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Citizen Petition to the Centers for Medicare and Medicaid Services (CMS) requesting
changes to the HCAHPS Survey

April 13, 2016

Andy Slavitt
Acting Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Petition for Rulemaking

Dear Administrator Slavitt:

Pursuant to section 553(e) of the Administrative Procedure Act, the undersigned organizations and individuals submit this Petition requesting that the Centers for Medicare and Medicaid Services (CMS) remove questions pertaining to pain treatment from the Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) Survey.

Hospitals are financially incentivized by CMS to obtain high scores on HCAHPS Survey questions. The questions on the Survey pertaining to treatment of pain have had the unintended consequence of encouraging aggressive opioid use in hospitalized patients and upon discharge. A recent study found that physicians prescribed opioids, often in high doses, in more than half of 1.14 million nonsurgical hospital admissions.¹ According to the Centers for Diseases Control and Prevention, overprescribing of opioids has led to a severe epidemic of opioid addiction and overdose deaths.

Patients suffering from pain require compassionate, evidence-based care. Medication is not the only way to manage pain and should not be over-emphasized. Setting unrealistic expectations for pain relief can lead to dissatisfaction with care even when best efforts have been made to resolve pain. Aggressive management of pain should not be equated with quality healthcare as it can result in unhelpful and unsafe treatment, the end point of which is often the inappropriate provision of opioids.

Specifically, we request that the following questions be removed from the HCAHPS survey:

1. During this hospital stay, did you need medicine for pain?
2. During this hospital stay, how often was your pain well controlled?
3. During this hospital stay, how often did the hospital staff do everything they could to help you with your pain?

¹ Herzig SJ, Rothberg MB, Cheung M, Ngo LH, Marcantonio ER. 2014. Opioid utilization and opioid related adverse events in nonsurgical patients in US hospitals. *J. Hosp. Med.* 9:73–81.

For the reasons discussed in this petition, the undersigned Petitioners request that CMS issue a proposal for removing the pain questions listed above within 90 days, and finalize the rule change within 180 days, after allowing a reasonable period for public comment. If you have any questions about our requested changes, please contact the office of Dr. Andrew Kolodny at (347) 396-0371.

Respectfully submitted,

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