

Title of Rule: Revision to the Medical Assistance Benefits Rule Concerning Emergency Medical Transportation, Section 8.018  
Rule Number: MSB 19-04-19-B  
Division / Contact / Phone: Health Programs Office / Russ Zigler / 303-866-5927 / Ryan Dwyer / 303-866-3782

## 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 proposed revisions to this rule (1) incorporate existing Emergency Medical Transportation (EMT) provider eligibility and responsibility requirements, (2) change terminology of Critical Care Transportation to Specialty Care Transportation, and (3) add and align applicable definitions for clarification.

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:

42 CFR §§ 431.53, 440.170(a) (2019)

4. State Authority for the Rule:

25.5-1-301 through 25.5-1-303, C.R.S. (2018);  
25.5-5-202(2), C.R.S. (2018)

Initial Review  
Proposed Effective Date

**9/13/19**  
**11/30/19**

Final Adoption  
Emergency Adoption

**10/11/19**

**DOCUMENT #01**

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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.

Providers of EMT and Colorado Medicaid clients who utilize EMT will benefit from this rule revision, as it updates and adds clarity to the existing rule. There is no anticipated cost to members or providers associated with this rule revision.

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

Many of the updates included in this rule revision incorporate existing practices and requirements. All of the updates being made to the rule are meant to add clarity and predictability for both providers and clients.

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.

There are no anticipated costs associated with these rule updates.

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

The proposed rule has no anticipated costs and the anticipated benefit is added clarity for both providers and clients. The cost of inaction is that the rule will continue to be outdated.

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

There are no less costly methods of achieving the purpose of the proposed rule.

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.

There are no alternative methods for achieving the purpose of the proposed rule, which is to bring the rule up to date.

1 **8.018 EMERGENCY MEDICAL TRANSPORTATION**

2 **8.018.1. DEFINITIONS**

3 ~~8.018.1.A. \_\_\_\_\_ Advanced Life Support (ALS) means special services designed to provide definitive~~  
 4 ~~medical care en route from the client's pickup point to the medical facility or during inter-facility~~  
 5 ~~transfers and until responsibility for medical care is assumed by the staff of the receiving medical~~  
 6 ~~facility.~~

7 ~~Air Ambulance means a Fixed-Wing or Rotor-Wing Air Ambulance equipped with medically necessary~~  
 8 ~~supplies to provide Emergency Medical Transportation. helicopter or airplane designed and used~~  
 9 ~~to provide transportation for the ill and injured, and to provide personnel, facilities, and equipment~~  
 10 ~~to treat clients before and during transportation.~~

11 ~~8.018.1.B. \_\_\_\_\_ Ambulance means any publicly or privately owned vehicle that is specially designed,~~  
 12 ~~constructed, modified or equipped to be used, maintained and operated on streets or highways to~~  
 13 ~~transport clients to a hospital or other treatment facility in cases of accident, trauma or severe~~  
 14 ~~illness.~~

15 ~~Basic Life Support (BLS) means transportation by an ambulance vehicle and medically necessary~~  
 16 ~~supplies and services to include cardiopulmonary resuscitation as required to maintain life during~~  
 17 ~~transport from the client's pickup point to the provider's facility or during an inter-facility transfer,~~  
 18 ~~without cardiac/hemodynamic monitoring or other invasive techniques. Client means a person~~  
 19 ~~enrolled in the Medical Assistance Program.~~

20 ~~8.018.1.C. \_\_\_\_\_ **Emergency Medical Services (EMS) Provider** means an individual who has a current and~~  
 21 ~~valid emergency medical service provider certificate issued by the Department of Public Health~~  
 22 ~~and Environment (CDPHE) and includes Emergency Medical Technician (EMT), Advanced~~  
 23 ~~Emergency Medical Technician (AEMT), Emergency Medical Technician Intermediate (EMT-I),~~  
 24 ~~and Paramedic, in accordance with the Rules Pertaining to EMS Practice and Medical Director~~  
 25 ~~Oversight at 6 CCR 1015-3, Chapter Two. **Critical Care Transport** means ambulance~~  
 26 ~~transportation during which a client receives specialized care for conditions that are life-~~  
 27 ~~threatening and who require comprehensive care and constant monitoring from a stabilizing~~  
 28 ~~hospital to a hospital with full capabilities for the client's case.~~

