

Congress of the United States

Washington, DC 20515

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Beccera:

We are writing to highlight the challenges facing air ambulance providers with the implementation of the No Surprises Act (NSA). Air ambulance providers treat and transport more than 400,000 critically ill and injured patients across the nation each year and we are concerned for patient access to these life-saving services. The NSA as drafted even included a section for air ambulance services, recognizing the unique nature of transporting and treating critically ill and injured patients by air.

Air ambulance providers are reporting a number of serious challenges with NSA implementation. One association survey of air ambulance provider members reported that, in practice, providers' experience working with issuers and plan sponsors to resolve disputed claims does not meet the standards adopted by the Congress in the statute and the Departments' final implementing regulations. The key findings demonstrate that, particularly in certain areas of the nation, there are significant delays beyond statutory timelines in progressing claim disputes to Independent Dispute Resolution (IDR) and, when IDR determinations merit, issuers and plan sponsors actually paying amounts determined through the IDR process. Additionally, providers report difficulties in establishing network agreements, substantial increases in medical necessity denials, and unreliable calculations of the qualified payment amount (QPA). In fact, the first of long overdue QPA audits found that the audited carrier was incorrectly calculating QPAs. If implementation problems are not fixed and the current trajectory is maintained, we have concerns that the cascading effects will put significant pressure on patient access to air ambulance services.

We appreciate that the Departments made improvements in their November 3, 2023, proposed rule on Federal IDR Operations. Moving forward, we believe the Departments should take the following steps to ensure continued access to air ambulance services for those currently hamstrung by the inefficient IDR process.

- Ensuring that plans and issuers provide interim payments within the required statutory timeframes.
- Requiring plans and issuers to remit payments after IDR determinations within the specified timeframes

Thank you for your consideration. Please feel free to contact Alex Stepahin at Alex.Stepahin@mail.house.gov in Rep. Hudson's office or William Seabrook at William.Seabrook@mail.house.gov in Rep. Dingell's office with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Richard Hudson". The signature is fluid and cursive, with the first name "Richard" and last name "Hudson" clearly legible.

Richard Hudson

A handwritten signature in blue ink that reads "Debbie Dingell". The signature is fluid and cursive, with the first name "Debbie" and last name "Dingell" clearly legible.

Debbie Dingell

cc: Department of Labor Secretary, the Honorable Julie Su
Department of Treasury Secretary, the Honorable Janet Yellen