



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3718

Introduced 2/10/2012, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

305 ILCS 5/5-4.2

from Ch. 23, par. 5-4.2

Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that beginning 90 days after the effective date of this amendatory Act, (i) no denial of a request for approval for payment of non-emergency transportation by means of ground ambulance service, and (ii) no approval of non-emergency transportation by means of ground ambulance service at a level of service that entitles the ground ambulance service provider to a lower level of compensation from the Department of Healthcare and Family Services than would have been received at the level of service requested by the ground ambulance service provider, may be issued by the Department or its agent except pursuant to criteria established by administrative rules adopted pursuant to the Illinois Administrative Procedure Act. Effective immediately.

LRB097 17624 KTG 62896 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 5-4.2 as follows:

6 (305 ILCS 5/5-4.2) (from Ch. 23, par. 5-4.2)

7 Sec. 5-4.2. Ambulance services payments.

8 (a) For ambulance services provided to a recipient of aid
9 under this Article on or after January 1, 1993, the Illinois
10 Department shall reimburse ambulance service providers at
11 rates calculated in accordance with this Section. It is the
12 intent of the General Assembly to provide adequate
13 reimbursement for ambulance services so as to ensure adequate
14 access to services for recipients of aid under this Article and
15 to provide appropriate incentives to ambulance service
16 providers to provide services in an efficient and
17 cost-effective manner. Thus, it is the intent of the General
18 Assembly that the Illinois Department implement a
19 reimbursement system for ambulance services that, to the extent
20 practicable and subject to the availability of funds
21 appropriated by the General Assembly for this purpose, is
22 consistent with the payment principles of Medicare. To ensure
23 uniformity between the payment principles of Medicare and

1 Medicaid, the Illinois Department shall follow, to the extent
2 necessary and practicable and subject to the availability of
3 funds appropriated by the General Assembly for this purpose,
4 the statutes, laws, regulations, policies, procedures,
5 principles, definitions, guidelines, and manuals used to
6 determine the amounts paid to ambulance service providers under
7 Title XVIII of the Social Security Act (Medicare).

8 (b) For ambulance services provided to a recipient of aid
9 under this Article on or after January 1, 1996, the Illinois
10 Department shall reimburse ambulance service providers based
11 upon the actual distance traveled if a natural disaster,
12 weather conditions, road repairs, or traffic congestion
13 necessitates the use of a route other than the most direct
14 route.

15 (c) For purposes of this Section, "ambulance services"
16 includes medical transportation services provided by means of
17 an ambulance, medi-car, service car, or taxi.

18 (c-1) For purposes of this Section, "ground ambulance
19 service" means medical transportation services that are
20 described as ground ambulance services by the Centers for
21 Medicare and Medicaid Services and provided in a vehicle that
22 is licensed as an ambulance by the Illinois Department of
23 Public Health pursuant to the Emergency Medical Services (EMS)
24 Systems Act.

25 (c-2) For purposes of this Section, "ground ambulance
26 service provider" means a vehicle service provider as described

1 in the Emergency Medical Services (EMS) Systems Act that
2 operates licensed ambulances for the purpose of providing
3 emergency ambulance services, or non-emergency ambulance
4 services, or both. For purposes of this Section, this includes
5 both ambulance providers and ambulance suppliers as described
6 by the Centers for Medicare and Medicaid Services.

7 (d) This Section does not prohibit separate billing by
8 ambulance service providers for oxygen furnished while
9 providing advanced life support services.

10 (e) Beginning with services rendered on or after July 1,
11 2008, all providers of non-emergency medi-car and service car
12 transportation must certify that the driver and employee
13 attendant, as applicable, have completed a safety program
14 approved by the Department to protect both the patient and the
15 driver, prior to transporting a patient. The provider must
16 maintain this certification in its records. The provider shall
17 produce such documentation upon demand by the Department or its
18 representative. Failure to produce documentation of such
19 training shall result in recovery of any payments made by the
20 Department for services rendered by a non-certified driver or
21 employee attendant. Medi-car and service car providers must
22 maintain legible documentation in their records of the driver
23 and, as applicable, employee attendant that actually
24 transported the patient. Providers must recertify all drivers
25 and employee attendants every 3 years.

26 Notwithstanding the requirements above, any public

1 transportation provider of medi-car and service car
2 transportation that receives federal funding under 49 U.S.C.
3 5307 and 5311 need not certify its drivers and employee
4 attendants under this Section, since safety training is already
5 federally mandated.

6 (f) With respect to any policy or program administered by
7 the Department or its agent regarding approval of non-emergency
8 medical transportation by ground ambulance service providers,
9 including, but not limited to, the Non-Emergency
10 Transportation Services Prior Approval Program (NETSPAP), the
11 Department shall establish by rule a process by which ground
12 ambulance service providers of non-emergency medical
13 transportation may appeal any decision by the Department or its
14 agent for which no denial was received prior to the time of
15 transport that either (i) denies a request for approval for
16 payment of non-emergency transportation by means of ground
17 ambulance service or (ii) grants a request for approval of
18 non-emergency transportation by means of ground ambulance
19 service at a level of service that entitles the ground
20 ambulance service provider to a lower level of compensation
21 from the Department than the ground ambulance service provider
22 would have received as compensation for the level of service
23 requested. The rule shall be established within 12 months after
24 the effective date of this amendatory Act of the 97th General
25 Assembly and shall provide that, for any decision rendered by
26 the Department or its agent on or after the date the rule takes

1 effect, the ground ambulance service provider shall have 60
2 days from the date the decision is received to file an appeal.
3 The rule established by the Department shall be, insofar as is
4 practical, consistent with the Illinois Administrative
5 Procedure Act. The Director's decision on an appeal under this
6 Section shall be a final administrative decision subject to
7 review under the Administrative Review Law.

8 (g) Beginning 90 days after the effective date of this
9 amendatory Act of the 97th General Assembly, (i) no denial of a
10 request for approval for payment of non-emergency
11 transportation by means of ground ambulance service, and (ii)
12 no approval of non-emergency transportation by means of ground
13 ambulance service at a level of service that entitles the
14 ground ambulance service provider to a lower level of
15 compensation from the Department than would have been received
16 at the level of service requested by the ground ambulance
17 service provider, may be issued by the Department or its agent
18 except pursuant to criteria established by administrative
19 rules adopted pursuant to the Illinois Administrative
20 Procedure Act.

21 (Source: P.A. 97-584, eff. 8-26-11.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.