

# United States Senate

WASHINGTON, DC 20510

September 7, 2018

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

Dear Secretary Chao:

The importance of effective air ambulance service for patients in emergency and often life-threatening situations cannot be overstated, particularly for patients in rural communities. However, effective oversight of this service is needed as its cost rises at an alarming rate.

According to a report by the Government Accountability Office (GAO) last summer, the median price charged by air ambulance operators doubled between 2010 and 2014, increasing from about \$15,000 to about \$30,000 per transport. Anecdotally, it is clear that a greater share of this cost is being passed along directly to consumers through a practice known as balance billing, but GAO was unable to determine the prevalence of this practice because of a lack of data.

Many states have tried to address these costs and the practice of balance billing by treating the service like other health-care services. However, the courts have consistently struck down these state laws citing the Airline Deregulation Act (ADA). Congress hardly could have imagined when the ADA was passed nearly 40 years ago that it would block states from overseeing health-care services. Given this dynamic, the Department of Transportation (DOT) should aggressively and effectively exercise its authority as perhaps the only regulator over air ambulance operators.

We were pleased to see the recent steps taken by DOT to meet GAO's recommendations, such as collecting air ambulance complaints on a consumer complaint web portal and making aggregated complaint information publicly available. According to the publicly available data listed through July, there have been 16 complaints filed about air ambulance operators so far this year – with more than half filed against just two companies.

In order to understand DOT's ongoing activities related to the oversight of air ambulance operators and its authorities under current law, please provide responses to the following questions by Friday, September 28, 2018:

1. What steps has DOT taken to investigate the consumer complaints filed against air ambulance operators, particularly those companies that have been the subject of multiple complaints?
2. What steps has DOT taken to implement the outstanding GAO recommendations on the assessment of available data in order to assist in the evaluation of future complaints and the creation of consumer disclosure requirements?
3. What resources has DOT dedicated to the oversight and investigation of air ambulance operators?

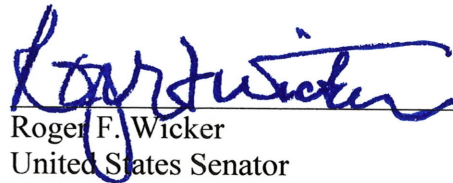
4. What authorities does DOT have under current law to address the cost of air ambulance service?
5. What authorities does DOT have under current law to require air ambulance operators to enter into coverage agreements with private health insurance companies and to require these insurance companies to cover reasonable costs associated with air ambulance service?
6. What authorities does DOT have under current law to prohibit or otherwise limit balance billing by air ambulance operators?
7. Does current law allow DOT to refer consumer complaints against air ambulance operators to other federal regulators, such as the Federal Trade Commission, or state attorneys general for possible prosecution or enforcement under state consumer protection laws?

Please direct any questions and any official correspondence related to this request to Nick Choate of Senator McCaskill's staff and Samantha Elleson of Senator Wicker's staff. Thank you for your prompt attention to this matter.

Sincerely,



Claire McCaskill  
United States Senator



Roger F. Wicker  
United States Senator