

Hospital Group Asks Court to Bar Release Of Surveys by U.S.

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Accrediting Commission Moves
To Keep Deficiency Data
From Consumer Activists

By a WALL STREET JOURNAL Staff Reporter

CHICAGO—A hospital accrediting organization filed suit in federal district court against Caspar Weinberger, Secretary of Health, Education and Welfare, in what appeared to be an effort to keep reports on hospital deficiencies from a consumer activist group.

The Joint Commission on Accreditation of Hospitals, an industry supported group that regularly surveys most U.S. hospitals, asked the court to grant a permanent injunction and declaratory judgment against the federal government's release of 105 hospital surveys by the commission.

The commission charged that the release of the reports violated promises of confidentiality contained in the 1965 Medicare law. The 105 surveys were among 155 reports that the federal government gave to the Consumer Commission on Accreditation of Health Services, a New York consumer activist group.

Loss of Business

In its suit, the commission alleged that release of these confidential documents will result in a substantial loss of its accrediting business as hospitals drop out of its voluntary accrediting program. The lack of confidentiality could also lead to a deterioration of health care and exacerbation of the medical malpractice problem, the commission charged.

"The (commission) can make informed comments, criticisms and recommendations to the hospitals it surveys," the commission's suits said, "only if hospitals feel free to be open and honest to the (commission) concerning conditions." Without such openness, hospitals aren't likely to improve their health care, it said.

HEW officials have told the commission that the department intends to continue to comply with requests for the surveys because it considers them public information, according to the suit. The commission asked the court to enjoin the federal agency from releasing any more surveys. The case was assigned to federal District Judge Alfred Y. Kirkland.

The New York consumer group originally had sought the 105 commission surveys because these accredited hospitals were re-surveyed by the federal government in 1974. Of the 105 hospitals examined in 33 states, state fire marshals hired by Medicare found that 69 failed to meet federal fire-safety standards or had other significant health and safety deficiencies.

Government Spot Checks

The validation surveys stemmed from 1972 federal legislation that was passed to permit government spot checks of the commission's effectiveness in monitoring hospital quality.

In New York, the consumer group said HEW turned over only deficiency letters sent by the commission to the 105 hospitals, rather than the complete surveys. But the consumer organization would like the full commission reports to be made available. "If the government is going to spend \$5 billion a year (in Medicare payments to hospitals) based on some private consulting agency's work," the spokesman observed, "then their reports ought to be public."

The commission replied that it considers the deficiency letters "to be our most current surveys and what we feel the (Medicare) act says should remain confidential."