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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

June 9, 2025

VIA ELECTRONIC TRANSMISSION

Dr. Mehmet Oz
Administrator
Centers for Medicare & Medicaid Services

Dear Administrator Oz:

I write in response to the Centers for Medicare & Medicaid Services' (CMS) April 30, 2025, request for information (RFI) on future star ratings for inpatient psychiatric facilities (IPFs).¹ I would like to commend CMS for issuing the RFI and taking meaningful action in response to the letter that I sent on February 28, 2025.² Quality measurement and reporting in inpatient psychiatry has lagged considerably behind other health care sectors and the proposed rule presents the opportunity to reduce this gap.³ As my previous investigations have shown, individuals with serious mental illness are at high risk for patient safety events during psychiatric hospitalizations, and transparency is a critical step towards holding IPFs accountable for providing high-quality, patient-centered, therapeutic, and safe care.⁴ My following comments regarding the RFI reiterate many of the points raised in my February 28 letter.⁵

I have long championed the Care Compare website, as well as pushed CMS to make the website operate as efficiently as possible in order to provide patients and their families with clear, concise and publicly available information about health care facilities.⁶ As I have

¹ Medicare Program; FY 2026 Inpatient Psychiatric Facilities Prospective Payment System-Rate Update, 90 Fed. Reg. 18519 (proposed Apr. 30, 2025) (to be codified at 42 C.F.R. pt. 412), <https://www.federalregister.gov/documents/2025/04/30/2025-06298/medicare-program-fy-2026-inpatient-psychiatric-facilities-prospective-payment-system-rate-update>.

² Letter from Sen. Charles E. Grassley to Acting Adm' Stephanie Carlton, Ctrs. for Medicare & Medicaid Servs. (Feb. 28, 2025), <https://www.grassley.senate.gov/news/news-releases/grassley-works-to-empower-patients-boost-transparency-through-improved-data-on-inpatient-psychiatric-facilities>.

³ Steven Marcus, Richard Hermann, & Sara Wiesel Cullen, *Defining Patient Safety Events in Inpatient Psychiatry*, Journal of Patient Safety (Dec. 1, 2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6336525/>; Morgan Shields & Heidi Allen, *A Massive Step Forward in Measuring and Reporting Patient Experience of Inpatient Psychiatry*, The Milbank Quarterly (July 25, 2023), <https://www.milbank.org/quarterly/opinions/a-massive-step-forward-in-measuring-and-reporting-patient-experience-of-inpatient-psychiatry/>.

⁴ Letter from Sen. Charles E. Grassley to Inspector General Daniel Levinson, Dep't of Health and Human Svcs. (Dec. 13, 2017), [https://www.grassley.senate.gov/imo/media/doc/2017-12-13%20CEG%20to%20HHS%20OIG%20\(Hill%20Crest%20Investigation\).pdf](https://www.grassley.senate.gov/imo/media/doc/2017-12-13%20CEG%20to%20HHS%20OIG%20(Hill%20Crest%20Investigation).pdf); Letter from Sen. Charles E. Grassley to Inspector General Daniel Levinson, Dep't of Health and Human Svcs. (Apr. 14, 2017), [https://www.grassley.senate.gov/imo/media/doc/2017-04-14%20CEG%20to%20HHS%20OIG%20\(UHS%20follow%20up\).pdf](https://www.grassley.senate.gov/imo/media/doc/2017-04-14%20CEG%20to%20HHS%20OIG%20(UHS%20follow%20up).pdf); Letter from Sen. Charles E. Grassley to Inspector General Daniel Levinson, Dep't of Health and Human Svcs. (Dec. 9, 2016), [https://www.grassley.senate.gov/imo/media/doc/Universal%20Health%20Services%202016-12-09%20CEG%20to%20HHS%20OIG%20\(Buzzfeed%20UHS%20Investigation\).pdf](https://www.grassley.senate.gov/imo/media/doc/Universal%20Health%20Services%202016-12-09%20CEG%20to%20HHS%20OIG%20(Buzzfeed%20UHS%20Investigation).pdf); Rosalind Adams, *Sen. Chuck Grassley Calls for New Probe into UHS*, BuzzFeed News (Dec. 18, 2017), <https://www.buzzfeednews.com/article/rosalindadams/sen-grassley-calls-for-new-probe-into-uhs>; Rosalind Adams, *Sen. Grassley Turns Up The Heat On Nation's Largest Psychiatric Chain*, BuzzFeed News (Apr. 17, 2017), <https://www.buzzfeednews.com/article/rosalindadams/sen-grassley-calls-for-federal-probe-into-troubled-youth>.

