

CHARTER OF THE ADVISORY COMMITTEE ON GROUND AMBULANCE AND PATIENT BILLING

COMMITTEE'S OFFICIAL DESIGNATION

Advisory Committee on Ground Ambulance and Patient Billing (the GAPB Advisory Committee).

AUTHORITY

The GAPB Advisory Committee is mandated by section 117 of the No Surprises Act, which was enacted in div. BB, tit. I of the Consolidated Appropriations Act, 2021, P.L. 116-260 (Dec. 27, 2020). The GAPB Advisory Committee is governed by the provisions of the Federal Advisory Committee Act (FACA), P.L. 92-463 (Oct. 6, 1972), as amended, 5 U.S.C. §§ 1001-1014.

OBJECTIVES AND SCOPE OF ACTIVITIES

The GAPB Advisory Committee will advise the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury (the Secretaries) on options to improve the disclosure of charges and fees for ground ambulance services, better inform consumers of insurance options for such services, and protect consumers from balance billing. The GAPB Advisory Committee must submit a report that makes recommendations with respect to the disclosure of charges and fees for ground ambulance services and insurance coverage; the consumer protection and enforcement authorities of the Departments of Labor, Health and Human Services, and the Treasury (collectively, the Departments), and State authorities; and the prevention of balance billing to consumers, including legislative options for Congress to prevent balance billing. The report must be submitted to the Secretaries and to certain Congressional committees no later than 180 days after the date of the GAPB Advisory Committee's first meeting.

DESCRIPTION OF DUTIES

The GAPB Advisory Committee will make recommendations to the Secretaries with respect to improving the disclosure of charges and fees for ground ambulance services, means of better informing consumers of insurance options for such services, means of preventing balance billing to consumers, including legislative options for Congress to consider that might address the prevention of balance billing, and potential enforcement authorities of the Departments and States in relation to those options. The GAPB Advisory Committee will, as appropriate, consult with relevant experts and stakeholders while conducting its review.

The GAPB Advisory Committee's recommendations will address, at a minimum: options, best practices, and identified standards to prevent instances of balance billing; steps that potentially could be taken by State legislatures, State insurance regulators, State attorneys general, and other State officials as appropriate, consistent with current legal authorities regarding consumer protection; and potential legislative options for Congress to prevent balance billing.

The GAPB Advisory Committee must submit a report containing its recommendations to the Secretaries; the Committees on Education and Labor¹, Energy and Commerce, and Ways and Means of the House of Representatives; and the Committees on Finance and Health, Education, Labor, and Pensions of the Senate, within 180 days of the GAPB Advisory Committee's first meeting.

AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS

The GAPB Advisory Committee advises the Secretaries.

SUPPORT

To the extent permitted by law, and subject to the availability of appropriations, coordination, management, and operational services, support for the GAPB Advisory Committee will be provided by the Department of Health and Human Services, Centers for Medicare & Medicaid Services, Center for Consumer Information & Insurance Oversight.

ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS

The estimated operating cost in Fiscal Year 2024 is \$365,212. This estimate is for the 1st 6 months of Fiscal Year 2024 (October 1, 2023, through March 31, 2024), during which the Committee is expected to complete its statutory purpose by issuing its Report. The cost estimate includes contractor administration and operation support; and the associated portion of staffing cost for one full-time equivalent (FTE).

DESIGNATED FEDERAL OFFICER

The Center for Consumer Information & Insurance Oversight will select a permanent full-time or part-time federal employee to serve as the Designated Federal Officer (DFO) to attend each GAPB Advisory Committee meeting and ensure that all policies and procedures comply with applicable statutory and regulatory requirements, including those under FACA. The DFO will approve and prepare all meeting agendas, call all of the GAPB Advisory Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the GAPB Advisory Committee reports. The DFO will be present at all meetings of the full GAPB Advisory Committee and any subcommittees. In the event the DFO cannot fulfill the assigned duties of the committee, one or more full-time or permanent part-time employees will be assigned as DFO and carry out these duties on a temporary basis.

ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

The GAPB Advisory Committee will meet approximately two times per fiscal year at such intervals as are necessary to carry out its duties. Meetings are to be open to the public, except as

¹ While section 117(e) of the No Surprises Act requires the provision of the report to the Committee on Education and Labor, the committee is currently known as the Committee on Education and the Workforce.

determined otherwise by the Secretaries or other officials to whom the authority has been delegated in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and section 10(d) of the FACA. Adequate advance notice of all meetings will be published in the Federal Register, as well as on the Department of Health and Human Services' website.

DURATION

Continuing.

TERMINATION

Unless renewed by appropriate action prior to expiration, this charter for the GAPB Advisory Committee will expire two years from the date it is filed.

MEMBERSHIP AND DESIGNATION

The GAPB Advisory Committee will be comprised of at least 15 members:

- the Secretary of Labor, or the Secretary's designee
- the Secretary of Health and Human Services, or the Secretary's designee
- the Secretary of the Treasury, or the Secretary's designee
- One representative, to be appointed jointly by the Secretaries, for each of the following:
 - Each relevant federal agency, as determined by the Secretaries;
 - State insurance regulators;
 - Health insurance providers;
 - Patient advocacy groups;
 - Consumer advocacy groups;
 - State and local governments;
 - Physician specializing in emergency, trauma, cardiac, or stroke;
 - State Emergency Medical Services Officials; and
 - Emergency medical technicians, paramedics, and other emergency medical services personnel.
- Three representatives, to be appointed jointly by the Secretaries, to represent the various segments of the ground ambulance industry
- Up to an additional two representatives otherwise not described above, as determined necessary and appropriate by Secretaries

To the extent permitted by FACA and other laws, GAPB Advisory Committee membership should also be consistent with achieving the greatest impact, scope, and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, race, gender, disability, sexual orientation or gender identity.

The Chairperson of the GAPB Advisory Committee shall be designated by the Secretaries from among the individuals the Secretaries appoint to the GAPB Advisory Committee. Members' terms shall commence when they are appointed by the Secretaries.

Members serve at the pleasure of the Secretaries and may be replaced at any time for any reason, including non-participation.

A vacancy in the GAPB Advisory Committee shall be filled as determined by the Secretaries in the manner best suited to complete the statutory objectives of the Committee.

Members of the GAPB Advisory Committee shall serve without pay.

Members appointed to represent segments of the ground ambulance industry will serve as representative members. Others on the committee (as indicated above) not serving as Regular Government Employees or Special Government Employees will serve as representative members.

SUBCOMMITTEES

The DFO may establish subcommittees composed of members and nonmembers of the GAPB Advisory Committee to perform specific assignments. Subcommittees shall not work independently of the chartered GAPB Advisory Committee and shall report all of their recommendations and advice to the full GAPB Advisory Committee for deliberation and discussion. Subcommittees must not provide advice or work products directly to the Departments or any Federal agency.

RECORDKEEPING

The records of the GAPB Advisory Committee shall be managed in accordance with applicable provisions of General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedules. These records will be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

FILING DATE

APPROVED

NOV 16 2023

Date



Xavier Becerra
Secretary of Health and Human Services

**LISA
GOMEZ**


Digitally signed by
LISA GOMEZ
Date: 2023.11.16
18:14:24 -05'00'

Date

Lisa M. Gomez
Assistant Secretary, Employee Benefits Security
Administration, Department of Labor

11/21/23

Date



Lily L. Batchelder,
Assistant Secretary of the Treasury (Tax Policy)
Department of the Treasury