

ADDITIONAL NOTICE OF AGENCY ACTION

SUBJECT: MassHealth Ground Ambulance Medicare Crossover Claims

AGENCY: Massachusetts Executive Office of Health and Human Services

The Massachusetts Executive Office of Health and Human Services (EOHHS) intends to amend its Medicaid State Plan in the first quarter of calendar year 2024 to amend its coverage of Medicare-MassHealth crossover claims for ground ambulance services.

From January 2002 onward, EOHHS has limited payment of Medicare-MassHealth crossover claims to MassHealth's maximum allowable amount less any Medicare payment, or the coinsurance and deductible amount, whichever is less. This is in accordance with the Balanced Budget Act of 1997, as well as MassHealth's third-party-liability regulations at 130 CMR 450.318, which give EOHHS the authority to limit payment of Medicare-MassHealth crossover claims.

Effective January 1, 2024, and consistent with Chapter 54 of the Acts of 2023, this policy changed with respect to Medicare-MassHealth crossover claims for ground ambulance services. Subject to federal approval, all Medicare-MassHealth crossover claims for ground ambulance transportation provided to MassHealth members who are also Medicare eligible will be paid at the applicable Medicare rate. This rate will be the MassHealth agency's established rate for crossover payments for ground ambulance service under 130 CMR 450.318(D)(3). This means EOHHS will cover coinsurance and deductible amounts on Medicare-MassHealth crossover claims for ground ambulance service, unless they are not otherwise payable (for example, if the member has an additional insurer that is otherwise responsible for these amounts).

The earlier policy for all other services remains in place for MassHealth; EOHHS limits payment of all other Medicare-MassHealth crossover claims to MassHealth's maximum allowable amount less any Medicare payment, or the coinsurance and deductible amount, whichever is less.

The expected fiscal impact of this change for fee-for-service ground ambulance service is \$13.5 million annually. This change is being made to ensure compliance with state law and enhance access for MassHealth members.

Individuals may submit written comments by emailing ehs-regulations@state.ma.us by February 15, 2024. Please submit electronic comments as an attached Word document or as text within the body of the email, with "MassHealth Ground Ambulance Medicare Crossover Claims" in the subject line. All submissions must include the sender's full name and address. Individuals unable to submit comments by email should mail written comments to EOHHS, c/o D. Briggs, 100 Hancock St., 6th Fl., Quincy, MA 02171. Copies of the proposed changes will be available at EOHHS or at <https://www.mass.gov/service-details/executive-office-of-health-and-human-services-public-notice>.

Posted: February 2, 2024 (earlier notice posted December 22, 2023)