

# MAINE STATE LEGISLATURE

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L D 526

Date 6/14/23 MINORITY

(Filing No H-529)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "B" to HP 331, L D 526, "An Act to Provide Funding to Emergency Medical Services Organizations"

Amend the bill by inserting after the title and before the enacting clause the following

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies, and

**Whereas,** the 130th Legislature enacted Public Law 2021, chapter 749, which established the Blue Ribbon Commission To Study Emergency Medical Services in the State, which was directed to examine and make recommendations on the structure, support and delivery of emergency medical services in the State, and

**Whereas,** that commission determined that emergency medical services reimbursements are not keeping pace with the cost of providing services, that current subsidies are increasingly insufficient to fund the gap between those figures and that there is a need for \$70 million in funding per year for the next 5 years to support transporting emergency medical services in the State, and

**Whereas,** that commission recommended initially allocating \$25 million of that \$70 million to specifically target transporting emergency medical services at immediate risk of failing and leaving their service area without adequate access to emergency medical services and allocating \$6 million of that \$70 million to specifically target nontransporting emergency medical services at immediate risk of failing and leaving their service area without adequate access to emergency medical services, and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety, now, therefore,

Amend the bill by striking out everything after the enacting clause and inserting the following

**Sec. 1. 32 MRSA §98** is enacted to read

**COMMITTEE AMENDMENT**

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**§98. Emergency Medical Services Stabilization Program**

The Emergency Medical Services Stabilization Program, referred to in this section as "the program," is established within the department, to be administered by Maine Emergency Medical Services in consultation with the board, to ensure that all residents of the State continue to have access to high-quality, out-of-hospital clinical care provided by the emergency medical services system by providing financial assistance to emergency medical services entities based in the State facing immediate risk of failure

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings

A "Community" means a municipality, group of municipalities or other area of the State served by an emergency medical services entity

B "Emergency medical services entity" means a nonprofit or for-profit ambulance service or nontransporting emergency medical service

C "Historical activations" means the number of times an emergency medical services entity was dispatched by the E-9-1-1 system within a defined period of time.

D "Rurality" means a community's score established by the United States Department of Agriculture that indicates the rural nature of the community

**2. Purpose and use of funding.** The purpose of the program is to provide financial assistance, in accordance with subsection 4, to emergency medical services entities at immediate risk of failing and leaving their communities without access to adequate emergency medical services

**3. Stabilization fund established.** The Emergency Medical Services Stabilization Fund is established as a nonlapsing fund within the Department of Health and Human Services, to be administered by the Department of Health and Human Services in consultation with Maine Emergency Medical Services. This fund receives all funds appropriated, allocated or otherwise deposited in the fund for the purposes of subsection 4 and must be distributed by the Department of Health and Human Services in accordance with subsection 4 to provide financial assistance to emergency medical services entities at immediate risk of failing and leaving their communities without access to adequate emergency medical services

**4. Emergency funding requirements.** This subsection provides requirements for financial assistance to emergency medical services entities at immediate risk of failing and leaving their communities without access to adequate emergency medical services. Financial assistance under this subsection must be provided through the fund established under subsection 3.

A Funds available under this subsection must be distributed as follows

(1) An amount not to exceed \$10,000,000 in the aggregate may be distributed to emergency medical services entities that are nonprofit or for-profit ambulance services licensed under this chapter and that meet all applicable requirements under this subsection, and

(2) An amount not to exceed \$2,000,000 in the aggregate may be distributed to emergency medical services entities that are nonprofit or for-profit nontransporting

1 emergency medical services licensed under this chapter and that meet all applicable  
2 requirements under this subsection.

3 B Using a form developed and made available by the board, an emergency medical  
4 services entity applying for funding under this subsection must demonstrate that the  
5 entity

6 (1) Is at immediate risk of failing and leaving its community without access to  
7 adequate emergency medical services due to employee recruitment or retention  
8 issues or an inability to finance daily operations. The entity must submit a financial  
9 statement covering its most recent fiscal year.

10 (2) Provided ambulance services or nontransporting emergency medical services  
11 to its community during the prior calendar year,

12 (3) Is providing and intends to continue to provide ambulance services or  
13 nontransporting emergency medical services to its community, and

14 (4) In the case of an applicant that is an ambulance service only, is participating in  
15 the MaineCare program and maintains an electronic funds transfer account with  
16 the Department of Health and Human Services

17 C As a condition of receiving funding under this subsection, an emergency medical  
18 services entity meeting the requirements of paragraph B must enter into an agreement  
19 with Maine Emergency Medical Services requiring the entity to

20 (1) Use all funding received to support only those activities as specified by the  
21 board in the application, which must include, but are not limited to

22 (a) Supplementing wages, benefits, stipends and incentives for emergency  
23 medical services persons,

24 (b) Supporting training directly related to the provision of clinical care,  
25 leadership or management of emergency medical services,

26 (c) Supplementing wages, benefits, stipends and incentives for administrative  
27 support staff,

28 (d) Implementation of programming directly related to a strategic plan for the  
29 emergency medical services system developed by the board, and

30 (e) Investment in capital expenditures not to exceed \$50,000 in the aggregate,

31 (2) Submit a report to the board no later than December 31st of the year in which  
32 the entity receives the funding identifying how the funding was expended, and

