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):

SEC. 405. AIR AMBULANCE COST DATA REPORTING PROGRAM.

(a) Cost Data Reporting Program.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, a provider of emergency air medical services shall submit to the Secretary of Health and Human Services the information specified in subsection (b) with respect to the preceding 180-day period (in the case of the initial period) and the preceding 1-year period (in each subsequent period).

(2) Publication.—Not later than 180 days after the date the Secretary of Health and Human Services receives from a provider described in paragraph (1) the information specified in subsection (b), the Secretary shall make publicly available such information.
(b) SPECIFIED INFORMATION.—Information described in subsection (a) is—

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

(A) identified as paid by health insurance coverage offered in the group or individual market or a group health plan (including a self-insured plan);

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

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

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

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

(F) identified as furnished by a provider of emergency air medical services that has a contractual relationship with the plan or coverage of an individual for which such item or service is provided and such a provider that does not have a contractual relationship with the plan or coverage or such an individual; and
(2) cost data for an air ambulance service furnished by such a provider of emergency air medical services that the Secretary of Health and Human Services, in consultation with suppliers and providers of such services, determines appropriate, separated by the cost of air travel and the cost of emergency medical services and supplies.

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

(d) Civil Monetary Penalties.—

(1) In general.—A provider of emergency air medical services who violates the requirements of subsection (a)(1) shall be subject to a civil monetary penalty of not more than $10,000 for each act constituting such violation.

(2) Procedure.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a) and (b) and the first sentence of subsection (c)(1) of such subsection, shall apply to civil monetary penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under such section.
(e) Reporting.—

(1) Secretary of Health and Human Services.—Not later than July 1, 2023, the Secretary of Health and Human Services shall submit to Congress a report summarizing the information and data specified in subsection (b).

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

(A) an analysis of the cost variation of suppliers and providers emergency air ambulance services by geography and status; and

(B) any other recommendations the Comptroller General determines appropriate, which may include a recommendation of an adequate amount of reimbursement for such services that reflects operational costs of providers in order to preserve access to emergency air ambulance services.

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