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# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 28, 2025

## VIA ELECTRONIC TRANSMISSION

The Honorable Stephanie Carlton  
Acting Administrator  
Centers for Medicare & Medicaid Services

Dear Acting Administrator Carlton:

I have long advocated for improved oversight and transparency at health care facilities that care for vulnerable Americans, such as nursing homes and inpatient psychiatric facilities (IPFs).<sup>1</sup> My oversight has resulted in improvements to the Nursing Home Care Compare website, which has been found to help consumers find their way to higher quality nursing homes and encourage providers to improve quality.<sup>2</sup> Yet, after more than twenty-five years of the Centers for Medicare & Medicaid Services (CMS) supporting web-based tools for consumers to find and compare providers, the mechanism for comparing IPFs is still lacking.<sup>3</sup> Like nursing home residents, psychiatric inpatients are at high risk for abuse, neglect, and harm, and the public deserves to be able to readily access information regarding quality, safety, and regulatory citations at IPFs in all states.<sup>4</sup>

According to a recent report, it took weeks to compile information regarding safety and regulatory issues at two IPFs because there is no place to readily access that information.<sup>5</sup> The report noted that, “the Centers for Medicare and Medicaid Services has a robust database of hospital inspections, quality of care and staff ratings. However, when you try to search many inpatient mental health hospitals, every category says information is not available.”<sup>6</sup> In response to questions about the lack of information, the prior administration stated that “although CMS doesn’t give star ratings for psychiatric hospitals, consumers can still find valuable quality

<sup>1</sup> Press Release, *Warren, Grassley Lead the Call for Greater Transparency in Nursing Home Ownership*, Off. of Senator Charles E. Grassley (May 19, 2023), <https://www.grassley.senate.gov/news/news-releases/warren-grassley-lead-the-call-for-greater-transparency-in-nursing-home-ownership>; Press Release, *After Year-Long Push for Transparency In Nursing Homes, Grassley Urges Improvements to CMS’s Care Compare*, Off. of Senator Charles E. Grassley (June 21, 2023), <https://www.grassley.senate.gov/news/news-releases/after-years-long-push-for-transparency-in-nursing-homes-grassley-urges-improvements-to-cms-care-compare>; Press Release, *Grassley Welcomes CMS Action Following His Decades-Long Push to Increase Nursing Home Transparency*, Off. of Senator Charles E. Grassley (Nov. 15, 2023), <https://www.grassley.senate.gov/news/news-releases/grassley-welcomes-cms-action-following-his-decades-long-push-to-increase-nursing-home-transparency>; Press Release, *Grassley: Alarming Pattern of Conduct Reported at UHS Facilities*, Off. of Senator Charles E. Grassley (Dec. 18, 2017), <https://www.grassley.senate.gov/news/news-releases/grassley-alarming-pattern-conduct-reported-uhs-facilities>.

<sup>2</sup> R. Tamara Konetzka, Kevin Yan, and Rachel Werner, *Two Decades of Nursing Home Compare: What Have We Learned?*, Medical Care Research and Review (June 13, 2020), [https://journals.sagepub.com/doi/10.1177/1077558720931652?url\\_ver=Z39.88-2003&rft\\_id=ori:rid:crossref.org&rft\\_dat=cr\\_pub%20%20pubmed](https://journals.sagepub.com/doi/10.1177/1077558720931652?url_ver=Z39.88-2003&rft_id=ori:rid:crossref.org&rft_dat=cr_pub%20%20pubmed).

<sup>3</sup> Report, *Nursing Homes: CMS Offers Useful Information on Website and Is Considering Additional Steps to Assess Underlying Data*, Government Accountability Office, GAO-23-105312, (May 2023), <https://www.gao.gov/assets/gao-23-105312.pdf>.

