



June 17, 2021

Members of the Air Ambulance and Patient Billing Advisory Committee
In Care of: Lisa Swafford, Chair
Office of the General Counsel
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building 96-413
Washington, DC 20590

Dear Members of the Advisory Committee:

Thank you for your careful work to develop recommendations to improve air medical services and manage their impacts on consumer costs. On behalf of NAIC members, we urge you to include in the Advisory Committee's report a recommendation to Congress to clarify states' authority to protect consumers from unfair billing practices on the part of air ambulance providers.

Commissioner Godfread has ably represented state insurance regulators' perspectives on the Advisory Committee and has informed us of recent Committee deliberations regarding the Airline Deregulation Act (ADA). We wish to add our voice to the

recommendations on patient billing and protecting against balance billing will not point out the effects of the ADA and suggest a way to address

The Act recognizes air ambulance providers as air carriers. The Act prohibits the rates, routes, and services of air carriers. Courts have found a number of state protection laws to violate the ADA because they impose limits on air ambulance providers. In light of these court rulings, it is up to the states to step in to protect consumers from economic harms, even if air ambulance service remain under exclusive federal jurisdiction.

States have not sought wholesale changes to the ADA that would upend the structure or revoke air ambulances' status as federally regulated air



laws only relating to “network participation, reimbursement and balance billing, or transparency for an air carrier that provides air ambulance service.” The report of the Advisory Committee should make similar targeted, specific recommended changes to the ADA.

State consumer protection laws address a wide range of other services but have not been permitted to reach air ambulance providers due to the categories constructed by the ADA. The ADA was enacted long before the air ambulance industry reached its current extent and now requires an update to address prevailing conditions and the impact those conditions have on consumers. Congress created the Advisory Committee recognizing that changes in policy may be needed from several entities, including states, federal executive branch agencies, and Congress itself. We believe it wholly necessary and appropriate for the

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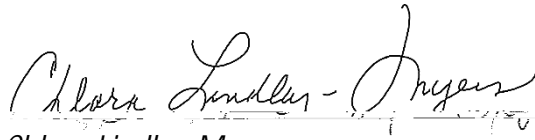
Sincerely,



David Altmaier
NAIC President
Commissioner
Florida Office of Insurance Regulation



Dean L. Cameron
NAIC President-Elect
Director
Idaho Department of Insurance



Chlora Lindley-Myers
NAIC Vice President
Director
Missouri Department of Commerce and
Department
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Andrew N. Mais (He/Him/His)
NAIC Secretary-Treasurer
Commissioner
Connecticut Insurance