

Congress of the United States
House of Representatives
Washington, DC 20515-0506

April 25, 2013

The Honorable Fred Upton
Chairman
Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Henry Waxman
Ranking Member
Energy and Commerce Committee
2322A Rayburn House Office Building
Washington, DC 20515

The Honorable Tim Murphy
Chairman
House Subcommittee on Oversight
and Investigation
2125 Rayburn House Building
Washington, DC 20515

The Honorable Diana DeGette
Ranking Member
House Subcommittee on Oversight
and Investigation
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairmen and Ranking Members,

I write to strongly urge you to hold investigative and oversight hearings in light of information recently made public, alleging that Nevada's largest psychiatric hospital improperly discharged over 1,500 mentally ill patients and transported them across state lines under extremely dubious circumstances. It is both irresponsible and inhumane to send individuals who are not fully aware of their surroundings to an unfamiliar city, without a treatment plan or doctor awaiting their arrival.

In February 2013, *The Sacramento Bee* reported that 48-year old James Flavy Coy Brown, a severe schizophrenic, who was a patient at the Rawson-Neal Psychiatric Hospital in Las Vegas, Nevada was placed on a bus and arbitrarily sent to my district of Sacramento California. Alarming, Mr. Brown was sent without arrangements for care, housing or medical treatment. After arriving in Sacramento in a suicidal and confused state of mind, Mr. Brown ended up spending three days in the UC Davis Medical Center's emergency room. All too often, mentally ill patients are placed in Emergency rooms due to lack of other care options. Nevada not only sent a mentally ill individual to an unfamiliar town, but also shifts the fiscal burden on care onto another state's public health system.

To maintain Medicare and Medicaid billing privileges, health organizations must adhere to Conditions of Participation, set forth by the Centers for Medicare and Medicaid Services (CMS). The Rawson-Neal Psychiatric Hospital is a subsidiary of Southern Nevada Adult Mental Health Services, which currently participates in, and is reimbursed under the Medicare and Medicaid Programs.

According to §3002 of the Medicare State Operations Manual, CMS possesses the authority to terminate an entity's participation in Medicare when said entity has failed to substantially meet one or more of the Conditions of Participation. Furthermore, any entity that does not substantially meet the Conditions of Participation is considered to be limited in its capacity to furnish services at an adequate level or quality.

While Southern Nevada Mental Health Services has recently announced a change in procedure, I remain gravely concerned that the facility failed to comply with at least two of the CMS Conditions of Participation including those pertaining to Discharge Planning (42 C.F.R. § 482.43) and Patient's Rights (42 C.F.R. § 482.13). This alleged noncompliance could also be in violation of the False Claims Act (31 U.S.C. §§ 3729-3733). It is entirely possible that a Committee investigation could uncover further instances of noncompliance in other hospitals and states.

Moreover, I believe it is the Committee's responsibility to ensure this egregious incident of interstate patient dumping is not replicated in other states, making certain that policies and regulations relating to the treatment of those living with mental illness are fully adhered to. This reprehensible treatment highlights the need for the Committee to thoroughly investigate and ascertain the scope, severity and consequences of Southern Nevada Adult Mental Health Services' selective disregard for the health and safety of its patients. Someone must be held accountable.

Thank you for your timely attention to this matter, and I look forward to working with you to ensure that entities receiving Medicare and Medicaid funding are in compliance with all statutorily mandated standards in place to protect the health and safety all patients.

Sincerely,

A handwritten signature in black ink that reads "Doris Matsui". The signature is written in a cursive, flowing style.

DORIS O. MATSUI
Member of Congress