

November 21, 2017

The Honorable Chuck Grassley  
United States Senate  
135 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Grassley:

We would like to express our firm support for making the complete findings of hospital and ambulatory surgical center accreditation surveys publicly available. Release of this information would promote hospital quality and also would reveal the quality of the inspections that Medicare enrollees depend on to ensure safe care. Currently, only summary information is released after remediation activities between Accrediting Organizations and healthcare providers have occurred.

Section 1865 of the Social Security Act prohibits the release of survey reports conducted by Accrediting Organizations and that prohibition should be removed. This law is not in the best interest of consumers and deprives them of valuable information that could help them in choosing health care providers. The information in these reports is of utmost importance for patient safety and a key component of healthcare accountability through transparency. All of the survey metrics have had extensive industry input and are verified by onsite observations; thus, the data should be counted on to be accurate and of the highest quality.

Accrediting Organizations are required by law to demonstrate the ability to effectively evaluate a facility's compliance that meet or exceed Medicare conditions of participation and use processes that are comparable to federal survey methods. In recent years, the Centers for Medicare & Medicaid Services (CMS) has reported its follow-up surveys found at least one major patient safety problem in approximately 40% of the institutions reviewed by Accrediting Organizations. In recently proposed regulations<sup>1</sup>, CMS raised "serious concerns regarding the Accrediting Organizations' ability to appropriately identify and cite health and safety deficiencies during the survey process." The questions must be then asked: Did the accreditation survey miss the problem or was the remediation not effective or did the facility shift resources, which created other safety problems? Without the underlying survey information, there is no way for the public to know why these CMS-identified patient safety problems occurred.

Despite the above concerns, data derived from the surveys is extremely important, since the identified lapses in patient safety are reliable and need to be readily available to the public.

To enhance accessibility to these surveys, we ask that any revision of Section 1865 of the Social Security Act also require the information to be readily available rather than waiting a

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<sup>1</sup> <https://www.federalregister.gov/documents/2017/04/28/2017-07800/medicare-program-hospital-inpatient-prospective-payment-systems-for-acute-care-hospitals-and-the>, CMS-1677-P, Section XI

protracted period-of-time with Freedom of Information requests. Ideally, the surveys should be posted on a federal website rather than scattered around on the various Accreditation Organizations' sites. The data should be available for download, which could be done on Hospital Compare, where other quality and safety data is available.

In addition, we recommend requiring CMS to tabulate the information by facility and metrics in a downloadable spreadsheet that could be used for research. For example: The surveyor's observation on the availability of nursing staff when called by a patient could be compared to the data reported on CMS patient surveys. In this manner, problems with metrics could be identified and formulation of better metrics made. The availability of spreadsheet data can also assist organizations working on patient safety issues to transform this data into consumer friendly, understandable formats.

In conclusion, we support the identification and repeal of all Federal provisions in law or regulation that prevent the release of these surveys and encourage the data's release in a readily accessible and consumer friendly format. We feel this is a very important issue for public safety and to assure continued improvement in our healthcare system. Please let us know how we can help.

Sincerely,



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