<sup>4</sup> Morgan Shields, Maureen Stewart, and Kathleen Delaney, *Patient Safety in Inpatient Psychiatry: A Remaining Frontier for Health Policy*, Health Affairs (Nov. 18, 2018), <https://www.healthaffairs.org/doi/10.1377/hlthaff.2018.0718>; Hospital Surveys with 2567 Statement of Deficiencies through 2024 Q3 data file, Hospital webpage, Ctrs. for Medicare & Medicaid Services (accessed Feb. 3, 2025), <https://www.cms.gov/files/document/hospital-surveys-2567-statement-deficiencies-through-2024-q3.xlsx>, (Surveyors described findings of abuse, neglect, or harm during numerous surveys listed in the 2567 Statement of Deficiencies data file, such as 6G7O11/October 16, 2023, 52U911/March 4, 2024, VN4211/June 13, 2024, QD1O11/January 6, 2021, ZX8G11/April 8, 2022, YMU211/June 7, 2021, SSIO11/February 23, 2023, 00IG11/June 10, 2022, P33211/April 10, 2024, RKRS11/October 5, 2022, and CYVY11/September 23, 2022).

<sup>5</sup> Randall Kerr, *WRAL Investigates why the truth about mental health hospitals remains hidden*, WRAL News (May 7, 2024), <https://www.wral.com/story/wral-investigates-why-the-truth-about-mental-health-hospitals-remains-hidden/21418636/>.

<sup>6</sup> *Id.*

information by using [other] CMS resources.”<sup>7</sup> However, a review of those resources found them to be insufficient.<sup>8</sup>

Currently, a search for an IPF on the Care Compare website yields little to no information that would allow a consumer to determine the safety of the facility. After searching for an IPF on Care Compare, the website launches a webpage showing that the facility’s “Overall Star Rating” and “Patient Survey Rating” are not available.<sup>9</sup> Under a drop down, Care Compare primarily presents process measures, including COVID-19 vaccinations for providers, influenza vaccinations and body mass index screenings for patients.<sup>10</sup> While there is information regarding potentially harmful mechanical restraints and seclusions, there is no data regarding physical holds and chemical restraints, which surveyors have also found to be used inappropriately and with incorrect technique.<sup>11</sup> There is no information regarding assaults, abuses, suicides, and elopements (unauthorized departures), particularly information regarding facilities that have had repeated and/or potentially preventable events.<sup>12</sup> There is no information regarding Medicare Conditions of Participation violations, citations, penalties, or enforcement actions.<sup>13</sup> This is the kind of information that patients and their families care about.

While Care Compare provides access to inspection reports for nursing homes, this capability is missing from the hospital section of the website.<sup>14</sup> In all states, patients and their families deserve to have access to all IPF inspection/survey reports through a user-accessible website, no matter whether the survey was performed by a state or local survey agency, CMS, or an accrediting organization, such as The Joint Commission. While some hospital inspection

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.* (As described by WRAL, “those resources included with the statement were a spreadsheet you could download, but can’t even decipher considering all of the categories, acronyms and codes that don’t necessarily reflect the actual quality of care. The other resource was the same online database that again has no information about the hospital’s performance.”).

<sup>9</sup> Care Compare entry for Aurora Vista Del Mar, Care Compare, Medicare.gov (accessed Feb. 3, 2025), available at <https://www.medicare.gov/care-compare/details/hospital/054077?id=a96bf388-2fd6-460f-bca4-d70b1eeb862d&city=Ventura&state=CA&zipcode=>.

<sup>10</sup> Psychiatric unit services drop-down for Aurora Vista Del Mar, Care Compare, Medicare.gov (accessed Feb. 3, 2025), <https://www.medicare.gov/care-compare/details/hospital/054077?id=a96bf388-2fd6-460f-bca4-d70b1eeb862d&city=Ventura&state=CA&zipcode=&measure=hospital-psychiatric-surveys>.

<sup>11</sup> Surveys ZF7G11/June 4, 2024 and D0SD11/July 11, 2024, 2567 data file, *supra* note 4, (For example, during an inspection of Destiny Springs Healthcare in June 2024, surveyors found that “the Hospital failed to ensure staff did not utilize a chemical restraint as a means of coercion, discipline, convenience or retaliation for one (1) patient.” One month later, surveyors found that “the hospital failed to ensure restraints were conducted safely, resulting in Patient #1 suffering a fractured humerus.”).

