

# United States Senate

WASHINGTON, DC 20510

September 14, 2017

COMMITTEES:  
APPROPRIATIONS  
FOREIGN RELATIONS  
SELECT COMMITTEE ON INTELLIGENCE  
SMALL BUSINESS AND ENTREPRENEURSHIP  
SPECIAL COMMITTEE ON AGING

The Honorable Seema Verma  
Administrator  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Administrator Verma:

In the wake of Hurricane Irma, eight senior citizens passed away at the same nursing home in Hollywood, Florida. This tragedy is currently under investigation, but it has been reported that these individuals were left in sweltering conditions when generators were not used to provide air conditioning.

First, I would like to work with the Centers for Medicare & Medicaid Services (CMS) to assist patients at any facility in Florida to find alternative providers, if they are in need. We must ensure patients receive proper care while power outages remain rampant and investigations are ongoing.

This terrible loss of life in Hollywood, Florida has attracted the most attention, but there are other examples of potential mismanagement. According to news reports, some staff at assisted living facilities evacuated the state without ensuring patients were taken care of, and power outages have threatened some seniors' ability to get food or the oxygen they depend on. These examples have left raw wounds across the state of Florida, and the reports have understandably created a lot of worry and heartache, and rightfully raise questions about CMS' ability to oversee and enforce existing emergency planning requirements.

The facility where the eight deaths occurred, the Rehabilitation Center at Hollywood Hills, has previously been cited by inspectors from the Florida Agency for Health Care Administration (AHCA) for violating federal requirements. Some recent infractions include failure to back-up its power capabilities. In 2014, AHCA inspectors learned that the remote alarm for the facility's generator was not operational, which the facility acknowledged, and that if not resolved the generator could fail. In February 2016, federal inspectors found the facility failed to properly maintain its emergency generator.

AHCA inspection reports also show the facility was cited for poor conditions, unsanitary food storage and preparation, and failure to provide residents with sufficient fluid intake to maintain proper hydration.

This raises serious concerns and questions how federal regulations are being enforced, so I am requesting timely answers to the following questions.

1. Does CMS receive inspection reports from AHCA?
  - a. If so, did CMS receive the inspection reports for the Rehabilitation Center at Hollywood Hills?

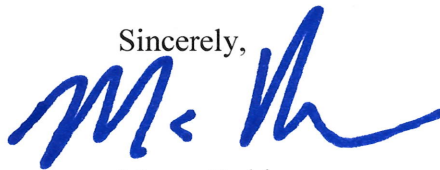
- b. What corrective actions were taken by the Rehabilitation Center at Hollywood Hills specific to its generator?
  - c. Was there a follow-up inspection conducted by CMS staff to confirm corrective actions brought this facility into compliance with federal regulations?
2. Are there other nursing homes, assisted living facilities, long term care or in-patient rehabilitation providers in Florida that have been faulted for failure to properly maintain generators?
  - a. If so, did CMS coordinate with the state and local governments to ensure the facilities have electricity and patients are safe, if the patients were not evacuated?
  - b. Will CMS conduct inspections of these facilities to prevent other instances of patient harm?
3. Is CMS willing to provide more information to congressional offices about any safety or health violations of in-patient living facilities?

As a member of the Senate Appropriations Committee, I would also appreciate CMS' cooperation in providing information about its current staffing and training capabilities of inspectors, what CMS deems to be the appropriate number of inspections of inpatient facilities, and identify potential instances of health care fraud.

It should not take a natural disaster for health care provider inadequacies to come to light, and I believe all federal programs, particularly Medicare and Medicaid, must have the resources required to protect patients and the integrity of the programs.

As tragic as this week has been for the patients and their families, it also provides a unique opportunity to make improvements so similar tragedies do not happen in the future.

Sincerely,



Marco Rubio  
U.S. Senator