

Rules Agenda
September 11, 2008

I. Items subject to the Administrative Procedures Act (Emergency)

Page 2 A. Revising ambulance rules to remove specific reimbursement language and replace it with the general statement that refers providers to the Oklahoma Health Care Authority's fee schedule for SoonerCare compensable services. **(Reference APA WF # 08-14)**

I. Items subject to the Administrative Procedures Act (Emergency)

A. CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE

Subchapter 5. Individual Providers and Specialties

Part 33. Transportation by Ambulance

OAC 317:30-5-336.5. [AMENDED]

(Reference APA WF # 08-14)

FINDING OF EMERGENCY: The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rule revisions that remove current reimbursement language in the transportation by ambulance rules and replace it with a general statement that refers providers to the Oklahoma Health Care Authority's fee schedule for SoonerCare compensable services. Replacing specific reimbursement language with a general statement allows the Agency the flexibility of adjusting rates without continually revising policy and is necessary to keep policy consistent with State plan changes.

SUMMARY: Ambulance rules are revised to remove the Medicare Ambulance Fee Schedule (AFS) and replace it with a general statement that refers providers to the Oklahoma Health Care Authority's fee schedule for SoonerCare compensable services. Effective October 1, 2005, OHCA adopted Medicare's AFS and began reimbursing most ambulance providers at 97%. Air ambulance services were the exception. OHCA reimbursement for air ambulance services were and still are 61% of Medicare's AFS. In order to retain fixed wing providers and ensure SoonerCare members have access to this service, the rates for fixed wing aircraft have been increased to 100% of Medicare's AFS. This increase has required changes to the

reimbursement language for fixed wing aircraft in the State plan and consequently, revisions to policy language as well to remain consistent with State plan language. In an effort to avoid the lengthy and labor intensive process that occurs each time agency rules are revised, OHCA is replacing specific reimbursement language with a general statement referencing the State plan or OHCA fee schedule. This practice allows the Agency the flexibility of adjusting rates to meet market demands without continually revising the reimbursement language in agency rules. This also makes the transportation by ambulance reimbursement section consistent with other reimbursement sections in rules.

BUDGET IMPACT: Agency staff has determined that the cost to increase the rates for fixed wing aircraft to 100% of the Medicare Ambulance Fee Schedule is \$130,593.03. The State's share is \$42,965.11.

RULE LENGTH IMPACT: These revisions have no significant impact on the length of agency rules.

MEDICAL ADVISORY COMMITTEE: The Medical Advisory Committee considered the proposed rule revisions on July 17, 2008, and recommended Board approval.

PROPOSED EFFECTIVE DATE: November 1, 2008, or immediately upon Governor's approval, whichever is later.

AUTHORITY: The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 447.201; 42 CFR 447.204

RESOLUTION:

Resolved, that the Oklahoma Health Care Authority Board does hereby approve the Administrative Rules, subject to the Administrative Procedure Act, as indicated:

Revising ambulance rules to remove specific reimbursement language and replace it with the general statement that refers providers to the Oklahoma Health Care Authority's fee schedule for SoonerCare compensable services.

**CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE
SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES
PART 33. TRANSPORTATION BY AMBULANCE**

317:30-5-336.5 Levels of ambulance service, ambulance fee schedule

and base rate

(a) In accordance with the Oklahoma Emergency Response System Development Act of 2005, §63 OS 1-2503, a license may be issued for basic life support, intermediate life support, paramedic life support, specialized mobile intensive care units, or stretcher aid vans.

(b) ~~Effective October 1, 2005, the OHCA adopted the Medicare Ambulance Fee Schedule (AFS). Payment is made at the lower of the provider's usual and customary charge or the OHCA fee schedule for SoonerCare compensable services.~~

(1) The ambulance provider bills one base rate procedure. Levels of service base rates are defined at 42 CFR 414.605.

(2) The base rate must reflect the level of service rendered, not the type of vehicle in which the member was transported, except in those localities where local ordinance requires Advanced Life Support (ALS) as the minimum standard of service.