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COMMITTEE ON  
EDUCATION AND LABOR  
U.S. HOUSE OF REPRESENTATIVES  
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WASHINGTON, DC 20515-6100

December 9, 2022

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Becerra:

As leaders of the Committee on Education and Labor and coauthors of surprise billing legislation during the 116th Congress,<sup>1</sup> we appreciate the steps the Department of Health and Human Services, as well your colleagues at the Departments of Labor and the Treasury (collectively, the Departments), have taken to implement the *No Surprises Act*<sup>2</sup> and to protect patients from surprise medical bills. As you continue this important work, we urge you to take immediate action to establish the Advisory Committee on Ground Ambulance and Patient Billing (the Advisory Committee).

As you are aware, section 117 of the *No Surprises Act* requires the establishment of the Advisory Committee for the purpose of reviewing options to protect consumers from exorbitant charges and surprise out-of-network bills for ground ambulance services.<sup>3</sup> Studies show that about half of such services are out-of-network<sup>4</sup> and generate a median surprise bill of \$450 for a single ambulance ride.<sup>5</sup> Section 117 also requires the Advisory Committee to develop recommendations to improve the disclosure of charges and fees for ground ambulance services, better inform consumers of insurance options for such services, protect consumers from balance billing, and then submit a report to the Departments and the congressional committees of

<sup>1</sup> Ban Surprise Billing Act, H.R. 5800, 116th Cong. (2020).

<sup>2</sup> Div. BB, Title I of the Consolidated Appropriations Act, 2021, P.L. 116-260 (Dec. 27, 2020).

<sup>3</sup> *Id.* at sec. 117.

<sup>4</sup> Amin, Krutika, et. al., *Ground Ambulance Rides and Potential for Surprise Billing*, Kaiser Family Foundation (June 24, 2021), available at <https://www.healthsystemtracker.org/brief/ground-ambulance-rides-and-potential-for-surprise-billing/>.

<sup>5</sup> Karan R. Chhabra, *Most Patients Undergoing Ground And Air Ambulance Transportation Receive Sizable Out-Of-Network Bills*, Health Affairs, Apr. 15, 2020, <https://www.healthaffairs.org/doi/abs/10.1377/hlthaff.2019.01484>.

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jurisdiction no later than 180 days after the date of its first meeting.<sup>6</sup> The statutory deadline for establishing the Advisory Committee was March 27, 2021.<sup>7</sup> We understand that your Department, in coordination with the Departments of Labor and the Treasury, has taken some initial steps to establish the Advisory Committee, including the signing of a charter and a solicitation for the nomination of committee members published in the Federal Register.<sup>8</sup> However, the period for submitting nominations closed on December 13, 2021, and it appears that no further action has been taken.

Full implementation and robust enforcement of the *No Surprises Act* is vital to ensuring comprehensive surprise billing protections for consumers. While progress has been made to protect patients from surprise billing, there is still work to do to achieve the full promise of the law, including expanding its protections and closing gaps that remain in several areas such as ground ambulance services. The Advisory Committee is an important step that will inform regulators and legislators in addressing this problem, and we urge you to prioritize and complete its establishment expeditiously.

Thank you for your continued work to protect consumers from surprise billing. We look forward to your prompt action on this important matter. If you have any questions or you wish to discuss this matter further, please contact Tanisha Wilburn (Majority Staff) at [Tanisha.Wilburn2@mail.house.gov](mailto:Tanisha.Wilburn2@mail.house.gov) or Taylor Hittle (Minority Staff) at [Taylor.Hittle@mail.house.gov](mailto:Taylor.Hittle@mail.house.gov). Please direct all official correspondence and information relating to this request to the Committee's Chief Clerk, Rasheedah Hasan, at [Rasheedah.Hasan@mail.house.gov](mailto:Rasheedah.Hasan@mail.house.gov).

Sincerely,



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**ROBERT C. "BOBBY" SCOTT**  
Chairman



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**VIRGINIA FOXX**  
Ranking Member

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<sup>6</sup> *Supra* note 2, at sec. 117.

<sup>7</sup> *Id.*

<sup>8</sup> See *Charter Of The Advisory Committee On Ground Ambulance And Patient Billing*, Department of Health and Human Services, available at <https://www.cms.gov/files/document/gapb-charter-signed-11-16-21.pdf>; see also *Notice: Ground Ambulance and Patient Billing Advisory Committee*, 86 Fed. Reg. 66565 (Nov. 23, 2021), available at <https://www.federalregister.gov/documents/2021/11/23/2021-25560/ground-ambulance-and-patient-billing-advisory-committee>.