

February 19, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1322

Introduced by

Representative Weisz

Senator Roers

1 A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century  
2 Code, relating to ambulance service provider reimbursement; to amend and reenact section  
3 23-27-04.8 of the North Dakota Century Code, relating to emergency medical services  
4 communication; to provide for a legislative management study; and to provide an appropriation.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 23-27-04.8 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **23-27-04.8. Emergency medical services operation communications.**

9 The department shall use pagers or third-party vendors and cell phones as a  
10 communication method and may regulate the ~~communications methods and~~ protocols for  
11 emergency medical services operations in a manner consistent with the protocols established  
12 by the department of emergency services.

13 **SECTION 2.** A new chapter to title 23 of the North Dakota Century Code is created and  
14 enacted as follows:

15 **Definitions.**

- 16 1. "Ambulance service provider" means a service entity licensed under chapter 23-27 as  
17 a basic life support or advanced life support ambulance service. The term does not  
18 include an air ambulance provider.
- 19 2. "Balance bill" means the amount an ambulance service provider may charge and  
20 collect from a covered individual for the provision of ambulance services, equaling the

- 1           difference between the amount paid by the health care insurer and the amount the  
2           ambulance service provider billed.
- 3        3. "Covered person" means an individual eligible to receive coverage of covered services  
4           by a health care insurer under a health benefit plan.
- 5        4. "Covered services" means medically necessary patient care or transportation provided  
6           by ambulance service providers.
- 7        5. "Health care insurer" means an entity subject to state insurance regulation that  
8           provides health benefit coverage in this state. The term includes:
- 9           a. An insurance company;  
10          b. A health maintenance organization;  
11          c. A hospital or medical service corporation; and  
12          d. A risk-based provider organization; and  
13          ~~e. A sponsor of a nonfederal, self-funded governmental plan.~~
- 14        6. "Medicare reimbursement rate" means the reimbursement rate for a particular health  
15           care service provided under the Health Insurance for the Aged and Disabled Act, title  
16           XVII of the federal Social Security Act of 1965 [42 U.S.C. 1395 et seq.], as amended.
- 17        **Direct payment required - Determination of reimbursement rate for out-of-network**  
18        **ambulance service providers.**
- 19        1. All reimbursements made by a health care insurer for the provision of ambulance  
20           services to a covered individual must be paid directly to the ambulance service  
21           provider or the provider's designee.
- 22        2. If a covered person receives ambulance services from an out-of-network ambulance  
23           service provider, the health care insurer shall pay the ambulance service provider the  
24           lesser of:
- 25           a. ~~Four hundred~~ Two hundred fifty percent of the Medicare reimbursement rate for  
26           the same service in the same geographic area; or
- 27           b. The ambulance provider's billed charges.
- 28        3. Any rate the health care insurer pays under this section may not be required to include  
29           the coinsurance, copayment, and deductible owed or already paid by the covered  
30           person.

1 ~~4. Payments made by the health care insurer must include notification to the ambulance~~  
2 ~~service provider disclosing whether the health care plan is subject to the exclusive~~  
3 ~~jurisdiction of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1001,~~  
4 ~~et seq.].~~

5 **Balance billing prohibited - Enforcement.**

- 6 1. An ambulance service provider may not collect or bill more than the covered  
7 individual's deductible, coinsurance, copayment, or other cost-sharing amount the  
8 covered individual would be responsible for if services were provided by a participating  
9 ambulance service provider.
- 10 2. The insurance commissioner may adopt rules to implement and enforce this section.

11 **SECTION 3. LEGISLATIVE MANAGEMENT STUDY - DELINQUENT BILLING**

12 **REIMBURSEMENT.** During the 2025-26 interim, the legislative management shall consider  
13 studying the feasibility and desirability of establishing a delinquent billing reimbursement grant  
14 system for ambulance service providers. The study must include input from stakeholders,  
15 including the insurance department, and a survey of ambulance service providers. The  
16 legislative management shall report its findings and recommendations, together with any  
17 legislation required to implement the recommendations, to the seventieth legislative assembly.

18 **SECTION 4. APPROPRIATION - LEGISLATIVE COUNCIL - DELINQUENT BILLING**

19 **REIMBURSEMENT - ONE-TIME FUNDING.** There is appropriated out of any moneys in the  
20 general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much  
21 of the sum as may be necessary, to the legislative council for the purpose of contracting for  
22 consulting services for the study provided for in section 3 of this Act, for the biennium beginning  
23 July 1, 2025, and ending June 30, 2027. The funding provided in this section is a one-time  
24 funding item.