

**99TH GENERAL ASSEMBLY****State of Illinois****2015 and 2016****SB3342**

Introduced 2/19/2016, by Sen. Pat McGuire

**SYNOPSIS AS INTRODUCED:**

See Index

Creates the Emergency Medical Air Transportation Act. Creates the Emergency Medical Air Transportation Act Fund as a special fund in the State treasury. Provides that the Fund shall be administered by the Department of Healthcare and Family Services and that moneys in the Fund shall be made available to the Department upon appropriation to: (i) offset the State portion of the Medicaid reimbursement rate for emergency medical air transportation services; (ii) augment emergency medical air transportation reimbursement payments made through the Medicaid program; and (iii) pay administrative costs associated with administering the Act. Requires the Department to seek federal matching funds by using the moneys in the Fund for the purpose of augmenting Medicaid reimbursement paid to emergency medical air transportation providers. Provides that the Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any amount from the Emergency Medical Air Transportation Act Fund into any other fund of the State. Requires the Director of the Department to: (1) meet with medical air transportation providers, by March 1, 2017, to determine the most appropriate methodology to distribute the funds for medical air services; (2) submit any State plan amendments or waiver requests that may be necessary to implement the Fund; and (3) other duties. Provides that upon appropriation, the Department shall use moneys in the Fund and any federal matching funds to increase the Medicaid reimbursement for emergency medical air transportation services in an amount not to exceed normal and customary charges charged by the providers; and other matters. Amends the State Finance Act by creating the Emergency Medical Air Transportation Act Fund. Effective immediately.

LRB099 19219 KTG 43611 b

FISCAL NOTE ACT  
MAY APPLY**A BILL FOR**

1 AN ACT concerning emergency medical air transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Emergency Medical Air Transportation Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Department of Healthcare and Family  
8 Services.

9 "Director" means the Director of Healthcare and Family  
10 Services.

11 "Provider" means a provider of emergency medical air  
12 transportation services.

13 "Rotary-wing" means a type of aircraft, commonly referred  
14 to as an airplane, that generates lift through the use of the  
15 forward motion of the aircraft and wings that do not revolve  
16 around a mast but are fixed in relation to the fuselage of the  
17 aircraft.

18 "Fixed-wing" means a type of aircraft, commonly referred to  
19 as an airplane, that generates lift through the use of forward  
20 motion of the aircraft and wings that do not revolve around a  
21 mast but are fixed in relation to the fuselage of the aircraft.

22 "Air mileage rate" means the per-mileage reimbursement  
23 rate paid for services rendered by rotary-wing and fixed-wing

1 providers.

2 Section 10. Emergency Medical Air Transportation Act Fund.

3 (a) The Emergency Medical Air Transportation Act Fund is  
4 created as a special fund in the State treasury. The Fund shall  
5 be administered by the Department. Moneys in the Emergency  
6 Medical Air Transportation Act Fund shall be made available  
7 upon appropriation to the Department to be used as follows:

8 (1) For payment of the administrative costs of the  
9 Department in administering this Act.

10 (2) 20% of the moneys remaining in the Fund after  
11 payment of administrative costs pursuant to paragraph (1)  
12 shall be used to offset the State portion of the Medicaid  
13 reimbursement rate for emergency medical air  
14 transportation services.

15 (3) 80% of the moneys remaining in the Fund after  
16 payment of administrative costs pursuant to paragraph (1)  
17 shall be used to augment emergency medical air  
18 transportation reimbursement payments made through the  
19 Medicaid program, as set forth in subsections (b), (f),  
20 (g), and (h).

21 (b) The Department shall seek to obtain federal matching  
22 funds by using the moneys in the Fund for the purpose of  
23 augmenting Medicaid reimbursement paid to emergency medical  
24 air transportation providers.

25 (c) Notwithstanding any other law to the contrary, the

1 Emergency Medical Air Transportation Act Fund is not subject to  
2 sweeps, administrative charge-backs, or any other fiscal or  
3 budgetary maneuver that would in any way transfer any amount  
4 from the Emergency Medical Air Transportation Act Fund into any  
5 other fund of the State.

6 (d) For purposes of implementing this Act, a penalty of \$4  
7 shall be imposed upon every conviction for a violation of the  
8 Illinois Vehicle Code or a local ordinance adopted pursuant to  
9 the Illinois Vehicle Code, except parking violations. The  
10 penalty described in this subsection shall be in addition to  
11 all other penalties assessed for a conviction. The penalties  
12 shall be deposited into the Emergency Medical Air  
13 Transportation Act Fund.

14 (e) Interest from the investment or deposit of moneys in  
15 the Emergency Medical Air Transportation Act Fund shall to be  
16 credited to and paid to the Emergency Medical Air  
17 Transportation Act Fund.

18 (f) The Director shall do all of the following:

19 (1) By March 1, 2017, meet with medical air  
20 transportation providers to determine the most appropriate  
21 methodology to distribute the funds for medical air  
22 services.

23 (2) Develop the methodology in collaboration with the  
24 medical air providers.

25 (3) Implement the methodology determined most  
26 appropriate in a timely manner.

1           (4) Submit any State plan amendments or waiver requests  
2 that may be necessary to implement this Act.

3           (5) Seek federal approvals or waivers as may be  
4 necessary to implement this Section and to obtain federal  
5 financial participation to the maximum extent possible for  
6 the payments under this Section. If federal approvals are  
7 not received moneys in the fund may be distributed pursuant  
8 to this Section until federal approvals are received.

9           (g) The Director may give great weight to the needs of the  
10 emergency medical air services providers, as discussed through  
11 the development of the methodology.

12           (h) (1) Upon appropriation, the Department shall use moneys  
13 in the Emergency Medical Air Transportation Act Fund and any  
14 federal matching funds to increase the Medicaid reimbursement  
15 for emergency medical air transportation services in an amount  
16 not to exceed normal and customary charges charged by the  
17 providers.

18           (2) Notwithstanding any other law and pursuant to this Act,  
19 the Department shall increase the Medicaid reimbursement for  
20 emergency medical air transportation services if both of the  
21 following conditions are met:

22           (A) Moneys in the Emergency Medical Air Transportation  
23 Act Fund will cover the cost of increased payments pursuant  
24 to paragraph (1).

25           (B) The State does not incur any General Revenue Fund  
26 expense to pay for the Medicaid emergency medical air

1 transportation services increase.

2 Section 90. The State Finance Act is amended by adding  
3 Section 5.875 as follows:

4 (30 ILCS 105/5.875 new)

5 Sec. 5.875. The Emergency Medical Air Transportation Act  
6 Fund.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.

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Statutes amended in order of appearance

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New Act

4

30 ILCS 105/5.875 new