

Senator Tom Harkin
Chairman U.S. Senate Committee on Health Education Labor & Pensions
731 Hart Senate Office Building
Washington, D.C. 20510

September 2, 2011

Dear Senator Harkin,

We are writing to request your support for legislation to make the complete findings of hospital accreditation surveys available and readily accessible to the public.

Currently, the results of hospital accreditation surveys cannot be accessed by the public under Section 1865 [42 U.S.C. 1395bb] (b) of the Social Security Act which reads as follows:

"(b) The Secretary may not disclose any accreditation survey (other than a survey with respect to a home health agency) made and released to the Secretary by[615] the American Osteopathic Association[616] or any other national accreditation body, of an entity accredited by such body, except that the Secretary may disclose such a survey and information related to such a survey to the extent such survey and information relate to an enforcement action taken by the Secretary."

(Source: http://www.ssa.gov/OP_Home/ssact/title18/1865.htm)

We believe it is in the public's interest to have all accreditation survey findings of The Joint Commission and other bodies accessible to the public. This includes initial survey findings as well as follow-up survey findings which takes place weeks later after remedial action may have been taken.

Hospitals have a choice. They may choose to be surveyed by state agencies in lieu of accreditation by The Joint Commission or other entities. Only a small minority of hospitals elect this option.

In your home state of Iowa, state accreditation surveys are performed by the Division of Health Facilities, Iowa Department of Inspections & Appeals. These survey results are available to the public. The survey results from The Joint Commission are not available to the public.

We believe that the public has a right to information irrespective of the entity that conducts the surveys. The present situation creates a double standard. It also raises the question as to why the federal government allows two different standards.

In comparable public services sectors such as public health and education, inspections of restaurants and performance of schools are transparent to the public. Hospitals should be held to the same standard. Their performance should no longer be shielded from the public.

The process measures of The Joint Commission have been extensively researched and are not subject to risk adjustment concerns that surround outcome measures. The Joint Commission was also founded by the healthcare industry, including the American Hospital Association, and currently is funded by the organizations it accredits. Thus, its methodology should be considered the gold standard by the organizations it accredits.

We respectfully request your support for the repeal of Section 1865 [42 U.S.C. 1395bb] (b) of the Social Security Act to allow hospital accreditation survey findings be made readily available to the public; and

the ready availability of investigative results to both the public and to individuals who have lodged a complaint of substandard care, along with the plans of improvement for the correction of deficiencies found during institutional surveys and investigations.

In addition, The Joint Commission and any accrediting body of healthcare facilities should be made subject to the Federal Freedom of Information Act as a condition of their authority for performing accreditation surveys and complaint investigations.

Transparency in healthcare is of vital importance to encourage hospitals to improve their quality and safety.

Thank you for your kind consideration of our request.



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