29  
 30 ~~8.018.1.D. \_\_\_\_\_ **Emergency Medical Technician-Basic (EMT-Basic)** means an individual who has a~~  
 31 ~~current and valid EMT-Basic certificate issued by ~~CDPHE~~the Colorado Department of Public~~  
 32 ~~Health and Environment and who is authorized to provide basic emergency medical care in~~  
 33 ~~accordance with the ~~r~~Rules ~~p~~Pertaining to EMS ~~p~~Practice and Medical Director ~~e~~Oversight ~~at~~ 6~~  
 34 ~~CCR 1015-3, Chapter Two. -~~

35 ~~8.018.1.E. \_\_\_\_\_ **Emergency Medical Transportation** means ~~Ground a~~Ambulance ~~or Air Ambulance~~~~  
 36 ~~transportation during which ~~a~~Clients who are ill, injured, or otherwise mentally or physically~~  
 37 ~~incapacitated receives needed emergency medical services en route to an appropriate medical~~  
 38 ~~facility.~~

- 1 8.018.1.F. Facility means a general hospital, hospital unit, psychiatric hospital, rehabilitation  
2 hospital, Acute Treatment Unit (ATU), or Crisis Stabilization Unit (CSU).
- 3 8.018.1.G. Fixed-Wing Air Ambulance means a fixed-wing aircraft that is certified as a Fixed-Wing  
4 Air Ambulance by the Federal Aviation Administration.
- 5 8.018.1.H. Ground Ambulance means a ground vehicle, including a water ambulance, equipped with  
6 medically necessary supplies to provide Emergency Medical Transportation designed and used to  
7 transport the ill and injured and to provide personnel, facilities, and equipment to treat clients  
8 before and during transportation.
- 9 8.018.1.I. Interfacility Transportation means transportation of a Client from one Facility to another  
10 Facility.
- 11 8.018.1.J. Life-Sustaining Supplies means oxygen and oxygen supplies required for life-sustaining  
12 treatment during transport via ambulance.
- 13 8.018.1.K. Mileage means the number of miles the Client is transported in the ambulance.
- 14 8.018.1.L.
- 15 Non-Emergent Medical Transportation (NEMT) means transportation to or from medically necessary non-  
16 emergency treatment that is covered by the Colorado Medical Assistance Program under  
17 Section 8.014. Non-emergency care may be scheduled or unscheduled. This may include urgent  
18 care transportation and hospital discharge transportation.
- 19 8.018.1.M. Paramedic means an individual who has a current and valid Paramedic certificate issued  
20 by CDPHE and who is authorized to provide acts of advanced emergency medical care in  
21 accordance with the Rules Pertaining to EMS Practice and Medical Director Oversight at 6 CCR  
22 1015-3, Chapter Two. For the purposes of these rules, Paramedic includes the historic  
23 Emergency Medical Service Provider level of EMT-Paramedic (EMT-P).
- 24 8.018.1.N. Paramedic with Critical Care Endorsement means an individual who has a current and  
25 valid Paramedic certificate issued by CDPHE and who has met the requirements in CDPHE rule  
26 to obtain a critical care endorsement from CDPHE and is authorized to provide acts in  
27 accordance with the Rules Pertaining to EMS Practice and Medical Director Oversight relating to  
28 critical care, as set forth in C.R.S. § 25-3.5-206.
- 29 8.018.1.O. Rotor-Wing Air Ambulance means a helicopter that is certified as an ambulance by the  
30 Federal Aviation Administration.
- 31 8.018.1.P. Specialty Care Transport (SCT) means interfacility Ground Ambulance transportation of a  
32 critically injured or ill Client from a stabilizing hospital to a hospital with full capabilities to treat the  
33 Client's case. SCT is necessary when a Client's condition requires ongoing care during transport  
34 at a level of service beyond the scope of the EMT, that must be furnished by one or more health  
35 professionals in an appropriate specialty area including, but not limited to, nursing, emergency  
36 medicine, respiratory care, cardiovascular care, or a Paramedic with Critical Care

