

June 3, 2022

Ms. Chiquita Brooks-LaSure, MPP
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Baltimore, MD

RE: RIN 0938-AU84

Dear Ms. Brooks-LaSure,

I write today, as a concerned citizen, to express my strong opposition to the Centers for Medicare & Medicaid Services' proposal to suppress calculation and publication of the CMS Patient Safety and Adverse Events Composite (CMS PSI 90) for FY 2023 and to potentially suppress other measures in the future without seeking public comment.

I deserve to know which hospitals offer the best patient care, and which are the least safe. Federal agencies and elected officials have a responsibility to the public, and that responsibility is violated when they suppress data on rates of harm to patients occurring in hospitals.

I oppose the suppression of PSI 90 information for the following reasons:

- **Lives Lost and Patients Harmed:** Nearly 25,000 people die and another 94,000 suffer injuries each year from the ten preventable medical and surgical complications CMS is proposing to suppress. These deaths and injuries occur from unacceptable complications from surgery.
- **CMS is the Only Source for This Data:** Data on these complications is not available to the public from any other source. If CMS suppresses this data, I will be in the dark on which hospitals put us most at risk, yet we all shoulder the burden of these dangerous preventable complications: lost life, pain and suffering, lost productivity, and wasteful health costs.
- **Health Equity Implications:** In a groundbreaking report, Urban Institute researchers found that hospitalized Black patients were far more likely than their white counterparts to these medical and surgical complications at the same hospital, and the results were "clinically large." For example, black patients had 27% higher rate of experiencing sepsis after an operation and 15% higher rate of experiencing a kidney

injury requiring dialysis. PSI 90 data is particularly impactful for populations traditionally the victims of bias.

- **CMS Should Not Attempt to Hide a Known Problem:** Federal officials recently warned the American public about a significant spike in rates of harm and now want to cover up the data. Just two months ago, leaders at CMS and the Centers for Disease Control and Prevention (CDC) reported that since 2020, federal data shows a significant increase in the number of common hospital infections and patient safety mistakes. These federal officials have the data, but now want to suppress much of it from the American public.

- **COVID-19 is not an Excuse to Hide Data:** While we recognize that hospitals were under tremendous strain in 2020 and 2021 during the peak of the pandemic, they must be held accountable for protecting the lives of their patients. I have a right to know the truth about preventable complications that results in needless suffering and lost lives.

Again, I strongly oppose the Centers for Medicare & Medicaid Services' proposal to suppress calculation and publication of the CMS Patient Safety and Adverse Events Composite (CMS PSI 90) for FY 2023 and to potentially suppress other measures in the future without seeking public comment. This is a matter of life and death.

Sincerely,

Jill A. Berger
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