

SB 409-FN - VERSION ADOPTED BY BOTH BODIES

02/08/2024 0408s
2May2024... 1563h
23May2024... 1862h
23May2024... 2026h
06/13/2024 2371EBA

2024 SESSION

24-3045
05/10

SENATE BILL **409-FN**

AN ACT relative to reimbursement for ambulance services under the state Medicaid plan and making an appropriation therefor and making an appropriation to the department of health and human services to support recreational activities for individuals with developmental disabilities.

SPONSORS: Sen. Prentiss, Dist 5; Sen. Fenton, Dist 10; Sen. Watters, Dist 4; Sen. Bradley, Dist 3; Sen. Altschiller, Dist 24; Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Whitley, Dist 15; Sen. Gannon, Dist 23; Sen. Innis, Dist 7; Sen. Soucy, Dist 18; Sen. Chandley, Dist 11; Sen. Carson, Dist 14; Sen. D'Allesandro, Dist 20; Rep. Goley, Hills. 21; Rep. S. Pearson, Rock. 13; Rep. Stringham, Graf. 3; Rep. Wolf, Merr. 7

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to submit an amendment to the state Medicaid plan regarding reimbursement for ambulance services and makes an appropriation to the department for this purpose.

II. Makes an appropriation to the department of health and human services to fund recreational activities for individuals with developmental disabilities.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to reimbursement for ambulance services under the state Medicaid plan and making an appropriation therefor and making an appropriation to the department of health and human services to support recreational activities for individuals with developmental disabilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Commissioner of the Department of Health and Human Services; State
2 Medicaid Plan Amendment Regarding Ambulance Services. Amend RSA 126-A:5 by inserting after
3 paragraph XXXIV the following new paragraph:

4 XXXV. The commissioner shall submit to the Centers for Medicare and Medicaid Services
5 (CMS) an amendment to the state Medicaid plan to provide reimbursement for ambulance services
6 when care is provided in response to an emergency call to a member's home or on a scene, when an
7 ambulance is dispatched, and treatment is provided to the patient without the patient being
8 transported to another site.

9 (a) Providers shall be eligible for Medicaid reimbursement when the provider has
10 documented that:

11 (1) The response originated through an emergency call; and

12 (2) The patient consents to evaluation and treatment, and one of the following
13 outcomes has occurred:

14 (A) After the evaluation, and when indicated, treatment, the licensed paramedic
15 or emergency medical technician (EMT) and the patient agree there is no need for transportation by
16 ambulance;

17 (B) The patient does not request and actively refuses transport to an emergency
18 department for evaluation; or

19 (C) The patient is stable for referral to the patient's physician, other community
20 resource, and the patient has the ability, including mental capacity and transportation resources, to
21 obtain assistance and medically indicated follow-up.

22 (b) Providers shall also be eligible for Medicaid reimbursement when the provider has
23 documented that the response originated through an emergency call, resuscitation efforts were
24 terminated, and the patient is deceased.

2 Contingency. Section 1 of this act shall take effect on the date the Centers for Medicare and Medicaid Services certifies the approval of the amendment to the state Medicaid plan to the director of legislative services and the secretary of state.

3 Appropriation; Department of Health and Human Services. The sum of \$500,000 for the biennium ending June 30, 2025 is appropriated to the department of health and human services for the purposes of this act. The department may accept and expend any available matching federal funds without the approval of the fiscal committee of the general court. The governor is authorized to draw a warrant for said sum from any money in the treasury not otherwise appropriated.

4 Department of Health and Human Services; Individuals with Developmental Disabilities; Funding for Recreational Services.

I. Recreational activities typically provide an opportunity for individuals with developmental disabilities to participate in their community in preferred settings, where individuals are able to work on skill development to aid health, wellness, socialization, and safety goals. However, the department of health and human services has received clarification from the Centers for Medicare and Medicaid Services that supports and services that are recreational in nature are not reimbursable services under the Medicaid program.

II. In order to ensure that costs to access recreational services are covered, and that individuals with developmental disabilities are able to participate in recreational activities within their communities, the sum of \$500,000 is appropriated to the department of health and human services for the biennium ending June 30, 2025. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2025.

III. In order to be eligible to receive funds for recreational services under this section, an individual shall have graduated or exited the school system and be receiving services under the 1915(c) developmental disabilities or acquired brain disorder waiver and shall be requesting payment for an activity or service that cannot be covered by the New Hampshire Medicaid State Plan or a 1915(c) Home and Community Based Waiver.

IV. The department of health and human services shall contract with one or more organizations, such as an area agency as defined in RSA 171-A, to assist in administering these funds. With the approval of the governor, the department may utilize a sole source procurement method to implement recreational services as quickly as possible.

V. Payment for recreational services shall be limited to \$600 per individual.

VI. The department of health and human services shall include language in the contracts designated in paragraph IV to prioritize services previously included in individualized budgets.

VII. The department shall issue an interim report to the fiscal committee on or before April 1, 2025. The report shall include data on utilization, including the number of individuals seeking

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1 services in accordance with paragraphs I, II and III, the number of individuals provided services, the
2 types of specific services provided, the total cost of the services provided, and other relevant
3 information necessary to enable the legislature to assess the program.

4 VIII. The department shall issue a final report to the fiscal committee on or before
5 September 30, 2025. The final report shall include all the information listed in paragraph VII.

6 5 Contingency. If SB 554 of the 2024 legislative session becomes law, RSA 126-A:5, XXXV as
7 inserted by section 1 of this act shall be renumbered to read as RSA 126-A:5, XXXVI.

8 6 Effective Date.

9 I. Section 1 of this act shall take effect as provided in section 2 of this act.

10 II. The remainder of this act shall take effect upon its passage.

SB 409-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-1563h)

AN ACT relative to reimbursement for ambulance services under the state Medicaid plan.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures	\$0	\$1 million+ general funds; \$1 million+ federal funds	\$1 million+ general funds; \$1 million+ federal funds	\$1 million+ general funds; \$1 million+ federal funds
Funding Source(s)	General Fund Federal matching funds			
Appropriations	\$0	\$0	\$0	\$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ No
- Does this bill authorize new positions to implement this bill? ☒ No

METHODOLOGY:

This bill requires the Department of Health and Human Services to submit an amendment to the Medicaid state plan to provide reimbursement for ambulance services under certain circumstances in which transportation is not required. The Department states that it does not maintain data on ambulance calls which do not result in transportation, and is therefore unable to provide a cost estimate based on actual data. However, the Department notes that in recent years it has expended approximately \$11.2 million (total funds) annually on all ambulance services, with approximately \$4.2 million (total funds) being attributed to services involving basic life support with either emergency or non-emergency transport. Subtracting the costs of transportation, the Department anticipates that the bill will result in an additional increase of at least \$2 million in total funds, of which \$1 million will be state general funds and \$1 million will be matching federal funds.

It is assumed any fiscal impact would not occur until after FY 2024.

AGENCIES CONTACTED:

Department of Health and Human Services

