

By Senator Stewart

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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.

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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
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

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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,

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

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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 Air
65 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, which generates lift through the
81 use of wings, known as rotor blades, which revolve around a
82 mast.

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

87 (4) In cooperation with the Agency for Health Care

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88 Administration, the department shall use the moneys in the
89 Emergency Medical Air Transportation Act Account to generate
90 federal matching funds to augment reimbursement payments made to
91 providers by the Florida Medicaid program. The director shall:

92 (a) By September 1, 2018, meet with providers to develop
93 the most appropriate methodology for distribution of
94 reimbursement payments.

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

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

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

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

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

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

116 Section 2. Subsection (23) is added to section 318.18,

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117 Florida Statutes, to read:

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

121 (23) In addition to any other penalty, \$1 for a moving
122 violation under chapter 316, except for penalties imposed under
123 subsections (7) and (15). Within 30 days after the last day of
124 each calendar quarter, each municipality and county shall
125 transfer moneys collected under this subsection to the Emergency
126 Medical Services Trust Fund within the Department of Health,
127 established under s. 20.435, for deposit into the Emergency
128 Medical Air Transportation Act Account, established under s.
129 401.2515, to be used as provided in s. 401.2515.

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

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

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

139 Section 4. This act shall take effect July 1, 2018.