⁵ Feb. 2025 letter to CMS, see footnote 2.

⁶ Prepared for Rep. Henry A. Waxman and Sen. Charles E. Grassley, *HHS 'Nursing Home Compare' Website Has Major Flaws*, Special Investigations Div. Comm. on Gov't Reform (Feb. 21, 2002), <https://www.healthwatchusa.org/downloads/Grassley-Waxman-hhsnursingwebsite022102.pdf>; Press Release, *Grassley on Nursing Home Website Improvements*, Senate Comm. on Fin. (Mar. 26, 2023), <https://www.finance.senate.gov/chairmans-news/grassley-on-nursing-home-website-improvements>; Letter from Sen. Charles E. Grassley to Sec'y Xavier Becerra, Dept. of Health and Human Svcs., and Adm' Chiquita Brooks-LaSure, Ctrs. for Medicare & Medicaid Svcs. (Dec. 4, 2023), https://www.grassley.senate.gov/imo/media/doc/grassley_to_hhs_cms_-_care_compare_five-star_rating_system.pdf.

previously noted, Care Compare can be difficult to understand and star ratings can help consumers make sense of the myriad of measures contained on the website and distinguish between high and low performing facilities.⁷ Star ratings, as they simplify complex information into a single and easily digestible score, put more of a spotlight on poor performing health care facilities than a disparate collection of complicated measures, which can further motivate facilities to make improvements. I support CMS's effort to develop and publish star ratings for IPFs.

However, CMS should take steps to ensure the usefulness, accuracy, and reliability of the existing measures in the IPF quality reporting (IPFQR) program before they are included in the IPF star ratings. CMS should evaluate the usefulness of the existing IPFQR measures by actively requesting information from people affected by serious mental illness and their families regarding which measures they find most meaningful. CMS should prioritize measures that capture patient safety, patient experience, and care outcomes. Further, concerns related to the accuracy and reliability of IPFQR measures have been documented in the past.⁸ For example, although dated, a study from 2020 found hundreds of errors in the IPFQR program's restraint and seclusion data.⁹ Additionally, like other CMS pay-for-reporting programs, the claims-based measures in the IPFQR (e.g. follow-up after hospitalization, medication continuation) are based solely on claims data from traditional Medicare beneficiaries.¹⁰ As previous estimates have found, because a limited portion of patients hospitalized in IPFs have Medicare these measures may provide an incomplete and unrepresentative assessment of IPF quality.¹¹

As I noted in my February 28 letter, there are multiple measurement topics not currently addressed by an IPFQR program measure, but would be valuable in IPF star ratings.¹² As patients in inpatient psychiatric settings are uniquely vulnerable to harm, the IPF star ratings should include measures related to patient safety events, including physical assaults, sexual assaults, suicides, unexpected deaths, injuries, and elopements (unauthorized departures) that occurred during the course of hospitalization.¹³ This information is not readily available to consumers. Additionally, due to the extreme vulnerability of children hospitalized in IPFs, CMS should consider separating out measures by age group.¹⁴ CMS should also consider including a

⁷ Grassley 2023 letter to HHS and CMS, see footnote 6.

⁸ Morgan Shields & Meredith Rosenthal, *Quality of Inpatient Psychiatric Care at VA, Other Government, Nonprofit, and For-Profit Hospitals: A Comparison*, Psychiatric Services (Mar. 1, 2017), https://psychiatryonline.org/doi/10.1176/appi.ps.201600074?url_ver=Z39.88-2003&rft_id=ori:rid:crossref.org&rft_dat=cr_pub%20%20pubmed/

⁹ Vincent Staggs, *Variability in Psychiatric Facility Seclusion and Restraint Rates as Reported on Hospital Compare Site*, Psychiatric Services (June 3, 2020), https://psychiatryonline.org/doi/10.1176/appi.ps.202000011?url_ver=Z39.88-2003&rft_id=ori:rid:crossref.org&rft_dat=cr_pub%20%20pubmed.

¹⁰ Website, Psychiatric Unit Services, Ctrs. for Medicare & Medicaid Svcs. (accessed May 21, 2025), <https://data.cms.gov/provider-data/topics/hospitals/psychiatric-unit-services/>.

¹¹ Pamela Owens et al., *Inpatient Stays Involving Mental and Substance Use Disorders, 2016*, Statistical Brief #249, Agency for Healthcare Research and Quality (Mar. 2019), <https://hcup-us.ahrq.gov/reports/statbriefs/sb249-Mental-Substance-Use-Disorder-Hospital-Stays-2016.jsp>

¹² Grassley 2025 letter to HHS CMS, see footnote 2.