<sup>12</sup> Ross Jones, *Congressman, local leaders want answers over Detroit hospital patient abuse, suicide*, ABC WXYZ Detroit (Oct. 10, 2024), <https://www.wxyz.com/news/local-news/investigations/congressman-local-leaders-want-answers-over-detroit-hospital-patient-abuse-suicide>; Surveys 366M11/June 6, 2024 and 31M611/July 3, 2024, 2567 data file, *supra* note 4, (In 2024, at Detroit Receiving Hospital, in the span of 73 days, two different female patients were sexually assaulted by two different male patients while sedated and confined to four-point restraints, which is a time when patients should be continuously monitored by staff, and another patient died by suicide in her room in the setting of missed safety checks.); Maddie Kirth, *‘Were they not trained?’ Family of missing Hammond Alzheimer’s patient demands hospital reform*, Fox 8 (June 23, 2023), <https://www.fox8live.com/2023/06/24/were-they-not-trained-family-missing-hammond-alzheimers-patient-demands-hospital-reform/>; Survey 1UQQ11/June 21, 2023, 2567 data file, *supra* note 4, (In 2023, a patient with severe dementia was able to walk out of a locked unit at Oceans Behavioral Hospital of Hammond in Louisiana and was found dead in a field one day later. It took nearly an hour for staff to realize that the patient was gone and another ninety minutes to call 911.).

<sup>13</sup> Heather Catallo, *‘He didn’t deserve this.’ Patient dies after being restrained in psych ward, family speaks out*, WXYZ (Dec. 19, 2024), <https://www.wxyz.com/news/local-news/investigations/he-didnt-deserve-this-patient-dies-after-being-restrained-in-psych-ward-family-speaks-out>; Medicare notice to the public regarding termination of Pontiac General Hospital effective November 24, 2024 (Nov. 8, 2024), <https://www.cms.gov/files/document/michigan-pontiac-general-hospital-11/08/2024.pdf>, (There is no information regarding Michigan’s Pontiac General Hospital’s termination from the Medicare program on November 24, 2024, after a patient died in the setting of improper restraint technique and a delayed and disorganized resuscitation effort.); Surveys R5UY11/March 22, 2024, 24E111/April 3, 2024, M4B411/June 6, 2024, QORQ11/July 31, 2024, and NB8H11/August 15, 2024, 2567 data file, *supra* note 4 (There is no information regarding the 30 deficiencies, including three condition-level deficiencies and two immediate jeopardy findings, listed in the CMS 2567 Statement of Deficiencies data file for Oceans Behavioral Hospital of Hammond in Louisiana during the first three quarters of 2024.); Alex Lubben, *State gives troubled Mandeville psychiatric hospital one last chance to stay open*, NOLA (Apr. 19, 2024), [https://www.nola.com/news/northshore/what-is-the-future-of-northlake-behavioral-health-system/article\\_e5218958-f90a-11ee-ab91-072e26520f37.html](https://www.nola.com/news/northshore/what-is-the-future-of-northlake-behavioral-health-system/article_e5218958-f90a-11ee-ab91-072e26520f37.html), (There is no information regarding Northlake Behavioral Health System’s reported agreement with the Louisiana Department of Health to “pay an \$18,000 fine, hire a consultant, cover the cost of all future LDH inspections, and suffer additional penalties for any repeat deficiencies found in the course of those inspections” in order to maintain a provisional license.).

