

United States Senate

WASHINGTON, DC 20510

May 10, 2018

The Honorable Daniel R. Levinson
Inspector General
Department of Health and Human Services
330 Independence Avenue, SW
Washington, DC 20201

Dear Mr. Inspector General:

As you know, the U.S. Government Accountability Office (GAO) has just completed a review, at our request, of the Department of Health and Human Services' use of integrity agreements to address instances in which a provider or vendor has violated federal law or regulation in the delivery of health services or products under the Department's purview.¹ These agreements provide a mechanism for the Office of Inspector General (HHS OIG) to monitor the performance of providers who have engaged in improper activities—committing serious infractions or imposing significant, unallowable costs on the healthcare system—while allowing them to continue to provide health services and products. GAO reported that your office entered into 652 such agreements between July 2005 and July 2017.

While the majority of these agreements expire at the end of their designated terms (usually five years), GAO reports that HHS OIG assessed stipulated penalties in 41 instances and subsequently excluded four entities from federal health program participation altogether. In other instances, providers have been the subject of multiple agreements because of new violations. During the 2005-2017 reporting period, 15 entities were subject to more than one agreement and three entities were subject to three or more different agreements. HHS OIG extended agreements for five other entities beyond the usual five-year period for durations up to an additional five years.

In addition to providing the Department with an enforcement tool, the imposition of these agreements also signals to other participating agencies, providers, patients, and to the public at large that the healthcare providers at issue are on a form of administrative probation. Although HHS OIG maintains a publicly accessible list of current integrity agreements, because of the way these records are maintained, once an agreement expires it is removed from public view. As a result, the public cannot readily see when a healthcare provider is, in essence, a repeat offender or even a prior offender. Accordingly, we request that HHS OIG revise its practices and provide the public with access to a record of integrity agreement histories for each entity subject to an integrity agreement, especially those entities for which stipulated penalties, multiple agreements and extensions have been required.

If you have any questions related to this request, please contact Brandon Reavis of the Committee on Homeland Security and Governmental Affairs staff at (202) 224-2627 or Dave

¹ Government Accountability Office, *Department of Health and Human Services: Office of Inspector General's Use of Agreements to Protect the Integrity of Federal Health Care Programs* (GAO-18-322) (Apr. 2018).

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Berick of the Committee on Finance staff at (202) 224-4515. Please send any official correspondence related to this request to Rina Patel at Rina_Patel@hsgac.senate.gov. Thank you for your prompt attention to this matter.

Sincerely,



Claire McCaskill
Ranking Member
Committee on Homeland Security
and Governmental Affairs



Ron Wyden
Ranking Member
Committee on Finance