

CHARTER

ADVISORY COMMITTEE ON AIR AMBULANCE QUALITY AND PATIENT SAFETY

COMMITTEE'S OFFICIAL DESIGNATION

Advisory Committee on Air Ambulance Quality and Patient Safety

AUTHORITY

The Advisory Committee on Air Ambulance Quality and Patient Safety (the Committee) is mandated by section 106(g) 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 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. App. 2.

OBJECTIVES AND SCOPE OF ACTIVITIES

The Committee will make recommendations to the Secretary of Health and Human Services and the Secretary of Transportation (the Secretaries) on options to establish quality, patient safety, and clinical capability standards for each clinical capability level of air ambulances. The Committee, in consultation with relevant experts and stakeholders, as appropriate, shall develop and make publicly available a report on any recommendations submitted to Congress. The report must be developed and made publicly available no later than 180 days after the date of the Committee's first meeting.

DESCRIPTION OF DUTIES

The Committee shall study and make recommendations, as appropriate, to Congress regarding each of the following with respect to air ambulance services:

- (A) Qualifications of different clinical capability levels and tiering of such levels.
- (B) Patient safety and quality standards.
- (C) Options for improving service reliability during poor weather, night conditions, or other adverse conditions.
- (D) Differences between air ambulance vehicle types, services, and technologies, and other flight capability standards, and the impact of such differences on patient safety.
- (E) Clinical triage criteria for air ambulances.

AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS

The Committee advises the Secretaries.

SUPPORT

Management and support services for the Committee will be provided by the Department of Health and Human Services, Centers for Medicare & Medicaid Services' Center for Clinical Standards and Quality.

ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS

The estimated operating cost per fiscal year is \$1.4 million and 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 Clinical Standards and Quality will select a full-time or permanent part-time federal employee to serve as the Designated Federal Officer (DFO) to attend each 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 the 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 Committee reports. The DFO will be present at all meetings of the 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 Committee will meet at least twice or at such intervals as are necessary to carry out its duties. The Committee Chair shall facilitate meetings and the DFO shall be present at all meetings. Meetings are open to the public, except as determined otherwise by the Secretary of Health and Human Services, or a designee of the Secretary. HHS will publish a notice of the agenda, date, time, location, and purpose of the meeting in the Federal Register at least 15 calendar days prior to the date of the meeting as well as publish meeting notices on the Department of Health and Human Services' website.

In order to conduct the business of the Committee, a quorum is required. A quorum exists when a majority of currently appointed members is present at Committee or subcommittee meetings.

DURATION

In accordance with section 106(g) of the No Surprises Act, enacted as part of the Consolidated Appropriations Act, 2021, div. BB, tit. I, P.L. 116-260 (Dec. 27, 2020), the Committee shall remain in existence from the time of its convention until it develops and makes publicly available a report on any recommendations it submitted to Congress.

TERMINATION

Unless renewed by appropriate action prior to expiration, the charter for the Advisory Committee on Air Ambulance Quality and Patient Safety will expire two years from the date it is filed.

MEMBERSHIP AND DESIGNATION

The Committee shall be comprised of not more than 13 members. Federal members will be appointed to serve as Regular Government Employees and public members will serve as Special Government Employees. Representative members will also be appointed to serve on the Committee.

- the Secretary of Health and Human Services, or the Secretary's designee, who shall serve as Chair of the Committee;
- the Secretary of Transportation, or the Secretary's designee
- One representative, to be appointed by the Secretary of Health and Human Services, of each of the following:
 - State insurance regulators;
 - Health care providers;
 - Group health plans and health insurance issuers offering coverage group or individual health insurance coverage;
 - Patient advocacy groups;
 - Accrediting bodies with experience in quality measures.
- Three representatives of the air ambulance industry, to be appointed by the Secretary of Transportation.
- Additional three representatives not covered under the above four sections, as determined necessary and appropriate by the Secretary of Health and Human Services and the Secretary of Transportation.

SUBCOMMITTEES

The DFO may establish subcommittees composed of members and nonmembers of the Committee to perform specific assignments. Subcommittees shall not work independently of the chartered Committee and shall report all of their recommendations and advice to the 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 Committee on Air Ambulance Quality and Patient Safety 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

AUG 22 2023

APPROVED

August 24, 2022

Date



Xavier Becerra

Secretary of Health and Human Services

March 7, 2023

Date



Pete Buttigieg

Secretary of Transportation