## WEST VIRGINIA CODE: §33-25A-8Y

§33-25A-8y. Coverage of emergency medical services to triage and transport to alternative destination or treat in place.

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- (1) "911 call" means a communication indicating that an individual may need emergency medical services;
- (2) "Alternative destination" means a lower-acuity facility that provides medical services, including without limitation:
- (A) A federally-qualified health center;

(a) The following terms are defined:

- (B) An urgent care center;
- (C) A rural health clinic;
- (D) A physician office or medical clinic as selected by the patient; and
- (E) A behavioral or mental health care facility including, without limitation, a crisis stabilization unit.
- "Alternative destination" does not include a:
- (A) Critical access hospital;
- (B) Dialysis center;
- (C) Hospital;
- (D) Private residence; or
- (E) Skilled nursing facility;
- (3) "Emergency medical services agency" means any agency licensed under §16-4C-6a of this code to provide emergency medical services: *Provided*, That rotary and fixed wing air ambulances are specifically excluded from the definition of an emergency medical services agency;
- (4) "Medical command" means the issuing of orders by a physician from a medical facility to emergency medical services personnel for the purpose of providing appropriate patient care; and
- (5) "Telehealth services" means the use of synchronous or asynchronous telecommunications

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technology or audio-only telephone calls by a health care practitioner to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include e-mail messages or facsimile transmissions.

- (b) An insurer which issues or renews a health insurance policy on or after January 1, 2025, shall provide coverage for:
- (1) An emergency medical services agency to:
- (A) Treat an enrollee in place if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint;
- (B) Triage or triage and transport an enrollee to an alternative destination if the ambulance service is coordinating the care of the enrollee through telehealth services with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint; or
- (C) An encounter between an ambulance service and enrollee that results in no transport of the enrollee if:
- (i) The enrollee declines to be transported against medical advice; and
- (ii) The emergency medical services agency is coordinating the care of the enrollee through telehealth services or medical command with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint.
- (c) The coverage under this section:
- (1) Only includes emergency medical services transportation to the treatment location;
- (2) Is subject to the initiation of response, triage, and treatment as a result of a 911 call that is documented in the records of the emergency medical services agency;
- (3) Is subject to deductibles or copayment requirements of the policy, contract, or plan;
- (4) Does not diminish or limit benefits otherwise allowable under a health benefit plan, even if the billing claims for medical or behavioral health services overlap in time that is billed by the ambulance service also providing care; and
- (5) Does not include rotary or fixed wing air ambulance services.
- (d) The reimbursement rate for an emergency medical services agency that triages, treats, and transports a patient to an alternative destination, or triages, treats, and does not

transport a patient, if the patient declines to be transported against medical advice, if the ambulance service is coordinating the care of the enrollee through medical command or telemedicine with a physician for a medical-based complaint, or with a behavioral health specialist for a behavioral-based complaint under this section, shall be reimbursed at the same rate as if the patient were transported to an emergency room of a facility provider.