¹³ Morgan Shields & Mara Hollander, *Complaints, Restraint, and Seclusion in Massachusetts Inpatient Psychiatric Facilities, 2008-2018*, Journal of Patient Experience (June 6, 2023), <https://journals.sagepub.com/doi/full/10.1177/23743735231179072>.

¹⁴ Taylor Knopf, *Durham 11-year-old was sexually assaulted in NC psychiatric hospital, parents allege*, NC Health News (Nov. 30, 2022), <https://www.northcarolinahealthnews.org/2022/11/30/parents-allege-11-year-old-sexually-assaulted-in-nc-psychiatric-hospital/>; Whitney Bryen & Kaylee Tornay, *A 12-year-old killed herself at a Spokane hospital that recently closed its psychiatric unit*, InvestigateWest (Apr. 23, 2025), <https://www.investigatwest.org/investigatwest-reports/a-12-year-old-killed-herself-at-a-spokane-hospital-that-recently-closed-its-youth-psychiatric-unit-17870640>; Christy Gutowski, *'Hospital of horrors': Lawsuit says children were beaten and sexually abused at Uptown facility while in DCFS care*, Chicago Tribune, (Dec. 18, 2019), <https://www.chicagotribune.com/2019/12/18/hospital-of-horrors-lawsuit-says-children-were-beaten-and-sexually-abused-at-uptown-facility-while-in-dcfs-care/>.

measure of all-cause mortality following IPF discharge, as such measure may capture post-discharge deaths related to self-inflicted injury or other unnatural causes.¹⁵ Due to their signals as treatment failures, additional measures of restraint and seclusion use may also be valuable, including measures of physical holds and chemical restraints.¹⁶

Further, for more than two decades I have pushed for reliable, complete, comparable, and publicly accessible health care facility inspection results.¹⁷ Similar to nursing homes, facility inspection reports are of particular relevance to IPFs. The IPF star ratings should include inspection information, such as the number and type of complaint inspections, citations, and penalties. The health inspections star rating in the nursing home module of Care Compare serves as a good example of how inspection information can be quantified and consolidated.¹⁸ CMS should assess how information from inspections could be included in the IPF star ratings.

Thank you for your cooperation and attention to this matter. If you have any questions, please contact my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

¹⁵ Framing Document, *30-Day Risk Standardized All-Cause Mortality Following Inpatient Psychiatric Facility Discharge*, Mathematica, <https://www.cms.gov/files/document/framing-document-30-day-risk-standardized-all-cause-mortality-following-ipf-discharge-measure.pdf>.

¹⁶ R³ Report, *New and Revised Restraint and Seclusion Requirements for Behavioral Health Care and Human Services Organizations*, The Joint Commission (June 20, 2024), <https://www.jointcommission.org/-/media/tjc/documents/standards/r3-reports/2024/rs-r3-final.pdf>.

¹⁷ Press Release, *Grassley seeks more reliable and complete information about nursing homes*, Senate Comm. on Fin. (July 14, 2004), <https://www.finance.senate.gov/chairmans-news/grassley-seeks-more-reliable-and-complete-information-about-nursing-homes>; Testimony of Sen. Charles E. Grassley, *Hearing on Nursing Home Transparency and Improvement*, Senate Special Comm. on Aging, S. Hrg. 110-398, (Nov. 12, 2007), <https://www.govinfo.gov/content/pkg/CHRG-110shrg41836/html/CHRG-110shrg41836.htm>; Press Release, *Grassley, Kohl Release Nursing Home Quality Study*, Off. of Sen. Charles E. Grassley (Mar. 2, 2012), <https://www.grassley.senate.gov/news/news-releases/grassley-kohl-release-nursing-home-quality-study>; Letter from Sen. Charles E. Grassley to Adm' Seema Verma, Ctrs. for Medicare & Medicaid Svcs. (Sep. 18, 2017), [https://www.grassley.senate.gov/imo/media/doc/2017-09-18%20CEG%20to%20CMS%20\(Joint%20Commission\).pdf](https://www.grassley.senate.gov/imo/media/doc/2017-09-18%20CEG%20to%20CMS%20(Joint%20Commission).pdf); Stephanie Armour, *Senator Pushes for Hospital Inspections to Be Made Public*, The Wall Street Journal (Sep. 19, 2017), <https://www.wsj.com/articles/senator-pushes-for-hospital-inspections-to-be-made-public-1505843279>.

¹⁸ Webpage, *Health inspections for nursing homes*, Ctrs. for Medicare & Medicaid Svcs., <https://www.medicare.gov/care-compare/resources/nursing-home/health-inspections>.