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U.S. House of Representatives

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July 30, 2019

The Honorable Elaine Chao
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Chao:

We are writing to urge you to promptly convene the Air Ambulance and Patient Billing (AAPB) Advisory Committee. Congress directed the Department of Transportation (DOT) to establish the AAPB Advisory Committee within 60 days of enactment of the FAA Reauthorization Act of 2018. It has now been 10 months since the President signed the FAA Reauthorization Act into law and eight months since this Congressionally mandated requirement should have been met.

The purpose of this requirement was to inform Congress on the critical and complex issue of air ambulance medical patient billing. Out-of-network air ambulance bills are leaving consumers exposed to high out-of-pocket bills. A 2019 Government Accountability Office (GAO) report found that just under 70 percent of the air ambulance transports conducted in 2017 for privately insured patients that GAO analyzed were out-of-network, a significantly higher rate than other emergency services.¹ Other research has indicated, for example, that in 2016, the national median charges for air ambulance services were 4.1 to 9.5 times what Medicare paid for the same services – a significantly higher median charge ratio than for ground ambulance or physician services.²

Last year, the DOT solicited nominations for Advisory Committee members, due by January 15, 2019. However, to date, members have not been appointed to the Advisory Committee, nor has the committee convened. Congress directed this committee to submit a report to the Secretary of DOT, Secretary of the Department of Health and Human Services, and the appropriate Congressional committees. The report was to include recommendations to protect consumers from balance billing for air ambulance services, requirements for the disclosure of

¹ <https://www.gao.gov/assets/700/697684.pdf>

² *Id.*

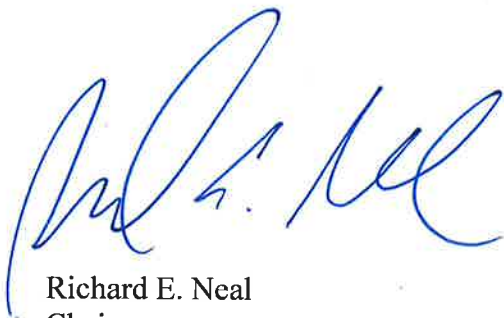
charges and fees for these services, and consumer protection and enforcement authorities of both the DOT and states. This information is critical as Congress considers appropriate steps to find the best solution to protect consumers from surprise bills. However, the committee has failed to convene, let alone produce a report. Additionally, Congress mandated the Secretary of DOT to submit a report to the appropriate committees of Congress on air ambulance oversight, which has also yet to be provided.

We are discouraged by the lack of urgency the DOT has demonstrated with respect to the AAPB Advisory Committee and the deadlines implemented in the FAA Reauthorization Act. We request, within 14 days, that you provide updated deadlines for the appointment of individuals to the task force, along with a timeline for convening the task force and providing recommendations and a final report. Additionally, we also request that any interim and final work products be provided to the Committee on Ways and Means.

In a July 2017 report, GAO recommended that the Secretary of DOT: “(1) communicate a method to receive air ambulance; including balance billing, complaints; (2) take steps to make complaint information publicly available; (3) assess available data and determine what information could assist in the evaluation of future complaints; and (4) consider air ambulance consumer disclosure requirements.”³ DOT concurred with three of these recommendations, but did not concur with the recommendation related to DOT’s assessment of available federal and industry data. We request that you provided the status of these recommendations. Additionally, please explain the reasoning and specific constraints that you believe would hinder the agency from fully concurring with the third OIG recommendation, including examples, where appropriate.

Thank you for your attention to this important matter. We look forward to the expeditious and thorough work of the Advisory Committee. Please contact Sarah Levin or Jen Zhu with the majority staff at (202) 225-3625 and Devin Gerzof or Carla DiBlasio with the minority staff at (202) 225-4021 with any additional questions.

Sincerely,



Richard E. Neal
Chairman
Committee on Ways and Means



Kevin Brady
Ranking Member
Committee on Ways and Means

³ <https://www.gao.gov/products/GAO-17-637>