

# State of Wisconsin



2021 Assembly Bill 874

Date of enactment: April 8, 2022  
Date of publication\*: April 9, 2022

## 2021 WISCONSIN ACT 228

AN ACT to create 25.17 (1) (aj), 25.776, 49.45 (3) (em), 49.45 (15r) and 256.23 of the statutes; relating to: emergency medical transportation services under Medical Assistance program.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 25.17 (1) (aj) of the statutes is created to read:

25.17 (1) (aj) Ambulance service provider trust fund (s. 25.776);

**SECTION 2.** 25.776 of the statutes is created to read:  
**25.776 Ambulance service provider trust fund.**

There is created a separate nonlapsible trust fund designated as the ambulance service provider trust fund, consisting of all moneys received from fees from ambulance service providers under s. 256.23 (2).

**SECTION 3.** 49.45 (3) (em) of the statutes is created to read:

49.45 (3) (em) The department shall expend moneys collected under s. 256.23 (2) to supplement reimbursement for eligible ambulance service providers, as defined in s. 256.23 (1) (a), for services provided under the Medical Assistance program under this subchapter, including services reimbursed on a fee-for-service basis and provided under managed care, by eligible ambulance service providers. Health plans shall be indemnified and held harmless for any errors made by the department or its agents in calculation of any supplemental reimbursement made under this paragraph.

**SECTION 4.** 49.45 (15r) of the statutes is created to read:

49.45 (15r) EMERGENCY MEDICAL TRANSPORTATION REIMBURSEMENT. The department shall submit a state plan amendment to the federal department of health and human services to allow payment of supplemental reimbursements under the Medical Assistance program under this subchapter to public ambulance service providers, as defined in s. 256.01 (3), for ground emergency medical transportation through certified public expenditures. For purposes of this subsection, any ambulance service provider that is owned by any municipality or group of municipalities, regardless of whether or not the ambulance service provider is organized as a nonprofit corporation, is considered a public ambulance service provider. If the state plan amendment under this subsection is approved, the department shall pay to an ambulance service provider that complies with a certified public expenditure arrangement, as established by the department, a supplemental reimbursement equal to the amount of federal financial participation for ground emergency medical transportation services in accordance with state and federal law and regulations, except that the total reimbursement under the Medical Assistance program for the transportation may not exceed the actual cost to the ambulance service provider of providing the transportation. If the federal department of health and human services disapproves the state plan amendment, the department may not pay the supplement under this subsection.

**SECTION 5.** 256.23 of the statutes is created to read:

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**256.23 Ambulance service provider fee. (1)** In this section:

(a) “Eligible ambulance service provider” means any privately owned ambulance service provider. “Eligible ambulance service provider” does not include any ambulance service provider that is owned by any municipality or group of municipalities regardless of whether or not the ambulance service provider is organized as a non-profit corporation.

(b) “Emergency ambulance transport” means all of the following:

1. Each ground emergency ambulance transport that requires the delivery of life support services, including basic life support or advanced life support, by an emergency medical responder or emergency medical services practitioner at any practice level.

2. Any other ambulance transport that is designated by the department to be subject to the fee under sub. (2).

(2) For the privilege of doing business in this state, there is imposed on each eligible ambulance service provider a fee that is equal to a uniform percentage, as determined under sub. (3), of the eligible ambulance service provider’s net patient revenues from emergency ambulance transports. Except as provided in sub. (4), each eligible ambulance service provider shall pay the fee under this subsection in a manner determined by the department acting in collaboration with the Professional Ambulance Association of Wisconsin, or its successor organization, no more frequently than quarterly. An eligible ambulance service provider cannot increase rates it charges for its services because of the imposition of the fee under this subsection.

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(3) The department shall establish the uniform percentage of the eligible ambulance service provider’s net patient revenues so that the total amount of fees collected from an eligible ambulance service provider under sub. (2) in a state fiscal year is an amount not less than one quarter of 1 percent lower than the maximum limit for a provider fee under 42 CFR 433.68 (f) but does not exceed the maximum limit.

(4) The department may allow an eligible ambulance service provider that is unable to make a payment of the fee by the date specified under sub. (2) to make a delayed payment.

(5) In accordance with s. 20.940, the department shall submit to the federal department of health and human services a request for any state plan amendment, waiver or other approval that is required to implement this section and s. 49.45 (3) (em). If federal approval is required, the department may not implement the collection of the fee under sub. (2) until it receives approval from the federal government to obtain federal matching funds.

**SECTION 6. Nonstatutory provisions.**

(1) BUDGET REQUEST; ADMINISTRATIVE COSTS. The department of health services shall include in its 2023–25 biennial budget request an appropriation to expend the moneys in the ambulance service provider trust fund for the purposes under s. 49.45 (3) (em), including any request to expend the ambulance service provider trust fund moneys for the department’s costs in administering s. 256.23. Before the passage of the 2023–25 biennial budget act, the department of health services may submit to the joint committee on finance a request to supplement one of the department’s appropriation for the purposes of paying administrative costs of s. 256.23.