

By Senator Stewart

13-00132-19

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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; defining terms; directing the  
5       Department of Health to establish the Emergency  
6       Medical Air Transportation Act Account within the  
7       Emergency Medical Services Trust Fund; requiring the  
8       department to use the moneys in such account for  
9       specified purposes; specifying duties of the director  
10      of the Division of Emergency Preparedness and  
11      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  
22      critically injured patients from motor vehicle crash scenes  
23      directly to trauma centers, and

24       WHEREAS, emergency medical air transportation services  
25      providers transport all emergency patients without knowing  
26      whether a 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 cover multiple counties within a 100-mile radius of  
35 their bases, and often a provider's transport originates in a  
36 county other than the county in which the provider is based,  
37 which makes it difficult for providers in small counties to be  
38 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 the program does not reimburse the providers  
43 if the 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 crash, 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) "Director" means the director of the Division of  
68 Emergency Preparedness and Community Support.

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

71 (3) The department shall establish the Emergency Medical  
72 Air Transportation Act Account within the Emergency Medical  
73 Services Trust Fund in an amount determined by the Legislature  
74 to be used pursuant to this section.

75 (4) In cooperation with the Agency for Health Care  
76 Administration, the department shall use the moneys in the  
77 Emergency Medical Air Transportation Act Account to generate  
78 federal matching funds to increase the reimbursement payments  
79 made to providers by the Florida Medicaid program. The director  
80 shall:

81 (a) By September 1, 2019, meet with providers to develop  
82 the most appropriate methodology for distribution of  
83 reimbursement payments.

84 (b) Implement the methodology developed under paragraph (a)  
85 in a timely manner.

86 (c) Seek amendments to the Medicaid state plan and waivers  
87 of federal laws, as necessary, to implement this section. Moneys

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88 in the account may be distributed pursuant to this section until  
89 federal approvals of waiver requests are received.

90 (5) (a) Upon appropriation by the Legislature, the  
91 department shall use moneys in the Emergency Medical Air  
92 Transportation Act Account and federal matching funds generated  
93 pursuant to subsection (4) to increase the Florida Medicaid  
94 reimbursement paid to providers to not more than the customary  
95 fees charged by the providers for their services.

96 (b) Notwithstanding any other provision of law and pursuant  
97 to this subsection, the department must increase the Florida  
98 Medicaid reimbursement payments pursuant to paragraph (a) if the  
99 following conditions are met:

100 1. Moneys in the Emergency Medical Air Transportation Act  
101 Account are sufficient to cover the cost of increased  
102 reimbursement payments.

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

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

107 318.18 Amount of penalties.—The penalties required for a  
108 noncriminal disposition pursuant to s. 318.14 or a criminal  
109 offense listed in s. 318.17 are as follows:

110 (23) In addition to any other penalty, \$1 for a moving  
111 violation under chapter 316, except for penalties imposed under  
112 subsections (7) and (15). Within 30 days after the last day of  
113 each calendar quarter, each municipality and county shall  
114 transfer moneys collected under this subsection to the Emergency  
115 Medical Services Trust Fund within the Department of Health,  
116 established under s. 20.435, for deposit into the Emergency

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117 Medical Air Transportation Act Account, established under s.  
118 401.2515, to be used as provided in s. 401.2515.

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

121 318.21 Disposition of civil penalties by county courts.—All  
122 civil penalties received by a county court pursuant to the  
123 provisions of this chapter shall be distributed and paid monthly  
124 as follows:

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

128 Section 4. This act shall take effect July 1, 2019.