

January 13, 2016

Andy Slavitt
Acting Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850

Dear Acting Administrator Slavitt:

The epidemic of abuse of prescription opioid pain relievers (OPRs) is worsening. New data from the Centers for Disease Control and Prevention (CDC) indicate that nearly 19,000 people died as a result of an OPR overdose in 2014, an increase of 16% from 2013.¹ Additionally, over 10,000 people died from heroin overdoses in 2014, a 28% increase from 2013.² In addressing this epidemic, all possible factors that have caused or contributed to it must be closely examined.

In June 2014, Senators Grassley and Feinstein wrote to Administrator Tavenner of the Centers for Medicare and Medicaid Services (CMS) to express concern about the possible unintended effects of patient satisfaction surveys – specifically, the Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) Survey – on physician prescribing practices.³ The letter cited anecdotal reports of physicians prescribing OPRs to patients to improve their hospitals' survey scores and preserve Medicare funding.

In her response the following month, Administrator Tavenner stated that CMS was not aware of documented evidence or scientific research that establishes a connection between HCAHPS scores and hospital prescribing practices.⁴ Moreover, she did not express any concern that these surveys were contributing to

¹ Centers for Disease Control and Prevention, National Center for Health Statistics. *Compressed Mortality File 1999–2014*. http://www.cdc.gov/nchs/data/health_policy/AADR_drug_poisoning_involving_OA_Heroin_US_2000-2014.pdf

² *Id.*

³ Grassley, Sen. Charles E. & Feinstein, Sen. Dianne, *Grassley, Feinstein Explore Any Link Between Medicare Patient Surveys, Opioid Abuse*, June 24, 2014, <http://www.grassley.senate.gov/news/news-releases/grassley-feinstein-explore-any-link-between-medicare-patient-surveys-opioid-abu-0>.

⁴ Tavenner, Marilyn, Department of Health and Human Services, Centers for Medicare & Medicaid Services, *Response to Sens. Grassley and Feinstein*, July 23, 2014.

physicians or hospitals altering their practices or policies when it came to prescribing OPRs.

However, in October 2015, the Obama Administration announced that the Department of Health and Human Services (HHS) would undertake a review of how pain management is evaluated by patient satisfaction surveys used by hospitals, including a review of how the questions these surveys use to assess pain management may affect pain management practices and opioid prescribing.⁵

We applaud HHS for undertaking this review, and request a report on its progress. Specifically, we are interested in learning what, if any, actions CMS has taken to date to alter the HCAHPS survey to reflect the findings of the review. In addition, we request an explanation as to why HHS decided to conduct the review after Administrator Tavenner's response appeared to reject the need for it.

Given the urgency of the opioid abuse epidemic and the need to find solutions to this crisis, we request that you respond no later than February 10, 2016. If you have any questions regarding this request please contact David Bleich at 202-228-0927 David_Bleich@grassley.senate.gov. Thank you for your attention to this matter.

Sincerely,


Senator Charles E. Grassley


Senator Dianne Feinstein


Senator Kelly A. Ayotte

cc: The Honorable Sylvia Mathews Burwell

⁵ The White House, Office of the Press Secretary, *FACT SHEET: Obama Administration Announces Public and Private Sector Efforts to Address Prescription Drug Abuse and Heroin Use*, October 21, 2015, <https://www.whitehouse.gov/the-press-office/2015/10/21/fact-sheet-obama-administration-announces-public-and-private-sector>.