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April 14, 2017

VIA ELECTRONIC TRANSMISSION

Mr. Mark R. Chassin
President and Chief Executive Officer
The Joint Commission
601 13th St. NW #506S,
Washington, DC 20005

Dear Mr. Chassin,

I have twice written to the Inspector General for the U.S. Department of Health and Human Services regarding alarming news reports about Universal Health Services (UHS), the country's largest psychiatric hospital chain. By way of background, on December 7, 2016, BuzzFeed published an in-depth article summarizing the main findings of its yearlong investigation into UHS and allegations of pressuring patients into unnecessary admittance and prolonged hospitalizations, potentially defrauding the government via Medicare and Medicaid as a result.¹ The alleged conduct raised in the article is particularly troubling and raises serious questions about UHS's ability to properly care for its patients.

Current and former employees interviewed by BuzzFeed noted that they were directed by management to hold patients in psychiatric wards until their insurance ran out in order to maximize profit. The investigation also noted that a state of Illinois report about one Chicago UHS hospital found that staffing levels were "woefully inadequate," that there was a "repeated and willful failure by UHS officials to ensure that their staff were properly trained," and that it engaged in a pattern of patient admission "in an effort to maximize financial profit." Based on the report, it appears these issues spread to other UHS facilities and one patient reportedly even died from an apparent failure to properly diagnose and monitor him.

The BuzzFeed article includes examples of patients being held against their will and supervisory employees instructing their subordinates to ensure that patients stay as long as possible to maximize profit. Further, the investigation found that UHS used the suicidal ideation code excessively to bill Medicare. This excessive use is more apparent in UHS's purchase of Psychiatric Solutions, Inc. (PSI) – after the acquisition, former PSI hospitals used the suicidal ideation code at a six-fold increase, according to the news report.

¹ Rosalind Adams, *Intake*, BuzzFeed (December 7, 2016). Available at https://www.buzzfeed.com/rosalindadams/intake?utm_term=.qfL25o0Gy#.he8JwlMnW

Most recently, on April 11, 2017, BuzzFeed issued another article about its investigation into UHS, specifically focusing on the Shadow Mountain UHS facility in Oklahoma. The news report indicates that one of Shadow Mountain's units had only one third of the staff it needed.² BuzzFeed's investigation also notes that many staffers have placed unwarranted physical restraints on children or completely neglected to prevent self-injury. For example, the reporting states that video surveillance shows that at one point the manager of the facility "looked on, chatting with an employee, as an agitated child repeatedly banged his head against a wall."³

Based on BuzzFeed's investigation, the state of Oklahoma reportedly opened an investigation into the facility and its director. The state has reportedly placed the facility on probation multiple times due to low nurse staffing, medication errors, and reports of sexual misconduct.⁴

According to UHS, the Shadow Mountain facility is fully accredited by the Joint Commission, which even designated the facility as a "Top Performer in Key Quality Measures" from 2011-2015. In light of the news reporting, it is unclear how Shadow Mountain maintains its accreditation, let alone how it received such a prestigious ranking.

According to the Commission's website, Shadow Mountain is currently accredited and has received the Commission's "Gold Seal of Approval." The website also notes that the Commission's last on-site survey date was February 2016 and July 2016. As such, please explain in detail what each survey involves and whether any problematic areas were identified by the Commission. In addition, please detail the steps the Commission generally takes when it receives information about a problematic facility that it has accredited and previously gave outstanding remarks to and whether those steps have been taken with respect to the Shadow Mountain facility.

Please respond by April 28, 2017. If you have any questions, please contact Josh Flynn-Brown of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

² Rosalind Adams, *The Trash Can Unit*, BuzzFeed (April 11, 2017). Available at https://www.buzzfeed.com/rosalindadams/shadow-mountain?utm_term=.dbn82dBeYB#.tKE6eoZVOZ

³ *Id.*

⁴ *Id.*