



United States Senate

WASHINGTON, DC 20510-0905

April 2, 2014

BILL NELSON
FLORIDA

The Honorable Marilyn Tavenner
Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Administrator Tavenner:

We are writing to express our concern following the recent findings by the Office of Inspector General (IG) on the quality of care in skilled nursing facilities. In light of these findings, we are interested in working with you to improve the survey and certification process to improve patient care and to identify problems earlier, so that CMS can work with the facilities to address them before they compromise patient care.

As you know, the IG found that more than one in five beneficiaries experienced some harm during their stay in a skilled nursing facility, and that more than half of these events were preventable. Aside from the human toll, hospitalizations from *potentially preventable* patient harm totaled \$136 million in a single month. An earlier IG report, *Medicare Nursing Home Resident Hospitalization Rates Merit Additional Monitoring*, found that one in four residents of skilled nursing facilities were admitted to hospitals in FY 2011, at a cost to Medicare of \$14.3 billion. The report found that high hospital admission rates are not a uniform problem across all skilled nursing facilities, but are instead concentrated in certain areas.

Findings from the two IG reports are particularly troubling considering that Medicare requires nursing homes to undergo certification and surveys to ensure that the quality of care they provide meets Medicare standards. To be effective, these surveys should be able to identify problems that exist before they compromise patient care. In light of the IG's findings, we want to better understand how these facilities obtained certification or passed their surveys despite these problems, and what your plans are to address the IG's findings. Moving forward, we want to work with you to improve the certification and survey process as a whole.

To that end, we would like to know what steps CMS is planning to take in order to improve the process, and the amount of resources CMS has allocated for this purpose. We would also like to know why the troubled facilities highlighted in these OIG reports were able to pass survey and certification requirements. Finally, we would like to know what steps you intend to take to comply with the OIG's recommendation to improve the survey and certification process.

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We appreciate the work you have been doing to improve quality and address patient concerns. For example, your recent decision to allow the use of Medicaid funds for some long term care ombudsmen activities is a great step toward helping seniors and their families if they are having problems with their care in a skilled nursing facility or other type of long term care facility. But, as the OIG reports referenced above reveal, we must—and should—do more.

We look forward to continuing to work with you on this and other issues.

Sincerely,

Handwritten signature of Bill Nelson in blue ink, underlined.

Bill Nelson
Chairman
Senate Special Committee on Aging

Handwritten signature of Chuck Grassley in blue ink, underlined.

Charles E. Grassley
Ranking Member
Senate Committee on the Judiciary