

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

March 7, 2019

Rear Admiral Michael D. Weahkee
Acting Director
Indian Health Service
U.S. Department of Health and Human Services
5600 Fishers Lane
Rockville, Maryland 20857

Dear Rear Admiral Weahkee:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce is examining the Indian Health Service's (IHS) ability to ensure quality of care at its hospitals. We write to request information about reported medical errors and systemic failures at IHS hospitals, the corrective actions IHS has taken or will take to address these problems, and a strategy to ensure improvements at these and other facilities across the IHS system.

On December 7, 2018, the Sioux Falls *Argus Leader* published an article, "Violated: How the Indian Health Service betrays patient trust and treaties in the Great Plains."¹ The article was republished by *USA Today* on the front page of its hard copy newspaper on January 8, 2019. The article detailed numerous medical failures persisting at the Pine Ridge IHS hospital and Rosebud IHS hospital in South Dakota, despite repeated warnings from federal watchdogs.

Based on its review of federal hospital inspection records and legal filings, the *Argus Leader* revealed very disturbing findings, including:

- Doctors in the Rosebud emergency room restrained and pepper sprayed a man overdosing on methamphetamine, which caused a fatal heart attack;

¹ *Violated: How the Indian Health Service betrays patient trust and treaties in the Great Plains*, Sioux Falls Argus Leader (Dec. 7, 2018).

- Faulty temperature controls and mold growing on the Rosebud hospital's walls made patients and hospital employees sick, periodically preventing hospital staff from working;
- Patients were put at risk of contracting disease when hospital staff failed to properly disinfect a blood sugar monitor between blood draws;
- Federal inspectors found a baby born on the bathroom floor unattended;
- Surgical instruments were hand washed and limbs were amputated unnecessarily; and
- Hospital staff did not take steps to prevent the spread of tuberculosis among patients.

These are just the latest failures identified at these and other IHS facilities in the Great Plains Area. In fact, in 2015, the Omaha Winnebago Hospital in Nebraska lost access to Medicare and Medicaid reimbursement.² The Centers for Medicare and Medicaid Services (CMS) certification was terminated due to a finding that the facility put patients in "immediate jeopardy."³

In addition to these failures, last month, the *Wall Street Journal* and *Frontline* reported that, for more than two decades, IHS employed a physician who sexually abused children who were his patients.⁴ Patrick Weber first practiced at an IHS hospital in Browning, Montana, before being transferred to the IHS hospital in Pine Ridge, South Dakota, where he treated Native American children for 21 years. According to the *Wall Street Journal* and *Frontline*, IHS "repeatedly missed or ignored warning signs, tried to silence whistleblowers" and allowed the doctor to continue treating—and abusing—children for decades.⁵

We have serious concerns about the apparent failure of IHS to provide quality health care services to the American Indians it serves, in the Great Plains Area and elsewhere. Stopping these deplorable conditions and ensuring the safety and well-being of those who entrust IHS with their health care needs must be the top priority of your agency. Despite repeated investigations by Congress, and other federal watchdog agencies, these recent press reports indicate that patient care does not seem to be improving at these IHS-operated hospitals. We must find a way forward to protect IHS patients so that all American Indians and Alaska Natives receive the best care possible.

² *Nebraska hospital loses Medicare funding, plans to stay open*, Beckers Hospital Review (July 27, 2015).

³ *Id.*

⁴ *A Pedophile Doctor Drew Suspicious for 21 Years. No One Stopped Him.*, The Wall Street Journal and Frontline (Feb. 8, 2019).

⁵ *Id.*

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We respectfully request that IHS provide a briefing to Committee staff to discuss these findings, corrective actions to address these findings, and a long-term strategy to ensure improvements. We also request that IHS provide information on how Congress can help IHS in making such improvements as well as better meeting the health care needs of the approximately 2.2 million American Indians and Alaska Natives that it serves.

We appreciate your attention to this matter, and if you have any questions, please contact Kevin Barstow of the Majority Committee staff at (202) 225-2927 or Alan Slobodin of the Minority Committee staff at (202) 225-3641.

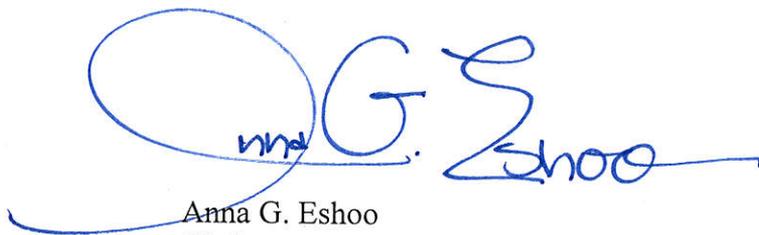
Sincerely,



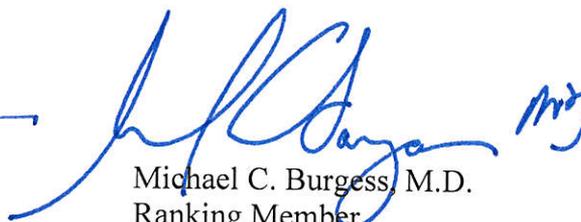
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