

BILL ANALYSIS

Senate Research Center

S.B. 53
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Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this legislation is to carry out the legislature's intention to stratify rate structures for ground ambulances in order to better account for the differences in costs between the three ground ambulance categories (i.e., Advanced Life Support 1, Advanced Life Support 2, and Specialty Care Transports). This legislation will make changes to Texas Medicaid's Emergency Medical Services (EMS) definitions in the Health and Safety Code to better align with Medicare's definitions and permit the current and intended reimbursement matrix to continue.

In 2009, the Health and Human Services Commission (HHSC) used additional money, earmarked for an increase in Medicaid ambulance rates, to propose a stratified structure of rates for ground ambulances. As a result of this additional funding there is now a difference in the reimbursement for the ambulance categories of Advanced Life Support 1, Advanced Life Support 2, and Specialty Care Transports that better reflects the difference in cost.

When the stratified rate structure was established, HHSC used the same definition for these services that Medicare used to determine when a transport was an Advanced Life Support or a Basic Life Support transport. The Office of the Inspector General at HHSC examined the statute that established and regulated EMS providers and personnel only to find that the definition of Advanced Life Support in the Health and Safety Code was not the same definition as used in Medicare regulations to determine what constituted an Advanced Life Support transport.

The Health and Safety Code EMS definitions were never designed with reimbursement methodology in mind, but instead for the purpose of licensing providers and personnel, not those who make funding decisions.

This bill will allow HHSC to reimburse certain Advanced Life Support transports for Medicaid providers that also are eligible for reimbursement under Medicare. It will change current statutes to correspond with Medicare definitions in rule relating to what an Advanced Life Support transport is. Most importantly, it will carry out legislative intent to create a stratified structure of rates for ground ambulances in Texas.

As proposed, S.B. 53 amends current law relating to life support services provided by certain emergency medical services personnel.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 773.003(1) and (2), Health and Safety Code, as follows:

- (1) Redefines "advanced life support" to mean prehospital care that uses invasive and noninvasive medical acts that an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a licensed paramedic is authorized to perform and includes the performance of an advanced patient assessment in a situation in

which the assessment is required to determine whether the medical acts are necessary, rather than emergency prehospital care that uses invasive medical acts.

(2) Redefines "basic life support" to mean prehospital care that uses invasive and noninvasive medical acts that an emergency medical technician-basic or an emergency care attendant is authorized to perform, rather than emergency prehospital care that uses noninvasive medical acts.

SECTION 2. Effective date: upon passage or September 1, 2013.