

Wyden, Warren launch investigation into UnitedHealth's nursing home practices

Senators probe whether insurance giant pushed to keep patients out of the hospital



Sens. Ron Wyden and Elizabeth Warren, who announced an investigation into UnitedHealth Group. *Kayla Bartkowski/Getty Images*

By [Tara Bannow](#) – STAT News

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Sens. Ron Wyden (D-Ore.) and Elizabeth Warren (D-Mass.) announced Thursday they've launched an investigation into whether UnitedHealth Group encouraged nursing homes to limit hospitalizations among patients enrolled in some of the company's health plans.

The news follows an [article in The Guardian](#) in May that reported that UnitedHealth gave nursing homes bonuses to limit hospitalizations among certain patients enrolled in UnitedHealth's Medicare Advantage plans, resulting in delays in medically necessary hospitalizations and emergency room visits. The media outlet also reported that the company's workers pushed residents to sign do-not-resuscitate orders, which can prohibit hospitalization.

“Put simply, these allegations suggest that UHG appears to be prioritizing its bottom line at the expense of the health and safety of nursing home residents enrolled in UHG I-SNPs,” Wyden and Warren wrote in an [Aug. 6 letter](#) to Stephen Hemsley, UnitedHealth's CEO. “Nursing home residents and their families should not live in fear of a for-profit health care company withholding care when it is most critical.”

The letter said UnitedHealth executives met with Wyden and Warren's offices on July 29 to answer their questions about The Guardian's reporting, but that the senators have lingering concerns and want UnitedHealth to provide Congress and the public with answers. Wyden is ranking member of the Senate Finance Committee, which has jurisdiction over taxpayer-funded health programs, including Medicare Advantage.

UnitedHealth said in a statement that it stands firmly behind the integrity of its institutional special needs plans, or I-SNPs, which are Medicare Advantage plans designed to serve people dually eligible for both Medicare and Medicaid who live in nursing homes. The company said The Guardian's article misrepresented the program and added that the Department of Justice reviewed the allegations and found no evidence of wrongdoing.



In a [response](#) to The Guardian article on its website, UnitedHealth defended its bonus payments to nursing homes, noting that the Centers for Medicare and Medicaid Services has recognized unnecessary hospitalizations as expensive and dangerous for nursing home residents, and denied that its clinicians tried to prevent hospital transfers. UnitedHealth sued The Guardian for defamation over the story.

The senators' investigation is the latest in a long line of tribulations for UnitedHealth, which last week [laid out a lower profit outlook](#) and promised reforms to its operations. In May, the company [replaced its CEO](#) and withdrew its previous profit outlook. The [DOJ is investigating](#) the company over its Medicare Advantage coding practices.

The senators' letter said that in addition to the alleged nursing home matters, UnitedHealth has been at the center of numerous reports suggesting it maximizes profit at the expense of patients' health. One of the examples they cite is a [class-action lawsuit](#) accusing the company of using a proprietary artificial intelligence algorithm to deny care to Medicare Advantage enrollees. The lawsuit followed a [STAT investigation](#) that found UnitedHealth pressured its employees to follow an algorithm to issue payment denials for rehabilitation care.

The Guardian's report centered on patients covered under UnitedHealth's I-SNP plans. UnitedHealth deploys clinicians to deliver care to its I-SNP members in almost 2,000 nursing homes across the country, The Guardian reported. They work in partnership with nursing home staff. In some cases, the reporting said that the UnitedHealth clinicians intervened to prevent or delay patients from being transferred to hospitals.

Those same UnitedHealth staffers also have frequent conversations with nursing home residents about advance directives, some of which ultimately prohibit hospitalization. UnitedHealth officials told the senators in their July meeting that their clinicians meet with I-SNP members once a quarter at minimum to discuss their advance directives, sometimes more frequently depending on the members' condition. A witness is not always present for these visits, the senators said.

"We are concerned that this approach may inappropriately pressure residents, especially if proper information and training are not applied," the letter said.

The Guardian reported on cases in which patients' hospitalizations were delayed despite them showing symptoms of strokes, like face drooping and slurred speech. The article said those patients were left with permanent harm.

Wyden and Warren wrote that at their July meeting, UnitedHealth officials explained that the company offers a number of bonus programs to nursing homes for things like flu and pneumococcal vaccination rates and cholesterol medication adherence. One of the

bonuses is for maintaining a hospital admissions rate that's below a threshold number, a metric UnitedHealth says helps reduce avoidable hospitalizations.

The senators wrote that they're concerned the hospitalization metric does not take into account whether the hospitalizations are avoidable or not, potentially making it a poor measure of quality of care.

Their letter asked the company to respond to over 40 questions concerning its hospitalization policies for I-SNP members, its practices around assisting I-SNP members with advance directives, how it markets I-SNP plans, and what level of federal oversight its I-SNP practices are subject to.

Two Democratic representatives, Alexandria Ocasio-Cortez (D-N.Y.) and Lloyd Doggett (D-Texas), [wrote to](#) Attorney General Pam Bondi in June urging her office to expand its ongoing investigations into UnitedHealth to include the allegations raised in The Guardian's reporting.

"The Guardian's findings reveal the need for a wide-ranging investigation by the Department of Justice into years, if not decades, of potential waste, fraud, and abuse at UnitedHealth," Ocasio-Cortez and Doggett wrote. "The potential harm of UnitedHealth's business practices extends far beyond waste of taxpayer dollars and appears to be endangering enrollees and harming health outcomes."