

FIRST AMENDMENT TO BILLING SERVICES AGREEMENT

THIS FIRST AMENDMENT TO BILLING SERVICES AGREEMENT is entered into as of the last date below by and between **EMS MANAGEMENT & CONSULTANTS, INC.** ("EMS|MC") and **BRUNSWICK COUNTY**, ("Client").

RECITALS:

A. EMS|MC and Client are parties to a Billing Services Agreement effective November 1, 2018, (the "Original Agreement").

B. As a result of North Carolina Medicaid Managed Care ("NC-MMC") reimbursement changes implemented on July 1, 2021 in connection with North Carolina's Transformation to Medicaid Managed Care, the parties desire to amend the compensation paid by Client to EMS|MC for RCM Services provided with respect to NC-MMC claims.

AGREEMENT:

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained and other good and valuable considerations, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. RCM Fee. Beginning on the Amendment Effective Date, the RCM Fee, as defined in Section 5 of the Original Agreement, shall be amended to add the following: For any claims that EMS|MC submits to NC-MMC on behalf of Client, Client shall pay to EMS|MC \$11.50 per claim (the "NC-MCC Rate") and any reimbursement received by Client for such NC-MMC claims shall be excluded from the calculation of "Net Collections," as defined in the Original Agreement. The NC-MMC Rate and the number of NC-MMC claims submitted in the previous month shall be included on the monthly invoice submitted by EMS|MC to Client.
2. Amendment Effective Date. The "Amendment Effective Date" means the first day of the month in which Client executes this Amendment.
3. Confirmation. Except as otherwise expressly agreed to herein, EMS|MC and Client hereby ratify, confirm and adopt all of the terms and conditions of the Original Agreement.
4. Signatures. This First Amendment may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall be considered one and the same agreement. This First Amendment may also be executed electronically. By signing electronically, the parties indicate their intent to comply with the Electronic Commerce in Government Act (N.C.G.S § 66-358.1 et seq.) and the Uniform Electronic Transactions Act (N.C.G.S § 66-311 et seq.). Delivery of an executed counterpart of this First Amendment by either electronic means or by facsimile shall be as effective as a manually executed counterpart.

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be executed on the later of the dates set forth below.

EMS|MC:

CLIENT:

EMS Management & Consultants, Inc.

Brunswick County

By: Jay Gyure

By: _____

Print Name: Jay Gyure

Print Name: Randell Thompson

Title: Chief Financial Officer

Title: Chairman, Board of Commissioners

Date: 7/16/2021

Date: _____

ATTEST:

Clerk to the Board

[SEAL]

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act."

Julie A. Miller
Julie A. Miller, Director of Fiscal Operations
Brunswick County, NC

APPROVED AS TO FORM

Bryan W. Batton
Robert V. Shaver, Jr., County Attorney /
Bryan W. Batton, Asst. County Attorney
Brunswick County, NC