

118TH CONGRESS
1ST SESSION

H. R. 3691

To amend title XVIII of the Social Security Act to revise payment for
air ambulance services under the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2023

Mr. ESTES (for himself and Ms. DELBENE) introduced the following bill;
which was referred to the Committee on Energy and Commerce, and in
addition to the Committee on Ways and Means, for a period to be subse-
quently determined by the Speaker, in each case for consideration of such
provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to revise
payment for air ambulance services under the Medicare
program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Air Ambu-
5 lance Services for Americans Act of 2023”.

1 **SEC. 2. IMPROVEMENTS TO MEDICARE PAYMENT SYSTEM**
2 **FOR AIR AMBULANCE SERVICES.**

3 Section 1834(l) of the Social Security Act (42 U.S.C.
4 1395m(l)) is amended by adding at the end the following
5 new paragraph:

6 “(18) IMPROVEMENTS TO MEDICARE PAYMENT
7 SYSTEM FOR AIR AMBULANCE SERVICES.—

8 “(A) IN GENERAL.—The Secretary may re-
9 vise the fee schedule otherwise established
10 under this subsection for air ambulance services
11 based on data described in subparagraph (B)
12 and data collected under subparagraph (C).

13 “(B) DATA DESCRIBED.—For purposes of
14 subparagraph (A), the data described in this
15 subparagraph is data collected pursuant to the
16 provisions of, and amendments made by, section
17 106 of division BB of the Consolidated Appro-
18 priations Act, 2021 (Public Law 116–260).

19 “(C) ADDITIONAL DATA COLLECTION.—
20 The Secretary shall require, once every 3 years,
21 providers of services and suppliers furnishing
22 air ambulance services to submit to the Sec-
23 retary—

24 “(i) data relating to the fixed and op-
25 erating costs per air ambulance base at-
26 tributable to furnishing air ambulance

1 services to individuals enrolled under this
2 part and data relating to the utilization of
3 such services by such individuals;

4 “(ii) data relating to the revenue ob-
5 tained by such providers and suppliers
6 under this part attributable to the fur-
7 nishing of such services; and

8 “(iii) any other information deter-
9 mined appropriate by the Secretary.

10 “(D) CONSULTATION.—In the case that
11 the Secretary elects to revise the fee schedule
12 for air ambulance services under subparagraph
13 (A), the Secretary shall consider stakeholder
14 input in a process that is transparent and ap-
15 propriately considers data described in subpara-
16 graph (B) and data collected under subpara-
17 graph (C).”.

18 **SEC. 3. GAO STUDY ON EMERGENCY AIR AMBULANCE**
19 **COSTS.**

20 Not later than 1 year after the date on which data
21 begins to be collected pursuant to the provisions of, and
22 amendments made by, section 106 of division BB of the
23 Consolidated Appropriations Act, 2021 (Public Law 116–
24 260), the Comptroller General of the United States shall
25 submit to the Committee on Finance of the Senate and

1 the Committee on Ways and Means and the Committee
2 on Energy and Commerce of the House of Representa-
3 tives, a report detailing—

4 (1) the average annual operating costs per air
5 ambulance base;

6 (2) the average cost per transport by air ambu-
7 lance;

8 (3) the payor mix for air ambulance services;

9 (4) the adequacy of Medicare payments for
10 such services;

11 (5) geographic variations in the cost of fur-
12 nishing such services; and

13 (6) recommendations on improving the fee
14 schedule under section 1834(l) of the Social Security
15 Act (42 U.S.C. 1395m(l)) for air ambulance serv-
16 ices.

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