<sup>14</sup> GAO-23-105312, *supra* note 3.

reports may be accessible through the CMS 2567 Statement of Deficiencies data file, this is not a consumer-facing or readily accessible resource.<sup>15</sup> Additionally, my past oversight work revealed that inspection reports from accrediting organizations are completely inaccessible to consumers in most states.<sup>16</sup> Despite my advocacy on the issue, in 2017, CMS reversed course on a proposal to require accrediting organizations to post provider survey reports on their public-facing websites, but noted that, “CMS is committed to ensuring that patients have the ability to review the findings used to determine that a facility meets the health and safety standards required for Medicare participation.”<sup>17</sup> Seven years later, it still doesn’t appear that patients, or even CMS, have the ability to readily conduct that review.<sup>18</sup> There also still appears to be incongruity between safety violations and accreditation.<sup>19</sup>

For Congress to understand CMS’s current actions to increase the relevance of information regarding IPFs on the Care Compare website as well as any barriers impeding CMS’s progress, please provide answers to the following questions no later than March 14, 2025.

1. Does CMS plan to take steps to improve how information regarding IPF quality, safety, and regulatory issues are displayed on Care Compare? If not, why not? If so, please describe.
2. Are there any barriers to displaying information regarding patient harm, including abuses, assaults, suicides, and elopements with harm, for IPFs on Care Compare?
3. Are there any barriers to displaying citations, safety violations, licensure suspensions or limitations, immediate jeopardy findings, Medicare program terminations, monetary

<sup>15</sup> 2567 data file, *supra* note 4.

<sup>16</sup> Press Release, *Grassley Presses Agency On Statutory Changes Needed to Make Hospital Inspection Reports Public*, Off. of Senator Charles E. Grassley (Sep. 20, 2017), <https://www.grassley.senate.gov/news/news-releases/grassley-presses-agency-statutory-changes-needed-make-hospital-inspection-reports>.

<sup>17</sup> Charles Ornstein, *Secret Hospital Inspections May Become Public At Last*, ProPublica (April 18, 2017), <https://www.propublica.org/article/secret-hospital-inspections-may-become-public-at-last>; Fact Sheet, Fiscal Year (FY) 2018 Medicare Hospital Inpatient Prospective Payment System (IPPS) and Long Term Acute Care Hospital (LTCH) Prospective Payment System Final Rule(CMS-1677-F), Centers for Medicare & Medicaid Services (Aug. 2, 2017), <https://www.cms.gov/newsroom/fact-sheets/fiscal-year-fy-2018-medicare-hospital-inpatient-prospective-payment-system-ipps-and-long-term-acute-0>; Charles Ornstein, *Accreditors Can Keep Their Hospital Inspection Reports Secret, Feds Decide*, ProPublica (Aug. 3, 2017), <https://www.propublica.org/article/accreditors-can-keep-their-hospital-inspection-reports-secret-feds-decide>; Letter from Senator Charles E. Grassley to Administrator Seema Verma, Centers for Medicare & Medicaid Services (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).

<sup>18</sup> Centers for Medicare & Medicaid Services, Proposed Rule, Medicare Program; Strengthening Oversight of Accrediting Organizations (AOs) and Preventing AO Conflict of Interest, and Related Provisions, Section G, Federal Register (Feb. 15, 2024), <https://www.federalregister.gov/documents/2024/02/15/2024-02137/medicare-program-strengthening-oversight-of-accrediting-organizations-aos-and-preventing-ao-conflict#footnote-4-p12000>.

