

Congress of the United States

Washington, DC 20515

February 21, 2002

Thomas A. Scully
Administrator
Centers for Medicare and Medicaid Services
200 Independence Ave., SW
Washington, DC 20201

Dear Mr. Scully:

We are writing to inform you of a critical problem with the "Nursing Home Compare" website maintained by the Center for Medicare and Medicaid Services.

As you know, this website receives approximately 100,000 visits per month and is used by millions of families to help in the critically important decision of choosing a nursing home. To promote the website, the Department of Health and Human Services recently ran a \$30 million advertising campaign urging seniors to use the site as a resource "filled with reliable health care information . . . [to] help you . . . locate nursing homes for yourself or a loved one."

The most important information on the site is a searchable database that allows the public to determine the compliance status of virtually any nursing home in the United States. But this database has serious flaws. A study released today, done at our request by the Special Investigations Division of the minority staff of the Committee on Government Reform, reveals that the database on "Nursing Home Compare" is missing information on tens of thousands of nursing home violations.¹

The "Nursing Home Compare" website contains violations found during annual inspections of nursing homes conducted by state officials. But it does not contain any violations found during complaint investigations conducted by the same state officials. Between October 1, 2000, and December 31, 2001, states investigated approximately 52,000 complaints about conditions in nursing homes. These state complaint investigations resulted in 25,204 documented violations of federal health standards, all of which are excluded from "Nursing Home Compare."

This exclusion means that the HHS website provides unreliable information to the public. The most severe nursing home violations are "immediate jeopardy" violations, which are defined as violations that cause or have the potential to cause death or serious injury to residents. Between October 1, 2000, and December 31, 2001, nursing homes in the United States were cited for 1,923 immediate jeopardy violations. "Nursing Home Compare," however, contains data on only 785 of

¹Special Investigations Division, Committee on Government Reform, Minority Staff, *HHS Nursing Home Compare Website Has Major Flaws* (Feb. 20, 2002).

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these violations. Most of the immediate jeopardy violations -- 1,138 violations (59% of the total) -- were discovered during complaint investigations. They are not disclosed to the public on "Nursing Home Compare." Similarly, 41% of the violations in the second-most severe category -- those that caused actual harm to residents -- are excluded from "Nursing Home Compare" because they were found during complaint investigations.

One consequence of excluding the results of complaint investigations is that the compliance status of many nursing homes is incorrectly portrayed on "Nursing Home Compare." There are 871 nursing homes in the United States that were cited for immediate jeopardy violations between October 1, 2000, and December 31, 2001. Over half of these nursing homes (471 facilities) are not identified on "Nursing Home Compare" as having any immediate jeopardy violations. And over 1,300 nursing homes that had actual harm violations are misidentified on "Nursing Home Compare" as having no actual harm violations.

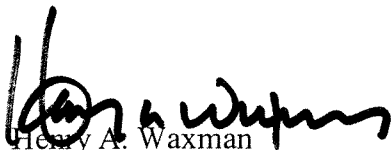
These defects in "Nursing Home Compare" are completely unacceptable. Families need to have access to the full compliance history of nursing homes so that they can make good decisions for loved ones. Yet in its current form, families are unable to obtain this information from "Nursing Home Compare." As a result, they can be misled about the status of individual nursing homes.

As a temporary step to provide more complete information to the public, we have posted information about the violations found during complaint investigations on the website of the minority office of the Government Reform Committee (www.house.gov/reform/min). This is not a viable permanent solution, however. Our congressional offices are not set up to maintain a database like this on an ongoing basis. Moreover, the public should be able to obtain all of the relevant information from one site.

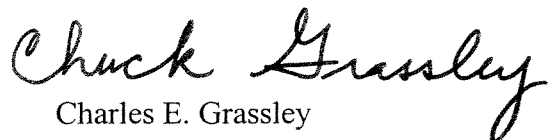
We recognize that "Nursing Home Compare" was developed in 1998, before you became CMS Administrator. But now that this shortcoming has been identified, we believe that it is your responsibility to fix the problem. We urge you to ensure that the missing violations are available to the public through "Nursing Home Compare" within 30 days.

We look forward to working with you to resolve this important matter expeditiously.

Sincerely,



Henry A. Waxman
Ranking Minority Member
House Committee on Government Reform



Charles E. Grassley
Ranking Minority Member
Senate Finance Committee