



Sen. Antonio Muñoz

Filed: 10/23/2013

09800SB0636sam001

LRB098 04421 KTG 49241 a

1 AMENDMENT TO SENATE BILL 636

2 AMENDMENT NO. _____. Amend Senate Bill 636 by replacing
3 everything after the enacting clause with the following:

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

1 cost-effective manner. It is also the intent of the General
2 Assembly to ensure that ambulance service providers are
3 appropriately reimbursed for medically necessary ambulance
4 services by requiring the Illinois Department to adopt, by
5 rule, criteria establishing medical necessity and appropriate
6 procedures for the processing of claims for reimbursement.

7 Thus, it is the intent of the General Assembly that the
8 Illinois Department implement a reimbursement system for
9 ambulance services that, to the extent practicable and subject
10 to the availability of funds appropriated by the General
11 Assembly for this purpose, is consistent with the payment
12 principles of Medicare. To ensure uniformity between the
13 payment principles of Medicare and Medicaid, the Illinois
14 Department shall follow, to the extent necessary and
15 practicable and subject to the availability of funds
16 appropriated by the General Assembly for this purpose, the
17 statutes, laws, regulations, policies, procedures, principles,
18 definitions, guidelines, and manuals used to determine the
19 amounts paid to ambulance service providers under Title XVIII
20 of the Social Security Act (Medicare).

21 (b) For ambulance services provided to a recipient of aid
22 under this Article on or after January 1, 1996, the Illinois
23 Department shall reimburse ambulance service providers based
24 upon the actual distance traveled if a natural disaster,
25 weather conditions, road repairs, or traffic congestion
26 necessitates the use of a route other than the most direct

1 route.

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

5 (c-1) For purposes of this Section, "ground ambulance
6 service" means medical transportation services that are
7 described as ground ambulance services by the Centers for
8 Medicare and Medicaid Services and provided in a vehicle that
9 is licensed as an ambulance by the Illinois Department of
10 Public Health pursuant to the Emergency Medical Services (EMS)
11 Systems Act.

12 (c-2) For purposes of this Section, "ground ambulance
13 service provider" means a vehicle service provider as described
14 in the Emergency Medical Services (EMS) Systems Act that
15 operates licensed ambulances for the purpose of providing
16 emergency ambulance services, or non-emergency ambulance
17 services, or both. For purposes of this Section, this includes
18 both ambulance providers and ambulance suppliers as described
19 by the Centers for Medicare and Medicaid Services.

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

23 (e) Beginning with services rendered on or after July 1,
24 2008, all providers of non-emergency medi-car and service car
25 transportation must certify that the driver and employee
26 attendant, as applicable, have completed a safety program

1 approved by the Department to protect both the patient and the
2 driver, prior to transporting a patient. The provider must
3 maintain this certification in its records. The provider shall
4 produce such documentation upon demand by the Department or its
5 representative. Failure to produce documentation of such
6 training shall result in recovery of any payments made by the
7 Department for services rendered by a non-certified driver or
8 employee attendant. Medi-car and service car providers must
9 maintain legible documentation in their records of the driver
10 and, as applicable, employee attendant that actually
11 transported the patient. Providers must recertify all drivers
12 and employee attendants every 3 years.

13 Notwithstanding the requirements above, any public
14 transportation provider of medi-car and service car
15 transportation that receives federal funding under 49 U.S.C.
16 5307 and 5311 need not certify its drivers and employee
17 attendants under this Section, since safety training is already
18 federally mandated.

