

United States Senate

WASHINGTON, DC 20510

Protect Patient Safety, Quality and Coordinated Critical Care for Helicopter Air Ambulance Flights

Dear Colleague:

We are inviting you to cosponsor the Helicopter Medical Services (HMS) Patient Safety, Protection and Coordination Act (S. 848). This legislation clarifies the authority of the states to oversee quality of care, service coordination and patient safety in the delivery of helicopter medical services just as they commonly do with other medical services. This legislation is narrowly drafted to avoid infringing on the FAA's jurisdiction over matters of aviation safety while clearly defining the authority of the states to address fundamental matters of public health.

Critically ill or injured persons in need of medical transport are among the most vulnerable patients treated in our health care system and assuring them timely and life-saving access to medical care and safe transport is of paramount importance. It is an essential function and responsibility of state HMS and public health authorities to oversee such medical transportation services in order to protect patients. This legislation will clarify the role of the federal government, which regulates the aviation aspects of HMS, and the states, which regulate the medical aspects. For example, under current law, it is unclear whether a state can require an air ambulance operator to employ a climate control system to maintain body temperature of patients or to transport all emergency patients even if they aren't insured. The uncertainty of current law calls into question the authority of states to regulate the services provided by medical helicopters in a manner similar to their regulation of ground ambulances.

The present situation has created a great deal of confusion, gaps in oversight and adversely impacted patient safety and the quality of care. This legislation solidifies the authority of the states to exercise their historic public health-related functions with respect to air ambulance services -- just as they regulate ground ambulance services and many other health care services -- while ensuring that any such state action does not contradict FAA's authority over aviation safety.

Similar bipartisan legislation (H.R. 978) has been introduced in the House and has been the subject of recent hearings before the House Transportation & Infrastructure's Subcommittee on Aviation. S. 848 incorporates helpful feedback from the FAA and Department of Transportation, who also participated in these hearings. We believe that this is timely and necessary legislation that is in the best interest of protecting patient care and safety.

Please do not hesitate to contact Clark Porter (Sen. McCaskill) at 224-6154 or Terry McNaughton (Sen. Snowe) at 224- 5344 if you have any questions. Thank you for your consideration.

Sincerely,



CLAIRE MCCASKILL
United States Senator



OLYMPIA SNOWE
United States Senator