

Congress of the United States

Washington, DC 20515

December 20th, 2024

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Administrator Brooks-LaSure:

Thank you for your response to our September 27, 2023, letter regarding antipsychotic medication use in nursing home residents. We appreciate the opportunity to discuss safe and appropriate medication utilization with the Centers for Medicare and Medicaid Services (CMS) to ensure that persons living with Alzheimer's disease, Parkinson's disease, mental health conditions and other neurodegenerative conditions have access to evidence-based care and the standard of care, regardless of care setting.

Antipsychotic medications have been on the market for quite some time and there is a reliable body of research justifying their appropriate use in certain populations, including the elderly, as well as documented clinical benefit of these medications to patients' overall well-being. Regarding the current quality measures, your response states that "these measures do not detail a single resident's experience, but rather, a summary of the outcomes experienced by all residents over one year." We remain concerned that this statement does not consider appropriate on, and off-label uses of antipsychotic medications prescribed and managed by highly trained medical professionals. The response also fails to consider evidence suggesting that atypical anti-psychotics have demonstrated effectiveness in treating dementia-related behaviors that do not respond to other interventions. There is also compelling medical evidence demonstrating that psychotropic medication, including atypical anti-psychotics, are the most effective treatments for mental illness and dementia related behaviors.

Current quality measures hinder these patients and other residents of skilled nursing facilities from receiving treatments that have stabilized new onset or chronic illnesses and given them an improved quality of life. While CMS has created measures focused on inappropriate prescribing of psychotropic medications, we strongly believe that these measures preclude people from receiving standard of care treatments. We strongly encourage CMS to produce guidelines on appropriate prescribing based on the latest medical evidence.

Please respond to the following by January 13, 2025.

Has CMS considered the safety and efficacy of commonly prescribed, second-generation antipsychotic medications? If so, please provide us details regarding the consideration of the use of these medications in the context of the quality measure and utilization outside of skilled nursing facilities.

We applaud CMS for taking steps to further refine the current measures by acknowledging the Office of the Inspector General's (OIG) report¹ as well as convening a Technical Expert Panel (TEP) to help guide measure re-specification efforts. However, CMS did not concur with the OIG's most impactful recommendation, which is that the current measure is insufficient.² Furthermore, members who sat on the TEP felt that the results were a foregone conclusion because their concerns with the current measure were not reflected in the final TEP report.³

What steps is CMS taking to ensure that the appropriate use of antipsychotic medications is being considered when evaluating their utilization by providers in nursing homes? Is CMS willing to discuss substantive changes to the current measures to achieve this goal or the recommendations of the OIG and TEP?

We appreciate that CMS is conducting audits to ensure that nursing home residents are receiving the quality care they deserve. When health care providers are able to assess all available treatment modalities with patients and caregivers, patients get the care they need and can live with the dignity and quality of life they deserve. Additionally, allowing the use of innovative treatments can alleviate the stress on the patient's caregivers, resolving an issue CMS has stated is of importance to the agency.

How will CMS use the results of the audits to make policy changes to the care provided in nursing homes to those with Alzheimer's disease and other neurodegenerative conditions? Will the results of the audit be made public?

Lastly, we share concerns about the increased number of novel diagnoses of schizophrenia in nursing homes, as well as the traumatic nature of forced discharges from nursing homes as highlighted in the HHS OIG's March 2024 report.⁴ Many of these discharges were associated with managing "endangering behaviors," which are often associated with neuropsychiatric symptoms of dementia that may be treated first through non-pharmaceutical treatments and then through pharmaceutical interventions if initial efforts fail. Given the disincentives inherent in CMS's current quality measure for the clinically appropriate use of antipsychotics, we ask CMS to evaluate whether differentiating between clinically appropriate and clinically inappropriate use of antipsychotics would change incentive structures in such a way that non-voluntary discharges and incorrect diagnoses of schizophrenia may become less prevalent.

We appreciate your continued attention to these concerns as we work together to increase the quality of care for all, especially Americans residing in nursing homes. To facilitate an open

¹ Office of Inspector General, CMS Could Improve the Data it Uses to Monitor Antipsychotic Drugs in Nursing Homes, U.S. DEPT. OF HEALTH AND HUMAN SERVS. (May 2021), <https://oig.hhs.gov/oei/reports/OEI-07-19-00490.pdf>.

² *Id.*

³ Technical Expert Panel (TEP) for Refinement of the Nursing Home Antipsychotic Medication Measures, CENTERS FOR MEDICARE AND MEDICAID SERVICES, (September 2023), <https://mmshub.cms.gov/sites/default/files/NH-Antipsychotics-TEP-Summary-Report-Feb-2023.pdf>.

⁴ Office of the Inspector General, Nursing Home Residents With Endangering Behaviors and Mental Health Disorders May be Vulnerable to Facility-Initiated Discharges, U.S. DEPT. OF HEALTH AND HUMAN SERVS. (March 2024), <https://oig.hhs.gov/reports-and-publications/all-reports-and-publications/nursing-home-residents-with-endangering-behaviors-and-mental-health-disorders-may-be-vulnerable-to-facility-initiated-discharges/>.

conversation on this matter, we request a stakeholder meeting among our staff, CMS leadership and advocates for metric reforms. We look forward to your response.

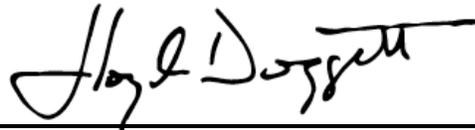
Sincerely,



Sheila Cherfilus-McCormick
Member of Congress



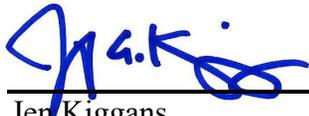
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