~~Endorsement. 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 ~~Medical Transportation ambulance service~~ is a benefit for all Colorado Medical Assistance Program ~~Celients who are ill, injured, or otherwise mentally or physically incapacitated and in need of 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. ~~Providers must enroll with the Colorado Medical Assistance Program as an Emergency Medical Transportation provider to be eligible for reimbursement. Enrolled Emergency Medical Transportation providers must:~~

- ~~1. Meet all provider screening requirements in Section 8.125.~~
- ~~2. Comply with commercial liability insurance requirements.~~
- ~~3. Maintain and comply with the appropriate licensure:
  - ~~a. Ground Ambulance license as required by CDPHE statute at C.R.S. § 25-3.5-301 and 6 CCR 1015-3, Chapter Four.~~
  - ~~b. Air Ambulance license as required by CDPHE statute at C.R.S. § 25-3.5-307 and 6 CCR 1015-3, Chapter Five.~~~~
- ~~4. License, operate, and equip Ground and Air Ambulances in accordance with federal and state regulations.~~

~~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.~~

**8.018.4. COVERED SERVICES**

8.018.4.A. ~~Emergency Medical Transportation is a covered service when medically necessary, as defined in Section 8.076.1.8., and in accordance with this Section 8.018.4.~~

8.018.4.AB. Ground Ambulance

1. The following ~~g~~Ground ~~a~~Ambulance Emergency Medical Transportation services are covered:
  - a. Transportation to the closest, most appropriate Ffacility.



vii. Intraosseous line.

c. Critical-Specialty Care Transportation- when medically necessary to reach the closest, most appropriate Facility. facility to facility transport requiring medical care above that offered via non-emergency medical transportation.

d. Department-approved supplies used during Emergency Medical Transportation, including Life-Sustaining Supplies, are separately reimbursable when medically necessary.

8.018.4.CA. Air Ambulance

1. Air Ambulance Emergency Medical Transportation services are covered when: 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. They meet the criteria at Section 8.018.4.B.1.a.-b.; and Basic or advanced life support that is required during transport.

b. The point of pick up is inaccessible by a Ground Ambulance, or great distances or other obstacles prohibit transporting the Client by land to the nearest appropriate medical Facility. Critical Care Transport- when medically necessary to reach the closest, most appropriate facility.

8.018.4.D. Interfacility Transportation

1. Interfacility Transportation is covered when:

a. The Client requires a transfer from one Facility to another; and

b. The Client requires ALS or BLS services.

2. Interfacility Transportation can be provided via Ground or Air Ambulance.

**8.018.5. NON-COVERED SERVICES AND GENERAL LIMITATIONS**

8.018.5.A. The following services are not covered or reimbursable to Emergency Medical Transportation providers as part of an Emergency Medical Transportation service:

1. Waiting time and; cancellations.

2. , or Transportation of unapproved additional passengers.

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

4. Charges when the Client is not in the vehicle.

1 54. Non-benefit services (e.g., first aid) provided at the scene when transportation is not  
2 necessary.

3 65. Transportation which is covered by another entity.

4 76. Transportation to local treatment programs not enrolled in Colorado Medical Assistance  
5 Program.

6 87. Transportation of a Client who is deceased prior to transport~~has been pronounced~~  
7 ~~deceased at the time that the ambulance arrives.~~

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

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

11 110. Transportation to non-emergency medical appointments or services. See Section 8.014  
12 for NEMT services.

13 **8.018.6.** **PRIOR AUTHORIZATION**

14 8.018.6.A. Prior Authorization is not required for Emergency Medical Transportation~~ground and air~~  
15 ~~ambulance in emergency situations or for hospital to hospital transport including critical care~~  
16 ~~transport.~~

17