



July 9, 2010

Lewis Morris, Esq.
Chief Counsel to the Inspector General
Office of Inspector General
U.S. Department of Health and Human Services
Cohen Building, Room 5527
330 Independence Avenue, SW
Washington, DC 20201

Re: Notice of Intent to Exclude The Christ Hospital

Dear Mr. Morris:

On behalf of our hospital and health system members, the American Hospital Association ("AHA") and the Ohio Hospital Association ("OHA") are writing to express concern regarding the Notice of Intent to Exclude The Christ Hospital issued on May 24, 2010 by the U.S. Department of Health and Human Services Office of Inspector General ("OIG"). AHA and OHA are concerned not only with the discretionary use of exclusion by the OIG, but also the specific impact that exclusion of The Christ Hospital would have on the community.

Exclusion

Exclusion is a serious penalty that the OIG should impose only when there is a conviction or documented harm to patients or the public. When used against a hospital, exclusion effectively closes its doors. The OIG should act carefully and cautiously in exercising its discretionary authority to impose the severest of penalties. If the OIG threatens a hospital with exclusion when the hospital does not agree with the OIG or uses it as a tactic in negotiations, this creates an unjust negotiating posture between hospitals and the OIG. Exclusion should be reserved for only the most extreme misconduct.

The Christ Hospital

The Christ Hospital is a vibrant and essential component of the health care delivery system in Southwest Ohio, providing substantial community benefit. It is nationally recognized in a number of clinical care areas, and has been consistently ranked as one of the top hospitals in the country by various independent surveys and publications, such as *U.S. News & World Report*. It is a vital contributor to the care of not only the Medicare and Medicaid populations but also the poor and uninsured. The Christ Hospital is also a major employer in a region and in a state that has been hard hit by the recession. Excluding The Christ Hospital will create a hardship on patients, physicians, employees, businesses, teaching programs (such as The Christ Hospital's nursing school), and the economy as a whole in Southwest Ohio.

We are aware of nothing that would make this an appropriate use of exclusion. For these reasons, the AHA and OHA strongly encourage the OIG to reconsider its approach and reach a different resolution with The Christ Hospital.

Thank you for consideration of our comments.

Very truly yours,

James R. Castle
President & Chief Executive Officer
Ohio Hospital Association

Rich Umbdenstock
President and CEO
American Hospital Association