

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

December 16, 2009

Via Electronic Transmission

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Charlene Frizzera
Acting Administrator
Centers for Medicare and Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Sebelius and Acting Administrator Frizzera:

The United States Senate Committee on Finance (Committee) has jurisdiction over the Medicare and Medicaid programs. As the Ranking Member of the Committee, I have a responsibility to protect these programs and the more than 100 million beneficiaries who receive health care through them.

The overutilization of health services and healthcare fraud play a significant role in the rising cost of our healthcare system. I write today to learn more about how the U.S. Department of Health and Human Services (Department) and the Centers for Medicare and Medicaid Services (CMS) monitor the activities of providers when rates of utilization appear to be significant outliers.

I have come into possession of documents provided by the Florida Agency for Health Care Administration identifying the state's top Medicaid prescribers of mental health drugs. This list, which is attached for your convenience, takes into account all prescriptions written in the Medicaid program during the second half of 2007, all of 2008, and the first quarter of 2009. I note with alarm that the top Medicaid prescriber during that time wrote 96,685 prescriptions for mental health drugs – nearly twice the number written by the second-highest prescriber. That means that this physician wrote approximately 153 prescriptions each and every day, assuming he did not take vacations.

On the basis of these facts, please answer the following questions:

- 1) What systems does the Department have in place to monitor utilization rates across the country? This should include:
 - a. Whether the Department tracks prescriber data such as that included above.
 - b. If so, do the numbers above match your data?

- c. If you do not track such data, why not?
- 2) Please provide a list detailing overutilization allegations and investigations received or conducted by the Department since 2007.
- 3) When the Department discovers that a provider is an outlier in his or her utilization rates, what steps are taken?
 - a. What threshold must be met before the Department takes additional steps?
 - b. When that threshold is met, is the provider in question subject to any additional scrutiny or site visits?
- 4) Has the Department received allegations or information relating to possible overutilization by the provider described above?
- 5) What information do states share with the Department regarding Medicaid providers, allegations of overutilization, or enforcement actions?
 - a. Do enforcement actions by the state trigger similar actions at the federal level?
 - b. If so, what actions are triggered?

I thank you in advance for your cooperation and request that you provide the requested documents and written responses by no later than January 8, 2009. All formal correspondence should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov or via facsimile to (202) 228-2131. Of course should you wish to discuss this matter further, please do not hesitate to contact Christopher Armstrong of my Committee staff at (202) 224-4515.

Sincerely,



Charles E. Grassley
Ranking Member

cc: The Honorable Daniel R. Levinson
Inspector General
U.S. Department of Health and Human Services
Office of Inspector General
330 Independence Avenue, SW
Washington, DC 20201

Enclosure

Table 1: MDTMP Top Single Prescribers Ranked by Total_RXs Q3-2007 thru Q1-2009

	Name	Prescriber_ID	Total # of Mental_Health_Rx	Total # of Rx to Meet_CCI	Pct_Edit_Total
1	FERNANDO MENDEZ-VILLAMIL	ME0075685	96685	1533	1.6
2	HUBERTO MERAYO	ME0038613	53018	1845	3.5
3	ANTONIO TAULER	ME0065292	48527	573	1.2
4	VIDAL LOPEZ	ME0014047	33610	1389	4.1
5	JORGE BETANCOURT	ME0041415	32518	2346	7.2
6	ALFREDO PINIELLA	ME0070852	32219	1358	4.2
7	ALFREDO PUJOL	ME0044805	27763	284	1.0
8	FAY CANNON	ME0059147	26976	1202	4.5
9	FADI SABA	ME0071448	25898	1006	3.9
10	UMESH MHATRE	ME0027561	24771	791	3.2
11	JUNIOR PITTACK	ME0089943	23855	894	3.7
12	BEATRIZ GRISOLIA	ME0043385	23702	587	2.5
13	NELSON HERNANDEZ	ME0061921	23025	329	1.4
14	JORGE BENITO	ME0062660	22363	1253	5.6
15	FRANCISCO PAGES	ME0036112	22338	3379	15.1
16	JOSE GAMEZ	ME0057127	21912	938	4.3
17	ORLANDO SANTANA	ME0082548	21793	488	2.2
18	STEVEN KAPLAN	ME0046745	21771	1621	7.4
19	KATINA MATTHEWS-FERRARI	ME0052933	21570	1160	5.4
20	LUIS GUERRERO	ME0065537	21372	428	2.0
21	GINETTE DIEDERICH	ME0044238	19084	372	1.9
22	CARLOS DANGER	ME0090775	18350	1313	7.2
23	BRIAN JOSEPH	ME0086501	18096	629	3.5
24	LINDA LEFLER	ME0050988	17566	908	5.2
25	JOSE CRUZ	ME0090082	17348	885	5.1
26	ABRAHAM FLEMENBAUM	ME0025377	16512	2392	14.5
27	MARIO CUERVO	ME0040730	16373	1435	8.8
28	NOAH JEANNETTE	OS0009252	16241	757	4.7
29	ANAIMALAI NANJUNDASAMY	ME0079083	15746	232	1.5
30	LAURENCE PETTY	ME0068819	15516	180	1.2
31	STEVEN SPEISER	ME0038964	15508	654	4.2
32	WOMESH SAHADEO	ME0050472	15290	1147	7.5
33	SIKANDAR KHAN	ME0069108	15022	462	3.1
34	JOSE ADAN	ME0066403	15012	649	4.3
35	GUIDO LUDERGNANI	ME0096862	14972	515	3.4
36	JORGE DORTA-DUQUE	ME0056882	14970	386	2.6
37	PEDRO RODRIGUEZ	ME0028664	14820	661	4.5
38	JUAN ORTIZ	ME0026252	14775	378	2.6
39	GABRIEL DE CANDIDO	ME0039740	14444	1082	7.5
40	JAMES ZENEL	ME0055998	14023	504	3.6
41	UNKNOWN	1578605614	13890	158	1.1
42	CESARE RZADKOWOLSKY-RAOLI	ME0060415	13651	297	2.2
43	VINCENT DILELLA	OS0006347	13236	141	1.1
44	PRISCILLA BORREGO	ME0065158	13227	256	1.9
45	SARAH FRAZIER	ME0083534	13160	372	2.8
46	KENNETH BERDICK	ME0017772	12874	66	.5
47	HENRY DUMAS	ME0026677	12815	311	2.4
48	SANTIAGO DE LOS ANGELES	ME0065644	12706	798	6.3
49	REX BIRKMIRE	ME0075680	12676	472	3.7