33 (3) If the board determines, based on the report, that the funding was used to  
34 support activities not identified in the application as authorized expenditures, repay  
35 all such unauthorized expenditures for redistribution in accordance with this  
36 subsection

37 (a) For the purposes of this subparagraph, a funding expenditure by an entity  
38 is deemed to be unauthorized and subject to repayment if the board determines  
39 the expenditure was used to supplant the entity's existing emergency medical  
40 services funding sources, except for funding sources originating from in-kind  
41 donations, fund-raisers or volunteer labor

1                   **(b) To the extent permissible under applicable federal laws and regulations**  
2                   **and state laws and rules, the Department of Health and Human Services may**  
3                   **withhold future payments or reimbursements under the MaineCare program**  
4                   **that are due to an entity that is an ambulance service and that is required to**  
5                   **repay unauthorized expenditures under this subparagraph until such**  
6                   **unauthorized expenditures are repaid in full.**

7                   **D The board shall establish an allocation algorithm for maximum and minimum**  
8                   **funding distributions to emergency medical services entities under this subsection**  
9                   **based on the rurality of a community and historical activations for emergency medical**  
10                   **services.**

11                   **E For each emergency medical services entity that applies for and is determined to**  
12                   **meet the applicable requirements of paragraph B and that enters into an agreement with**  
13                   **Maine Emergency Medical Services pursuant to paragraph C, the board shall determine**  
14                   **the amount of funding to be distributed to the entity using the algorithm adopted**  
15                   **pursuant to paragraph D Maine Emergency Medical Services shall provide to the**  
16                   **Department of Health and Human Services a copy of the agreement and specify the**  
17                   **amount of funding to be distributed to the emergency medical services entity based on**  
18                   **the board's determination.**

19                   **(1) In the case of an emergency medical services entity that is an ambulance**  
20                   **service, or is a nontransporting emergency medical service that maintains an**  
21                   **electronic funds transfer account with the Department of Health and Human**  
22                   **Services, upon receipt of the agreement and the specified funding amount, the**  
23                   **Department of Health and Human Services shall withdraw that funding amount**  
24                   **from the fund established in subsection 3 and deposit it into the entity's electronic**  
25                   **funds transfer account.**

26                   **(2) In the case of an emergency medical services entity that is a nontransporting**  
27                   **emergency medical service that does not maintain an electronic funds transfer**  
28                   **account with the Department of Health and Human Services, upon receipt of the**  
29                   **agreement and the specified funding amount, the Department of Health and Human**  
30                   **Services shall provide the funding amount from the fund established in subsection**  
31                   **3 to the entity in a manner determined by the Department of Health and Human**  
32                   **Services in consultation with Maine Emergency Medical Services.**

33                   **F The board may establish reasonable deadlines by which an emergency medical**  
34                   **services entity seeking funding under this subsection must enter into an agreement**  
35                   **pursuant to paragraph C.**

36                   **Sec. 2. Appropriations and allocations.** The following appropriations and  
37                   allocations are made

38                   **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

39                   **Emergency Medical Services Stabilization Fund N465**

40                   Initiative Provides a one-time appropriation to the Emergency Medical Services  
41                   Stabilization Fund established under the Maine Revised Statutes, Title 32, section 98,  
42                   subsection 3 to provide financial assistance in accordance with Title 32, section 98 to  
43                   emergency medical services entities at immediate risk of failing and leaving their  
44                   communities without access to adequate emergency medical services

COMMITTEE AMENDMENT "B" to HP 331, L D 526

1	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
2	All Other	\$12,000,000	\$0
3			
4	<b>GENERAL FUND TOTAL</b>	<u>\$12,000,000</u>	<u>\$0</u>
5			

6 Amend the bill by adding before the summary the following

7 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
8 takes effect when approved

9 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
10 number to read consecutively

11 **SUMMARY**

12 This amendment, which is the minority report of the committee, replaces the bill. It  
13 adds an emergency preamble and emergency clause and establishes the Emergency  
14 Medical Services Stabilization Program within the Department of Public Safety, to be  
15 administered by Maine Emergency Medical Services in consultation with the Emergency  
16 Medical Services' Board

17 Under this program, financial assistance of up to \$12,000,000, through a one-time  
18 General Fund appropriation, may be provided to emergency medical services entities at  
19 immediate risk of failing and leaving their communities without access to adequate  
20 emergency medical services

21 **FISCAL NOTE REQUIRED**

22 (See attached)



# 131st MAINE LEGISLATURE

LD 526

LR 932(03)

## An Act to Provide Funding to Emergency Medical Services Organizations

Fiscal Note for Bill as Amended by Committee Amendment 'B' (H-529)  
Committee: Criminal Justice and Public Safety  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Net Cost (Savings)</b>				
General Fund	\$12,000,000	\$0	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$12,000,000	\$0	\$0	\$0

#### Fiscal Detail and Notes

The bill includes a one-time General Fund appropriation of \$12,000,000 in fiscal year 2023-24 to the Department of Health and Human Services to provide financial assistance to emergency medical services entities at immediate risk of failing and leaving their communities without access to adequate emergency medical services

Additional costs to the Department of Public Safety associated with administering the program can be absorbed within existing budgeted resources