<sup>19</sup> Press Release, *Grassley, Stark hold officials accountable for improper approval of specialty hospital in West Texas*, U.S. Comm. on Finance (Mar. 6, 2007), <https://www.finance.senate.gov/ranking-members-news/grassley-stark-hold-officials-accountable-for-improper-approval-of-specialty-hospital-in-west-texas>; Letter from Senator Charles E. Grassley to Mr. Mark Chassin, The Joint Commission (Apr. 14, 2017), [https://www.grassley.senate.gov/imo/media/doc/2017-04-14%20CEG%20to%20Joint%20Commission%20\(UHS\).pdf](https://www.grassley.senate.gov/imo/media/doc/2017-04-14%20CEG%20to%20Joint%20Commission%20(UHS).pdf); Stephanie Armour, *Hospital Watchdog Gives Seal of Approval, Even After Problems Emerge*, The Wall Street Journal (Sep. 8, 2017), <https://www.wsj.com/articles/watchdog-awards-hospitals-seal-of-approval-even-after-problems-emerge-1504889146>; Surveys 2DCB11/March 5, 2024, S6IC11/June 13, 2024, WKN11/July 12, 2024, 7VB511/April 11, 2024, DICQ11/July 12, 2024, ZF7G11/June 4, 2024, and D0SD11/July 11, 2024, 2567 data file, *supra* note 4; Search for Mesa Springs, Crestwyn Behavioral Health, Del Amo Hospital, and Destiny Springs Healthcare on The Joint Commission’s “Find Accredited Organizations” webpage, The Joint Commission (accessed Feb. 11, 2025), <https://www.jointcommission.org/who-we-are/who-we-work-with/find-accredited-organizations/#q=mesa%20springs&numberOfResults=25>, <https://www.jointcommission.org/who-we-are/who-we-work-with/find-accredited-organizations/#q=Crestwyn%20Behavioral%20Health%20&numberOfResults=25>, <https://www.jointcommission.org/who-we-are/who-we-work-with/find-accredited-organizations/#q=Del%20Amo%20Hospital&numberOfResults=25>, <https://www.jointcommission.org/who-we-are/who-we-work-with/find-accredited-organizations/#q=Destiny%20Springs%20Healthcare&numberOfResults=25>. (For example, Mesa Springs in Texas is currently shown as having a gold seal on The Joint Commission website, while the hospital had 14 condition-level deficiencies across three surveys listed in the CMS 2567 Statement of Deficiencies data file for the first three quarters of 2024. Crestwyn Behavioral Health in Tennessee with four condition-level citations in the first three quarters of 2024, Del Amo Hospital in California with three condition-level citations, and Destiny Springs Healthcare in Arizona with three condition-level citations are also currently shown as having Joint Commission accreditation.).

penalties, enforcement actions, or any other remediation actions for IPFs on Care Compare?

4. Are there any barriers to integrating the CMS 2567 Statement of Deficiencies data file in a user-accessible way on Care Compare?
5. What surveys are included in the CMS 2567 Statement of Deficiencies data file and which surveys are excluded? For example, does the data file contain surveys conducted by all state and local survey agencies? Are there any circumstances in which the file would contain surveys conducted by accrediting organizations?
6. Why are the findings from the following surveys/inspections not included in the 2567 Statement of Deficiencies data file posted on the CMS Hospital website?<sup>20</sup> What are the barriers to making the following reports accessible on Care Compare?
  - a. The survey that corresponds with the nine patient rapes at Options Behavioral Health Hospital.<sup>21</sup>
  - b. The February 2022 survey with immediate jeopardy findings for Brynn Marr Hospital.<sup>22</sup>
  - c. The survey that corresponds with the sexual assault at Psychiatric Institute of Washington.<sup>23</sup>
  - d. The survey conducted at Holly Hill Hospital after the escape of five children in March 2024.<sup>24</sup>
  - e. The survey that corresponds with Aurora Vista Del Mar's loss of permission to admit involuntary patients.<sup>25</sup>
  - f. The survey that corresponds with the suicide at Morton Plant North Bay Hospital Recovery Center.<sup>26</sup>
7. How does CMS assess the usability and relevance of the information regarding IPFs on the Care Compare website from the perspective of patients and their families?
8. How does CMS validate the data currently contained in Care Compare for IPFs? For example, what was CMS's process for validating Harborview Medical Center's 2022

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<sup>20</sup> 2567 data file, *supra* note 4.

<sup>21</sup> Joe Ulery, *Whistleblower exposes dangers at Indiana facility*, Public News Service (Dec. 18, 2024), <https://www.publicnewsservice.org/2024-12-18/mental-health/whistleblower-exposes-dangers-at-indiana-facility/a94122-1>.

