

RE: DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Centers for Medicare & Medicaid Services

February 3, 2017

42 CFR Parts 405, 412, 413, 414, 416, 486, 488, 489, and 495 [CMS-1677-P] RIN 0938-AS98

Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Proposed Policy Changes and Fiscal Year 2018 Rates; Quality Reporting Requirements for Specific Providers; Medicare and Medicaid Electronic Health Record (EHR) Incentive Program Requirements for Eligible Hospitals, Critical Access Hospitals, and Eligible Professionals; Provider-Based Status of Indian Health Service and Tribal Facilities and Organizations; Costs Reporting and Provider Requirements; Agreement Termination Notices.

Section: XI. Proposed Changes Relating to Survey and Certification Requirements Section: XI. Proposed Changes Relating to Survey and Certification Requirements.

Dear Sir:

We are writing this correspondence to support the proposed regulatory changes that require healthcare facility Accrediting Organizations to make their survey reports publicly available. Many who have signed this support letter also signed a Sept. 2, 2011 letter to Senator Harkin and a Oct. 27, 2011 letter to Senator McConnell voicing similar recommendations.

- The letter to Senator Harkin was signed by over 50 patient advocates and advocate organizations. View letter to Senator Harkin: [http://www.healthwatchusa.org/HWUSAInitiatives/PDF-Downloads/20110910-Senator Tom Harkin-Post-2.pdf](http://www.healthwatchusa.org/HWUSAInitiatives/PDF-Downloads/20110910-Senator_Tom_Harkin-Post-2.pdf)
- The letter to Senator McConnell was signed by 20 business healthcare purchasing alliances. View Letter to Senator McConnell: [http://www.healthwatchusa.org/HWUSA-Initiatives/PDFDownloads/20111118NS Senator Mitch McConnell.pdf](http://www.healthwatchusa.org/HWUSA-Initiatives/PDFDownloads/20111118NS_Senator_Mitch_McConnell.pdf)

Survey reports are publicly available for schools and restaurants but not for healthcare facilities (hospitals and nursing homes). The public has the right to access these reports since healthcare is a vital service and knowing a healthcare facility's performance is imperative. In addition, a facility may elect to be surveyed by a State organization in lieu of a survey by an accrediting organization. Facility surveys which are performed by States are often publicly available and, thus, there appears to be a double standard regarding those performed by accrediting organizations.

The process and structure measures of accrediting organizations have been extensively researched, are often verified by onsite visits and are, thus, not subject to risk adjustment concerns that surround outcome measures.

The very high disparity rates of the accrediting organizations with follow-up governmental surveys makes transparency of utmost importance. One of two possibilities exist for this discrepancy:

First, the accrediting organization's survey can be substandard or in error. Concern exists that because there are multiple accreditation organizations and the facility chooses which organization performs the survey, that the less rigorous accreditation organization will be selected, producing an associated

degradation in survey quality. In addition, the Joint Commission was also founded by the healthcare industry, including the American Hospital Association, and currently is funded by the organizations it accredits. Other accrediting organizations also receive funding by the healthcare facilities they survey.

Second, the correction of the initial findings can be temporary or can be accomplished by pulling resources from other areas, creating other deficiencies.

Transparency of the initial and post remediation reports will help delineate these two possibilities.

We would also like to recommend that the final regulation requires that the initial report, before remediation, be readily available and posted on a public website.

In summary, we would like to reaffirm our support for the newly proposed CMS regulations as they relate to transparency of facility accreditation surveys.

Thank you for this consideration,



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