, NOW, THEREFORE,

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

60
 61 Section 1. Section 401.2515, Florida Statutes, is created
 62 to read:

63 401.2515 Emergency medical air transportation services.-

64 (1) This section may be cited as the "Emergency Medical
 65 Air Transportation Act."

66 (2) As used in this section, the term:

67 (a) "Air mileage rate" means the per-mile reimbursement
 68 rate paid for services rendered by rotary-wing and fixed-wing
 69 providers.

70 (b) "Director" means the director of the Division of
 71 Emergency Preparedness and Community Support.

72 (c) "Fixed-wing" means a type of aircraft, commonly
 73 referred to as an airplane, which generates lift through the use
 74 of the forward motion of the aircraft and wings that do not
 75 revolve around a mast but are fixed in relation to the fuselage

76 of the aircraft.

77 (d) "Provider" means a provider of emergency medical air
78 transportation services.

79 (e) "Rotary-wing" means a type of aircraft, commonly
80 referred to as a helicopter, that generates lift through the use
81 of wings, known as rotor blades, which revolve around a mast.

82 (3) The department shall establish the Emergency Medical
83 Air Transportation Act Account within the Emergency Medical
84 Services Trust Fund in an amount determined by the Legislature
85 to be used pursuant to this section.

86 (4) In cooperation with the Agency for Health Care
87 Administration, the department shall use the moneys in the
88 Emergency Medical Air Transportation Act Account to generate
89 federal matching funds to augment reimbursement payments made to
90 providers by the Florida Medicaid program. The director shall:

91 (a) By September 1, 2017, meet with providers to develop
92 the most appropriate methodology for distribution of
93 reimbursement payments.

94 (b) Implement the methodology developed under paragraph
95 (a) in a timely manner.

96 (c) Seek amendments to the Medicaid state plan and waivers
97 of federal laws, as necessary, to implement this section. Moneys
98 in the account may be distributed pursuant to this section until
99 federal approvals are received.

100 (5) (a) Upon appropriation by the Legislature, the

101 department shall use moneys in the Emergency Medical Air
102 Transportation Act Account and federal matching funds generated
103 pursuant to subsection (4) to increase the Florida Medicaid
104 reimbursement paid to providers by not more than the customary
105 fees charged by the providers for such services.

106 (b) Notwithstanding any other provision of law and
107 pursuant to this subsection, the department shall increase the
108 Florida Medicaid reimbursement payments pursuant to paragraph
109 (a) if the following conditions are met:

110 1. Moneys in the Emergency Medical Air Transportation Act
111 Account are sufficient to cover the cost of increased
112 reimbursement payments.

113 2. General revenue funds are not used to offset the cost
114 of increased reimbursement payments.

115 Section 2. Subsection (23) is added to section 318.18,
116 Florida Statutes, to read:

117 318.18 Amount of penalties.—The penalties required for a
118 noncriminal disposition pursuant to s. 318.14 or a criminal
119 offense listed in s. 318.17 are as follows:

120 (23) In addition to any other penalty, \$1 for a moving
121 violation under chapter 316, except for penalties imposed under
122 subsections (7) and (15). Within 30 days after the last day of
123 each calendar quarter, each municipality and county shall
124 transfer moneys collected under this subsection to the Emergency
125 Medical Services Trust Fund within the Department of Health,

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126 established under s. 20.435, for deposit into the Emergency
127 Medical Air Transportation Act Account, established under s.
128 401.2515, to be used as provided in s. 401.2515.

129 Section 3. Subsection (22) is added to section 318.21,
130 Florida Statutes, to read:

131 318.21 Disposition of civil penalties by county courts.—
132 All civil penalties received by a county court pursuant to the
133 provisions of this chapter shall be distributed and paid monthly
134 as follows:

135 (22) Notwithstanding subsections (1) and (2), the proceeds
136 from the additional penalty imposed under s. 318.18(23) shall be
137 distributed as provided in that subsection.

138 Section 4. This act shall take effect July 1, 2017.