<sup>22</sup> Letter from the Ctrs. for Medicare & Medicaid to Universal Health Services regarding notification of possible termination from the Medicare program (Mar. 27, 2023), <https://www.northcarolinahealthnews.org/wp-content/uploads/2023/05/Brynn-Marr-Hospital-CCN-344016-90-day-3-27-2023-signed-002-3.pdf>; Taylor Knopf, *NC psych hospital failed to provide 'safe and therapeutic' environment, feds say*, NC Health News (May 10, 2023), <https://www.northcarolinahealthnews.org/2023/05/10/nc-psych-hospital-failed-to-provide-safe-and-therapeutic-environment-feds-say/>.

<sup>23</sup> Peter Herman, *Psychiatric health aide in D.C. charged with sexual abuse of a patient*, The Washington Post (Dec. 21, 2023), available at <https://www.washingtonpost.com/dc-md-va/2023/12/21/sexual-assault-dc-psychiatric/>.

<sup>24</sup> Heidi Kirk, *WRAL Investigates: Holly Hill violated standards of care that could've prevented patient escapes, inspection says*, WRAL News (July 15, 2024), available at <https://www.wral.com/story/wral-investigates-holly-hill-violated-standards-of-care-that-could-ve-prevented-patient-escapes-inspection-says/21526230/>.

<sup>25</sup> Nick Welsh, *Santa Barbara County's Psych-Bed Pinch Tightens as Key Mental-Health Safety Valve Shuts Down*, Santa Barbara Independent (Nov. 1, 2023), <https://www.independent.com/2023/11/01/santa-barbara-countys-psych-bed-pinch-tightens-as-key-mental-health-safety-valve-shuts-down/>.

<sup>26</sup> Adam Walser, *Florida grandmother outraged after 13-year-old dies by suicide inside mental hospital*, ABC Action News (July 11, 2023), <https://www.abcactionnews.com/news/local-news/i-team-investigates/lutz-grandmother-outraged-after-13-year-old-commits-suicide-inside-mental-hospital>.

restraint rate of 22.44 hours per 1000 patient care hours, when the national average was 0.32, and the 2022 seclusion rate of 81.73, when the national average was 0.36?<sup>27</sup>

9. How does the data currently contained in Care Compare for IPFs inform the survey/inspection process? For example, have surveyors examined the restraint and seclusion practices at Harborview Medical Center?<sup>28</sup>
10. How does CMS “ensur[e] that patients have the ability to review the findings used to determine that a facility meets the health and safety standards required for Medicare participation,” including when those findings come from accrediting organizations?<sup>29</sup>
11. What role does CMS play in the accreditation process for IPFs? How do the deficiencies listed in the CMS 2567 Statement of Deficiencies data file factor into accreditation?
12. How does CMS partner with the Substance Abuse and Mental Health Services Administration (SAMHSA) on the Inpatient Psychiatric Facility Quality Reporting (IPFQR) program and ensure consistency between the IPFs listed on the Care Compare website and the IPFs listed on the FindTreatment.gov website?<sup>30</sup> How does CMS use data collected through the National Substance Use and Mental Health Services Survey (N-SUMHSS)?<sup>31</sup>

Thank you for your prompt review and response. If you have any questions, please contact my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Chairman  
Committee on the Judiciary

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<sup>27</sup> “Inpatient psychiatric facility quality measure data – by facility” data set, Ctrs. for Medicare & Medicaid Services (Oct. 30, 2024), <https://data.cms.gov/provider-data/dataset/q9vs-r7wp>; “Inpatient psychiatric facility quality measure data – national” data set, Ctrs. for Medicare & Medicaid Services (Oct. 30, 2024), <https://data.cms.gov/provider-data/dataset/s5xg-sys6>.

<sup>28</sup> *Id.*

<sup>29</sup> Fact sheet, *supra* note 17.

<sup>30</sup> Mental health and substance use treatment locator website, Substance Abuse and Mental Health Services Admin. (accessed Feb. 11, 2025), <https://findtreatment.gov/locator>.

<sup>31</sup> National Substance Use and Mental Health Services Survey, Substance Abuse and Mental Health Services Admin. (accessed Feb. 11, 2025), <https://info.nsumhss.samhsa.gov/>.