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NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS

October 18, 2021

Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
Attention: CMS-9907-P
P.O. Box 8016
Baltimore, MD 21244-8016

Via Regulations.gov

To Whom It May Concern:

The National Association of Insurance Commissioners (NAIC) submits the following comments on the Requirements Related to Air Ambulance Services, Agent and Broker Disclosures, and Provider Enforcement Proposed Rule, as posted for public review on September 16, 2021. The NAIC represents the chief insurance regulators in the 50 states, the District of Columbia, and the United States territories.

The proposed rule details a number of areas where the Department of Health and Human Services (HHS) or other federal agencies will collect information from health insurance issuers and providers of covered services, including air ambulance providers. In each of these areas, as outlined below, state insurance regulators request that the final rule expressly require that HHS and other Departments share with state authorities the information they collect, and thus enable states to better fulfill their roles in enforcement of state and federal laws and regulations.

Air Ambulance Services

The No Surprises Act requires a public, comprehensive report summarizing the air ambulance data HHS and the Department of Transportation (DOT) collect. In addition to the public report, state regulators request that HHS and DOT share with states the full data they collect under these rules. Detailed information on air ambulance transports and bases in the state would give state regulators important insight into the dynamics of the air ambulance industry. As recognized by Congress and the Air Ambulance and Patient Billing Advisory Committee, many aspects of air ambulance billing and payments remain inaccessible to state regulators. Access to the full data collected under the rule would allow states to better fulfill their responsibilities under section 2799B-4(a) of the Public Health Service Act. Because the Airline Deregulation Act is interpreted to limit state authority to establish requirements on providers of air ambulance services, states would not be able to collect comparable data themselves and it is all the more important that federal regulators make available to states the information they collect on the industry.