

**House File 2009 - Introduced**

HOUSE FILE 2009  
BY BRECKENRIDGE

**A BILL FOR**

1 An Act relating to reimbursement for services provided in an  
2 emergency department to Medicaid members.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. MEDICAID — REIMBURSEMENT FOR EMERGENCY  
2 DEPARTMENT SERVICES.

3 1. Reimbursement provided under both Medicaid  
4 fee-for-service and managed care administration for services  
5 delivered in an emergency department shall comply with all of  
6 the following:

7 a. Reimbursement shall be based on the services provided as  
8 indicated by the patient's presenting symptoms and not solely  
9 on the patient's eventual or final diagnosis.

10 b. Reimbursement shall reflect the prudent layperson  
11 standard relative to the definition of an emergency medical  
12 condition pursuant to 24 C.F.R. §2590.715-2719A(b)(4)(i).

13 c. Reimbursement shall not be denied, including  
14 retroactively denied, restricted, or down-coded based on a  
15 policy of selective emergency services coverage. For the  
16 purposes of this subsection, "policy of selective emergency  
17 services coverage" means any practice making reimbursement for  
18 emergency services dependent upon a determination of whether  
19 an injury, symptom, complaint, or other presenting condition  
20 strictly constitutes an emergency medical condition.

21 2. The department of human services shall adopt rules  
22 pursuant to chapter 17A to administer this section. Any  
23 contract the department enters into with a managed care  
24 organization shall require the managed care organization to  
25 comply with this section and the rules adopted under this  
26 section.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with  
29 the explanation's substance by the members of the general assembly.

30 This bill relates to reimbursement of services delivered  
31 in an emergency department under the Medicaid program. The  
32 bill requires that reimbursement provided under both Medicaid  
33 fee-for-service and managed care administration for services  
34 delivered in an emergency department shall comply with all of  
35 the following:

1 1. Be based on the services provided as indicated by the  
2 patient's presenting symptoms and not on the patient's eventual  
3 or final diagnosis.

4 2. Reflect the prudent layperson standard relative to the  
5 definition of an emergency medical condition under federal  
6 law which provides that an emergency medical condition means  
7 a medical condition manifesting itself by acute symptoms of  
8 sufficient severity (including severe pain) so that a prudent  
9 layperson, who possesses an average knowledge of health and  
10 medicine, could reasonably expect the absence of immediate  
11 medical attention to result in placing the health of an  
12 individual (or, with respect to a pregnant woman, the health  
13 of the woman or her unborn child) in serious jeopardy; serious  
14 impairment to bodily functions; or serious dysfunction of any  
15 bodily organ or part.

16 3. Shall not be denied including retroactively denied,  
17 restricted, reduced, or down-coded based on a "policy of  
18 selective emergency services coverage" which means any practice  
19 of making reimbursement for emergency services dependent upon  
20 a determination of whether an injury, symptom, complaint, or  
21 other presenting condition strictly constitutes an emergency  
22 medical condition.

23 The bill requires the department of human services to  
24 adopt administrative rules and provides that any contract the  
25 department enters into with a managed care organization shall  
26 require the managed care organization to comply with the bill  
27 and the rules adopted under the bill.