

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 2328  
OFFERED BY MR. LUJÁN OF NEW MEXICO**

Amend section 405 to read as follows (and conform  
the table of contents accordingly):

1 **SEC. 405. AIR AMBULANCE COST DATA REPORTING PRO-**  
2 **GRAM.**

3 (a) **COST DATA REPORTING PROGRAM.**—

4 (1) **IN GENERAL.**—Not later than 1 year after  
5 the date of the enactment of this Act, and annually  
6 thereafter, a provider of emergency air medical serv-  
7 ices shall submit to the Secretary of Health and  
8 Human Services the information specified in sub-  
9 section (b) with respect to the preceding 180-day pe-  
10 riod (in the case of the initial period) and the pre-  
11 ceding 1-year period (in each subsequent period).

12 (2) **PUBLICATION.**—Not later than 180 days  
13 after the date the Secretary of Health and Human  
14 Services receives from a provider described in para-  
15 graph (1) the information specified in subsection (b),  
16 the Secretary shall make publicly available such in-  
17 formation.

1 (b) SPECIFIED INFORMATION.—Information de-  
2 scribed in subsection (a) is—

3 (1) information, with respect to a claim for an  
4 item or service,—

5 (A) identified as paid by health insurance  
6 coverage offered in the group or individual mar-  
7 ket or a group health plan (including a self-in-  
8 sured plan);

9 (B) identified as paid for non-emergent  
10 transport requiring prior authorization and  
11 emergent transport;

12 (C) identified as paid for hospital-affiliated  
13 providers and independent providers;

14 (D) identified as paid for rural transport  
15 and urban transport;

16 (E) identified as provided using rotor  
17 transport and fixed wing transport; and

18 (F) identified as furnished by a provider of  
19 emergency air medical services that has a con-  
20 tractual relationship with the plan or coverage  
21 of an individual for which such item or service  
22 is provided and such a provider that does not  
23 have a contractual relationship with the plan or  
24 coverage or such an individual; and

1           (2) cost data for an air ambulance service fur-  
2           nished by such a provider of emergency air medical  
3           services that the Secretary of Health and Human  
4           Services, in consultation with suppliers and pro-  
5           viders of such services, determines appropriate, sepa-  
6           rated by the cost of air travel and the cost of emer-  
7           gency medical services and supplies.

8           (c) RULEMAKING.—Not later than 1 year after the  
9           date of the enactment of this Act, the Secretary of Health  
10          and Human Services shall determine the form and manner  
11          for submitting the information described in subsection (b)  
12          through notice and comment rulemaking.

13          (d) CIVIL MONETARY PENALTIES.—

14                (1) IN GENERAL.—A provider of emergency air  
15                medical services who violates the requirements of  
16                subsection (a)(1) shall be subject to a civil monetary  
17                penalty of not more than \$10,000 for each act con-  
18                stituting such violation.

19                (2) PROCEDURE.—The provisions of section  
20                1128A of the Social Security Act (42 U.S.C. 1320a-  
21                7a), other than subsections (a) and (b) and the first  
22                sentence of subsection (c)(1) of such subsection,  
23                shall apply to civil monetary penalties under this  
24                subsection in the same manner as such provisions  
25                apply to a penalty or proceeding under such section.

1 (e) REPORTING.—

2 (1) SECRETARY OF HEALTH AND HUMAN SERV-  
3 ICES.—Not later than July 1, 2023, the Secretary of  
4 Health and Human Services shall submit to Con-  
5 gress a report summarizing the information and  
6 data specified in subsection (b).

7 (2) COMPTROLLER GENERAL.—Not later than  
8 July 1, 2023, the Comptroller General shall submit  
9 to Congress a report that includes—

10 (A) an analysis of the cost variation of  
11 suppliers and providers emergency air ambu-  
12 lance services by geography and status; and

13 (B) any other recommendations the Comp-  
14 troller General determines appropriate, which  
15 may include a recommendation of an adequate  
16 amount of reimbursement for such services that  
17 reflects operational costs of providers in order  
18 to preserve access to emergency air ambulance  
19 services.

20 (f) LIMITATION.—The information publicly disclosed  
21 under subsection (a) and the reports under subsection (f)  
22 may not contain any proprietary information.

