

U.S. Congress

April 17, 2002

Mr. Thomas A. Scully
Administrator
Centers for Medicare and Medicaid Services
200 Independence Ave. SW
Room 314-G
Washington, D.C. 20201

Dear Administrator Scully:

As you know, the second phase of a congressionally mandated study, "Appropriateness of Minimum Nurse Staffing Ratios in Nursing Homes," was recently released by the Department of Health and Human Services (HHS). The findings of the report, which had an original due date of January 1, 1992, have been eagerly awaited by members of Congress, researchers, nursing home owners, nursing home workers, nursing home residents, and their family members.

The report analyzed empirical data linking nursing home staffing levels with quality of care and concluded that 90 percent of nursing homes in the United States have staffing levels that are too low to provide adequate care. The report should play a critical role in any executive or legislative branch effort to improve nursing home staffing levels.

Given the landmark nature of this report, we were disappointed to hear from your staff that the Centers for Medicare and Medicaid Services (CMS) is not posting the report on the agency's web site. We hope this is not a final decision. The nursing home staffing study was mandated by Congress and paid for with federal tax dollars. The study provides critical information on nursing home conditions and suggests possible ways to improve quality of care. As such, the study should be easily accessible to members of the public. And since Phase 1 of the report is available on the CMS web site (although arguably difficult to find), it would be logical to include the second and final phase as well.

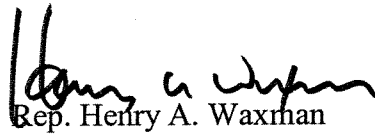
By declining to post the study on its web site, HHS and CMS impede public access to the report and its important conclusions. We are concerned that this decision might leave the impression that HHS and CMS are unconcerned about the staffing problem.

As a temporary measure, we have posted a copy of the report on the web site of the minority office of the House Committee on Government Reform, www.house.gov/reform/min. But this is not a permanent solution. The report should be available on the CMS web site, where it can be accessed by members of the public when they are searching for nursing home information. Please let us know whether the decision against posting the report is final or whether it remains open for consideration. Please respond by Monday, April 29, 2002. If your staff members have any questions, please direct them to Jill Gerber (Grassley) at 202/224-6522 or Brian Cohen (Waxman) at 202/225-5051.

Sincerely,



Sen. Chuck Grassley
Ranking Member
Committee on Finance



Rep. Henry A. Waxman
Ranking Member
Committee on Government Reform