

MATHEWS YIELDS TO HOUSE PANEL

H.E.W. Secretary Delivers
Subpoenaed Hospital Data
to Moss Subcommittee

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Special to The New York Times

WASHINGTON, Nov. 12—F. David Mathews, Secretary of Health, Education and Welfare, turned subpoenaed hospital certification documents over to a House investigating subcommittee today, averting a possible contempt of Congress citation.

In a similar case, contempt charges were initiated yesterday by the subcommittee against Commerce Secretary Rogers C. B. Morton for his refusal to turn over the names of United States Corporations asked by Arab countries to participate in a trade boycott against Israel.

Mr. Morton thus became the first Cabinet officer to have such charges lodged against him, Congressional historians said.

The Oversight and Investigations Subcommittee of the House Committee on Interstate and Foreign Commerce, headed by Representative John E. Moss, Democrat of California, had been scheduled to take similar action today against Mr. Mathews.

The controversy arose over whether accreditation reports of private hospitals, which enable them to receive Medicare patients, are confidential.

Mr. Morton's refusal to turn over materials, if extended in the executive branch, would "establish a doctrine of secrecy from the Congress more pernicious than executive privilege," Mr. Moss said in a statement this morning after he received the documents from Secretary Mathews.

Trial Procedure

In order for Mr. Morton to be found guilty of contempt, the full committee and the full House of Representatives must sustain the subcommittee action. Then the matter would be turned over to a United States Attorney, who would take it before a Federal grand jury for indictment. If found guilty in trial, Mr. Morton could be given a fine ranging from \$100 to \$1,000 and a jail sentence from 30 days to one year.

Both Mr. Morton and Dr. Mathews had sought the opinion of Attorney General Edward H. Levi, who has looked into each of more than 100 confidentiality provisions in various laws.

The subcommittee became interested in obtaining the hospital certification reports of the Joint Commission on the Accreditation of Hospitals after it had become aware that most approved hospitals rechecked by the H.E.W. did not meet Federal hospital standards.

Of 105 hospitals reviewed in 1974, 68 had deficiencies serious enough to lose their participation status in Medicare unless corrections were made. Most were found to have serious violations of safety codes.

About \$12 billion in Government money was paid to hospitals last year on the basis that they were accredited by the joint commission, a Chicago-based group made up of organizations of doctors and hospital administrators.

The information sought by the Moss subcommittee had been treated as public before the accreditation commission sued the health agency over its disclosure and the department settled out of court by agreeing to make the information confidential. The law says that confidential information provided H.E.W. by the commission can only be released by a valid court order or subpoena.

Mr. Mathews said today that he had checked with the hospital commission and that its director had "recently advised the department that it would have felt obliged to comply with a valid subpoena, if the subcommittee had served it."