



Position Statement
S. 1895, the Lower Health Care Costs Act
December 12, 2019

The Association of Critical Care Transport (ACCT) is a non-profit grassroots patient advocacy organization committed to ensuring that critically ill and injured patients have access to the safest and highest quality air transport system possible. ACCT's members have a shared commitment to re-making the critical care transport system into one that is accountable, patient-centered and characterized by quality, safety, and value. Our mission is patients, not profits.

Air ambulance patients are among the most vulnerable in our health care system. They are critically ill or injured individuals being transported several thousand feet in the air and attended to by a handful of clinicians who must be fully capable of addressing their life-threatening medical needs. These patients have no meaningful control over the quality and cost of this service. No such patient should have to endure the stress and financial burden of receiving a surprise bill for out-of-network transportation services. And every such patient should be assured of access to services in an air ambulance staffed and equipped to deliver all necessary clinical capabilities and operated by a provider with an unflinching commitment to patient safety.

In addition to ending surprise bills, ACCT is working to address other problems in the air ambulance industry. There are currently no meaningful standards to protect patients from wide variations in clinical capability, quality of care and service availability. And while the cost of a helicopter air ambulance ranges from roughly \$2 to \$16 million – depending on the mission profile – many payers do not distinguish between high level, comprehensive critical care transport services and lower cost providers. Finally, the availability of air ambulances is not aligned with community needs – there is an overabundance of helicopters in profitable markets and a shortfall in extremely rural areas where they are badly needed. A market correction is long overdue.

ACCT applauds the Senate Health, Education, Labor, and Pensions (HELP) and the House Energy and Commerce Committee's efforts to provide comprehensive protections for air ambulance patients. ACCT strongly supports the following air ambulance provisions contained in the bipartisan, bi-cameral draft of the Lower Health Care Costs Act that achieve our primary objective of protecting air ambulance patients:

- Taking patients out of the middle and protecting them from surprise bill by limiting their out-of-network cost sharing to the in-network amount.
- Requiring that insurers pay out-of-network providers at least the market-based median in-network negotiated rate in the relevant service area.
- Allowing for independent dispute resolution (IDR) that considers relative levels of training, education, experience, type of aircraft, and patient acuity.
- Establishing an Air Ambulance Advisory Committee on Quality and Patient Safety to ensure that all patients receive the highest quality of care, that clinical capability is sufficient to meet

- the patient's medical needs, and that patient safety is assured.
- Requiring cost reporting to ensure the Departments of Health & Human Services and Transportation have access to provider cost data and payer claims data.

Chairmen Alexander and Pallone, and Ranking Members Murray and Walden have been extremely receptive to our input and ACCT deeply appreciates their commitment resolving remaining issues. To maintain adequate access to air ambulance services, we support a system that incentivizes providers and insurers to negotiate appropriate and reasonable payment rates and promotes in-network status. We look forward to finalizing legislation that puts the interests of patients ahead of profits.

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