

LLOYD DOGGETT
35TH DISTRICT, TEXAS



WASHINGTON OFFICE:
2307 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4865

DISTRICT OFFICES:
217 W TRAVIS
SAN ANTONIO, TX 78205
(210) 704-1080

300 EAST 8TH STREET, SUITE 763
AUSTIN, TX 78701
(512) 916-5921

COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON HEALTH
CHAIRMAN
SUBCOMMITTEE ON
SELECT REVENUE MEASURES
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JOINT COMMITTEE ON TAXATION

Congress of the United States House of Representatives

March 15, 2021

Elizabeth Richter
Acting Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 1244

Dear Acting Administrator Richter,

I write seeking an update on steps the Centers for Medicare & Medicaid Services (CMS) has taken to assure the responsible use of billions of taxpayer dollars being spent on the State of Texas's Quality Incentive Payment Program (QIPP).

Texas established QIPP in 2017 to award nursing homes that improve quality on a defined set of metrics, such as reducing pressure ulcers, reducing the use of antipsychotics, and increasing staffing hours. Payment awards are calculated based on the number of metrics met in a given month. A December 2020 audit released by the Office of the Inspector General identified shortcomings in QIPP, including the award of payment bonuses to facilities that rate below average in overall quality.¹ Alarming, flaws in the QIPP award formula also allow facilities to receive bonuses for a given metric as long as their performance is better than a national baseline, even when a facility's performance on that metric declines. The Inspector General's report also revealed facilities are receiving bonuses despite meeting fewer than half of the required quality metrics. Rather than providing a true quality incentive, QIPP is apparently serving as a slush fund for poor performing facilities.

In addition to the Inspector General's report documenting inefficient and questionable use of taxpayer funds for QIPP, Texas has been making full award payments to all participating facilities during the public health emergency with no evidence that quality metrics have been met. CMS has waived several safety and training, inspection, and reporting requirements during the public health emergency, including data reporting that the State of Texas relies on to calculate QIPP bonuses.² Rather than temporarily suspending QIPP or requiring reporting on these metrics to the state, Texas has apparently been giving away taxpayer dollars with no strings attached while facilities failed to protect residents during one of the worst public health crises in our Nation's history.

¹ <https://oig.hhs.gov/oas/reports/region6/61807001.asp>

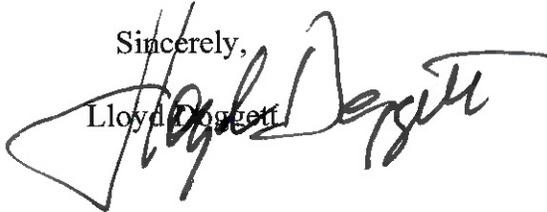
² <https://hhs.texas.gov/about-hhs/communications-events/news/2020/12/qipp-sfy-2021-performance-reporting-requirement-adjustments-due-covid-19>

For years, infection control and quality of care deficiencies have plagued long-term care facilities in Texas and nationwide—creating dangerous environments for residents and staff and a breeding ground for the COVID-19 pandemic. Approximately one-third of COVID-19 deaths have occurred in long-term care facilities – amounting to over 175,000 lives tragically lost since the beginning of the COVID-19 pandemic, including over 10,000 residents and staff in Texas.³

To ensure the safety and quality of care provided to residents as well as the efficient and appropriate use of taxpayer dollars, I respectfully request CMS provide an outline of all actions that CMS has taken and any plans for future action to assure that the Texas Quality Incentive Payment Program meets program objectives. Please include specific responses to each of the concerns and recommendations outlined in the Inspector General’s December report as well as CMS’s planned response to Texas’s decision to provide full award payments to facilities during the public health emergency. I look forward to your response about the very serious shortcomings that the Inspector General has identified.

Sincerely,

Lloyd Doggett

A handwritten signature in black ink, appearing to read "Lloyd Doggett", written over the printed name.

³ <https://www.kff.org/coronavirus-covid-19/issue-brief/state-data-and-policy-actions-to-address-coronavirus/>