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| Title of Rule: | Revision to the Medical Assistance Health Programs Office Rule Concerning Emergency Medical Transportation Services, Section 8.018 |
| Rule Number: | MSB 14-10-02-A |
| Division / Contact / Phone: | Health Programs Office Benefits and Operations Division / Greg Trollan / 4986 |

## STATEMENT OF BASIS AND PURPOSE

1. Summary of the basis and purpose for the rule or rule change. (State what the rule says or does and explain why the rule or rule change is necessary).

   The Department is updating this rule to include content from the Ambulance Services Benefit Coverage Standard. Specifically, the rule will define the amount, scope and duration of the benefit.

2. An emergency rule-making is imperatively necessary

   ☐ to comply with state or federal law or federal regulation and/or

   ☐ for the preservation of public health, safety and welfare.

   Explain:

3. Federal authority for the Rule, if any:

   §1905(a)(1) of the Social Security Act

4. State Authority for the Rule:

   25.5-1-301 through 25.5-1-303, C.R.S. (2013);

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| Initial Review | **02/13/2015** | Final Adoption | **03/13/2015** |
| Proposed Effective Date | **05/01/2015** | Emergency Adoption | |

Approved: DuRA 3/4/15

**DOCUMENT #04**

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**REGULATORY ANALYSIS**

1. Describe the classes of persons who will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

This rule will impact clients and providers of Ambulance services.

2. To the extent practicable, describe the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons.

Clearly defined and updated rules will improve client access to appropriate, high quality, cost-effective and evidence-based services while improving the health outcomes of Medicaid clients. Established criteria within the rule will provide guidance to clients and providers regarding benefit coverage. For example, the Department previously required a physician's signature for ambulance transport however, this was removed as it created an undue burden on the providers and could have potentially impacted client access. Furthermore, even though the Department does not require prior authorization for Ambulance services, providers requested that we explicitly state this in order to provide clearer guidance.

3. Discuss the probable costs to the Department and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

This rule does not have any costs to the Department or any other agency as a result of its implementation and enforcement.

4. Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

Clearly defined and updated rules increase client access to appropriate services and allow the Department to administer benefits in compliance with federal and state regulations, as well as clinical best practices and quality standards. Defining this benefit in rule will educate clients about their benefits and provide better guidance to service providers. The cost of inaction could result in decreased access to services, poor quality of care, and/or lack of compliance with state and federal guidance.

All of the above translates into appropriate cost-effective care administered by the state.

5. Determine whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

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There are no less costly methods or less intrusive methods for achieving the purpose of this rule. The department must appropriately define amount, scope and duration of this benefit in order to responsibly manage it.

6. Describe any alternative methods for achieving the purpose for the proposed rule that were seriously considered by the Department and the reasons why they were rejected in favor of the proposed rule.

N/A. The Department also documents its benefit coverage policies in written coverage standards. The benefit coverage policies must be written into rule to have the force of rule.

# 8.018 EMERGENCY MEDICAL TRANSPORTATION

## 8.018.1. DEFINITIONS

Advanced Life Support (ALS) means special services designed to provide definitive medical care en route from the client's pickup point to the medical facility or during inter-facility transfers and until responsibility for medical care is assumed by the staff of the receiving medical facility.

Air Ambulance means a helicopter or airplane designed and used to provide transportation for the ill and injured, and to provide personnel, facilities, and equipment to treat clients before and during transportation.

Ambulance means any publicly or privately owned vehicle that is specially designed, constructed, modified or equipped to be used, maintained and operated on streets or highways to transport clients to a hospital or other treatment facility in cases of accident, trauma or severe illness.

Basic Life Support (BLS) means transportation by an ambulance vehicle and medically necessary supplies and services to include cardiopulmonary resuscitation as required to maintain life during transport from the client's pickup point to the provider's facility or during an inter-facility transfer, without cardiac/hemodynamic monitoring or other invasive techniques.

Critical Care Transport means ambulance transportation during which a client receives specialized care for conditions that are life-threatening and who require comprehensive care and constant monitoring from a stabilizing hospital to a hospital with full capabilities for the client's case.

Emergency Medical Technician-Basic (EMT-Basic) means an individual who has a current and valid EMT-Basic certificate issued by the Colorado Department of Public Health and Environment and who is authorized to provide basic emergency medical care in accordance with the rules pertaining to EMS practice and Medical Director oversight.

Emergency Medical Transportation means ambulance transportation during which a client receives needed emergency medical services en route to an appropriate medical facility.

Ground Ambulance means a ground vehicle, including a water ambulance, designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat clients before and during transportation.

Non-Emergency Medical Transportation (NEMT) means transportation to or from medical treatment that is not emergency in nature under Section 8.014.1

## 8.018.2. CLIENT ELIGIBILITY

8.018.2.A. Emergency ambulance service is a benefit for all Colorado Medical Assistance Program clients who have a critical or unknown illness or injury that demands immediate medical attention to prevent permanent injury or loss of life.

## 8.018.3. PROVIDER ELIGIBILITY

8.018.3.A. Ambulances providing services to Medicaid clients must be licensed, operated, and equipped in accordance with federal and state regulations.

8.018.3.B. Ambulances must be operated by two Emergency Medical Technicians (EMTs). One technician must accompany the patient at all times.

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**8.018.4 COVERED SERVICES**

8.018.4.A. GROUND AMBULANCE

1. The following ground ambulance services are covered:

    a. Transportation to the closest, most appropriate facility.

    b. Basic or advanced life support that is required during transport.

    c. Critical Care Transportation- facility to facility transport requiring medical care above that offered via non-emergency medical transportation.

8.018.4.A. AIR AMBULANCE

1. When the point of pick up is inaccessible by a land vehicle or remoteness or other obstacles prohibit transporting the client by land to the nearest appropriate medical facility, the following air ambulance services are covered:

    a. Basic or advanced life support that is required during transport.

    b. Critical Care Transport- when medically necessary to reach the closest, most appropriate facility.

**8.018.5. LIMITATIONS**

8.018.5.A. The following services are not reimbursable:

1. Waiting time, cancellations or unapproved additional passengers.

2. Response calls to emergency locations when no transportation is needed or approved.

3. Charges when client is not in the vehicle.

4. Non-benefit services provided at the scene when transportation is not necessary.

5. Transportation which is covered by another entity

6. Transportation to local treatment programs not enrolled in Colorado Medical Assistance Program.

7. Transportation of a client who has been pronounced deceased at the time that the ambulance arrives.

8. Pick up or delivery of prescriptions and/or supplies.

9. Transportation arranged for a client's convenience when there is no reasonable risk of permanent injury or loss of life.

10. Transportation to non-emergency medical appointments.

**8.018.6 PRIOR AUTHORIZATION**

8.018.6.A. Prior Authorization is not required for ground and air ambulance in emergency situations or for hospital to hospital transport including critical care transport.

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