19 (f) With respect to any policy or program administered by
20 the Department or its agent regarding approval of non-emergency
21 medical transportation by ground ambulance service providers,
22 including, but not limited to, the Non-Emergency
23 Transportation Services Prior Approval Program (NETSPAP), the
24 Department shall establish by rule a process by which ground
25 ambulance service providers of non-emergency medical
26 transportation may appeal any decision by the Department or its

1 agent in ~~for~~ which a claim is not approved for payment, but the
2 patient meets the criteria for medical necessity and the
3 appropriate level of ambulance service was provided. The
4 Department shall consider appeals filed for reimbursement
5 denials based upon the lack of availability of a physician
6 discharge order occurring on or after July 1, 2013 if such
7 appeal is filed within 90 days of the effective date of this
8 amendatory Act of the 98th General Assembly. The Department
9 shall apply the medical criteria established by rule in
10 determining all appeals and shall take into account all
11 relevant documentation substantiating the patient's condition
12 as it relates to the criteria for medical necessity and may
13 accept a provider's run report or equivalent. ~~no denial was~~
14 ~~received prior to the time of transport that either (i) denies~~
15 ~~a request for approval for payment of non emergency~~
16 ~~transportation by means of ground ambulance service or (ii)~~
17 ~~grants a request for approval of non emergency transportation~~
18 ~~by means of ground ambulance service at a level of service that~~
19 ~~entitles the ground ambulance service provider to a lower level~~
20 ~~of compensation from the Department than the ground ambulance~~
21 ~~service provider would have received as compensation for the~~
22 ~~level of service requested.~~ The rule shall be filed by December
23 15, 2012 and shall provide that, for any decision rendered by
24 the Department or its agent on or after the date the rule takes
25 effect, the ground ambulance service provider shall have 60
26 days from the date the decision is received to file an appeal.

1 The rule established by the Department shall be, insofar as is
2 practical, consistent with the Illinois Administrative
3 Procedure Act. The Director's decision on an appeal under this
4 Section shall be a final administrative decision subject to
5 review under the Administrative Review Law.

6 (f-5) Beginning 90 days after July 20, 2012 (the effective
7 date of Public Act 97-842), (i) no denial of a request for
8 approval for payment of non-emergency transportation by means
9 of ground ambulance service, and (ii) no approval of
10 non-emergency transportation by means of ground ambulance
11 service at a level of service that entitles the ground
12 ambulance service provider to a lower level of compensation
13 from the Department than would have been received at the level
14 of service submitted by the ground ambulance service provider,
15 may be issued by the Department or its agent unless the
16 Department has submitted the criteria for determining the
17 appropriateness of the transport for first notice publication
18 in the Illinois Register pursuant to Section 5-40 of the
19 Illinois Administrative Procedure Act.

20 (g) Whenever a patient covered by a medical assistance
21 program under this Code or by another medical program
22 administered by the Department is being discharged from a
23 facility, a physician discharge order as described in this
24 Section shall be required for each patient whose discharge
25 requires medically supervised ground ambulance services.
26 Facilities shall develop procedures for a physician with

1 medical staff privileges to provide a written and signed
2 physician discharge order. The physician discharge order shall
3 specify the level of ground ambulance services needed and
4 complete a medical certification establishing the criteria for
5 approval of non-emergency ambulance transportation, as
6 published by the Department of Healthcare and Family Services,
7 that is met by the patient. This order and the medical
8 certification shall be completed prior to ordering an ambulance
9 service and prior to patient discharge.

10 Pursuant to subsection (E) of Section 12-4.25 of this Code,
11 the Department is entitled to recover overpayments paid to a
12 provider or vendor, including, but not limited to, from the
13 discharging physician, the discharging facility, and the
14 ground ambulance service provider, in instances where a
15 non-emergency ground ambulance service is rendered as the
16 result of improper or false certification.

17 (h) On and after July 1, 2012, the Department shall reduce
18 any rate of reimbursement for services or other payments or
19 alter any methodologies authorized by this Code to reduce any
20 rate of reimbursement for services or other payments in
21 accordance with Section 5-5e.

22 (Source: P.A. 97-584, eff. 8-26-11; 97-689, eff. 6-14-12;
23 97-842, eff. 7-20-12; 98-463, eff. 8-16-13.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."