

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Fiscal Management
(Amendment)

907 KAR 1:061. Payments for ambulance transportation.

RELATES TO: KRS 205.520, 205.8451, 42 C.F.R. 440.170, 447.200 -447.205, 42 U.S.C. 1396, 2005 Acts ch. 173 Parts I., A.22.(i), I., H.3.b.(19)

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation establishes the method for determining amounts payable by the Department for Medicaid Services for ambulance transportation services.

Section 1. Definitions.

(1) "Advanced life support (ALS) emergency ambulance transportation" means an ambulance service meeting the standards for advanced life support services established in accordance with 202 KAR 7:501.

(2) "Advanced Life Support (ALS) Medical First Response Provider" means an emergency medical professional licensed in accordance with 202 KAR 7:501 to provide ALS care.

(3) "Air ambulance provider" means an air ambulance service licensed in accordance with 202 KAR 7:510.

(4) "Appropriate medical facility or provider" means a local medical provider other than an emergency room of a hospital who can provide necessary emergency care if a hospital emergency room is not located within a recipient's county of residence or a contiguous county.

(5) "Basic life support (BLS) emergency ambulance transportation" means an ambulance service which meets the standards for basic life support services established in 202 KAR 7:501.

(6) "Department" means the Department for Medicaid Services or its designated agent.

(7) "Membership or subscription fee" means a payment collected from a recipient by a provider which entitles the recipient to free or discounted ambulance transportation services.

(8) "Recipient" is defined in KRS 205.8451(9).

(9) "Upper limit" means the maximum reimbursement rate the department shall pay an ambulance transportation provider for the service provided.

Section 2. Reimbursement for Licensed Ambulance Services.

(1) The department shall reimburse an ambulance service at the lesser of:

(a) The provider's usual and customary charge for the service; or

(b) An upper limit established in this section for the service plus, if applicable, a rate for oxygen and reimbursement for disposable medical supplies utilized during an ambulance transportation service.

(2) Except for an air ambulance transportation service, the upper limit for an ambulance service shall be calculated by adding a base rate, mileage allowance, and flat rate fees as follows:

(a) For ALS emergency ambulance transportation to the emergency room of a hospital:

1. A base rate of 110 dollars;
 2. A mileage allowance of four (4) dollars per mile; and
 3. If transported concurrently, a flat rate of twenty-five (25) dollars for an additional recipient;
- (b) For BLS emergency ambulance transportation to the emergency room of a hospital:
1. A base rate of eighty-two (82) dollars and fifty (50) cents;
 2. A mileage allowance of three (3) dollars per mile; and
 3. If transported concurrently, a flat rate of twenty (20) dollars for an additional recipient;
- (c) For ALS or BLS emergency ambulance transportation to an appropriate medical facility or provider:
1. A base rate of sixty (60) dollars;
 2. A mileage allowance of two (2) dollars and fifty (50) cents per mile; and
 3. If transported concurrently, a flat rate of fifteen (15) dollars for an additional recipient;
- (d) For BLS emergency ambulance transportation to the emergency room of a hospital during which the services of an ALS Medical First Response provider are required to stabilize the recipient:
1. A base rate of 110 dollars;
 2. A mileage allowance of four (4) dollars per mile; and
 3. If transported concurrently, a flat rate of twenty-five (25) dollars for an additional recipient;
- (e) For BLS emergency ambulance transportation to an appropriate medical facility or provider during which the services of an ALS Medical First Response provider are required:
1. A base rate of sixty (60) dollars;
 2. A mileage allowance of two (2) dollars and fifty (50) cents per mile; and
 3. If transported concurrently, a flat rate of fifteen (15) dollars for an additional recipient;
- (f) For non emergency ambulance transportation during which the recipient requires no medical care during transport:
1. A base rate of fifty-five (55) dollars; and
 2. A mileage allowance of two (2) dollars per mile;
- (g) For a treatment in place encounter during which the recipient receives care but is not transported to a medical facility:
1. A base rate of at least eighty-two (82) dollars and fifty (50) cents and as consistent with Healthcare Common Procedure Coding System (HCPCS) code A0998 at the Kentucky Medicaid Transportation Fee Schedule rate for code A0249 (BLS base, hospital); and
 2. Mileage shall not be billable; and
- (h) For a treatment, triage, and transport service during which the recipient receives care, is assessed as not needing emergent treatment, and is transported to an appropriate medical facility that is not a hospital emergency department:
1. A base rate of at least eighty-two (82) dollars and fifty (50) cents and as consistent with Healthcare Common Procedure Coding System (HCPCS) code A0998 at the Kentucky Medicaid Transportation Fee Schedule rate for code A0249 (BLS base, hospital); and
 2. A mileage allowance of two (2) dollars and fifty (50) cents per mile.
- (3) In addition to the rates specified in subsection (2) of this section, the department shall reimburse for:
- (a) The administration of oxygen during an ambulance transportation service at a flat rate of ten (10) dollars per one (1) way trip if medically necessary; and

- (b) The cost of disposable supplies actually utilized during an ambulance transportation service if the provider lists the supplies used during the service on an invoice. The department shall not reimburse for a supply item that is not disposable or is not actually used during the ambulance transportation service.
- (4) Reimbursement for air ambulance transportation shall be an all inclusive rate which shall be the lesser of:
 - (a) The provider's usual and customary charge; or
 - (b) An upper limit of \$3,500 per one (1) way trip.
- (5) Payment for a service identified in subsections (2) through (4) of this section shall be contingent upon a statement of medical necessity, which:
 - (a) Shall be maintained in accordance with 907 KAR 1:060, Section 5(2); and
 - (b) May be requested by the department for post-payment review.
- (6) If a recipient has paid a membership or subscription fee to a transportation provider, the provider shall not be eligible for Medicaid reimbursement for service provided to the recipient.

Section 3. Appeal Rights.

- (1) An appeal of a negative action regarding a Medicaid recipient shall be in accordance with 907 KAR 1:563.
- (2) An appeal of a negative action regarding Medicaid eligibility of an individual shall be in accordance with 907 KAR 1:560.
- (3) An appeal of a negative action regarding a Medicaid provider shall be in accordance with 907 KAR 1:671.

Section 4. Federal Approval and Federal Financial Participation. The cabinet's coverage and reimbursement of services pursuant to this administrative regulation shall be contingent upon:

- (1) Receipt of federal financial participation for the coverage and reimbursement; and
- (2) Centers for Medicare and Medicaid Services' approval of the coverage and reimbursement, as relevant.

LISA D. LEE, Commissioner

ERIC FRIEDLANDER, Secretary

APPROVED BY AGENCY: October 25, 2023

FILED WITH LRC: November 13, 2023 at 1:25 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on January 22, 2024, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by January 12, 2024, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until January 31, 2024. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

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