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The Honorable Jay Rockefeller
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The Honorable Orrin Hatch
104 Hart Senate Office Building
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The Honorable Trent Lott
487 Russell Senate Office Building
Washington, DC 20510

TEL Jim Orrin Trent
Dear Senators Kennedy, Rockefeller, Hatch, and Lott:

I write to you in support of your legislation, the "Medicare Quality Improvement Organization Modernization Act of 2007." This legislation would make many needed improvements to the Quality Improvement Organizations (QIOs). We support the work of the QIOs which is integral to improving quality care in nursing homes.

The nursing home profession has focused intently on improving quality in nursing homes and to do so has engaged in several initiatives. The Nursing Home Quality Initiative provides consumers with comparative information regarding nursing home care quality in localities throughout the country. Building on the success of this program, the Advancing Excellence campaign takes our commitment to quality to the next level. Advancing Excellence in America's Nursing Homes brings together providers, government, professional and consumer advocates and others on nursing home quality care improvement. Providers commit to focusing on at least three of eight measurable goals, with at least one clinical goal and one operational/process goal. Clinical goals include reducing high risk pressure ulcers, managing pain and reducing the use of restraints. Operational/process goals include managing care by setting improvement targets, assessing resident and family satisfaction with the quality of care and increasing staff retention, caregiver turnover and utilizing consistent staffing assignments. The Advancing Excellence program is built on a structure that combines clinical measures with principles of culture change essential for improving care quality. The linchpin of this important program is its connecting consumers to work with providers and government with the technical assistance and best practices that come from the QIOs.

These programs represent significant progress but there is still a long way to go. Because resources are limited, we must efficiently use available resources and build on what is working and eliminate what is not. The QIO is a resource worth more investment. Efforts are needed to strengthen their services.

Recently, the media and several Senators have focused their concern on Special Focus Facilities (SFF). We share that concern and have worked closely for more than a year with CMS on issues surrounding the SFF list. We are concerned with gaining an understanding from CMS of the formula that puts a facility on the SFF list and the formula for graduation from the list. However, our first concern is to consider the lives of the residents who call

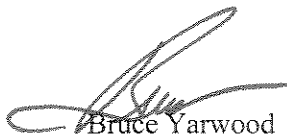
that facility home and are now threatened by the loss their home and for many patients, the staff who have become their family. Steps should be taken to minimize the life-threatening and socially-devastating risk of moving frail, elderly patients from their home. We would like to work with you on changes that make it attractive for a new, quality provider to manage the nursing home, make it safe for patients and keep them in their home.

The QIOs play a significant role with facilities that want to improve, including poor performing facilities that could end up on the Special Focus Facilities list. One function that is particularly helpful to nursing homes is case review. QIOs perform case review to determine the root cause of problems and help the facilities fix the problem to prevent future issues. Their reviews not only encompass care provided in the nursing facility but issues that require communication and follow-through during the transition of care – from hospital to nursing home. The Office of Inspector General (OIG) recommended in June that QIOs expand their case review work to improve coordination of care when patients are discharged from hospitals to nursing homes, and we support that recommendation.

However, we are concerned that in your legislation, the OIG would be responsible for auditing a sample of QIOs' medical reviews. Expertise is needed when analyzing the episodic care provided in the hospital (like focusing solely on the patient's knee during knee-replacement surgery) to the holistic care provided in the nursing home (focus on patient rehabilitation while considering the patient's other co-morbid conditions and psychosocial needs). Expertise is needed in understanding the different care delivery systems and in determining when care issues have been overlooked or not communicated during the transition from one care setting to another. Since your legislation proposes a new authority for the OIG, we are concerned there will be second-guessing of the best informed contractor and that their decisions will be overturned as a result of a later audit based solely on medical record.

Overall, this legislation is a sound step towards ensuring the QIO program continues to ensure high quality care for Medicare beneficiaries by modernizing and strengthening the program. We are pleased to support it with changes to the section noted above. AHCA fully supports the current QIO scope of work and we would take your legislation one step further by supporting increasing funding for the work they do. We call for and welcome the opportunity for a hearing to focus on the successful collaborative model that exists between the nursing homes and the QIOs. It's time to move forward and put what we have learned into action. I know you share a strong commitment to improved quality for the people all around this country who rely on facility care. I look forward to working with you to continue this commitment.

Sincerely,


Bruce Yarwood
President and CEO

cc: The Honorable Charles Grassley
Frank Romano
Dirk Anjewierden
Michael Anderson
Tripp Francis