

President Obama to bypass Senate on Berwick

By [SARAH KLIFF](#) & [JENNIFER HABERKORN](#) | 7/6/10 9:32 PM EDT

The White House announced late Tuesday that President Barack Obama will use a recess appointment to make Donald Berwick administrator of the Centers for Medicare and Medicaid Services, angering Republicans who had opposed his nomination.

A Harvard professor and pediatrician, Berwick has won endorsements from most major medical societies. But his nomination has drawn vicious criticism from Republicans, who have seized on his professed admiration for Britain's National Health Service as an "example" for the United States to follow.

"Many Republicans in Congress have made it clear in recent weeks that they were going to stall the nomination as long as they could, solely to score political points," White House Communications Director Dan Pfeiffer wrote Tuesday on the White House blog. "With the agency facing new responsibilities to protect seniors' care under the Affordable Care Act, there's no time to waste with Washington game-playing. That's why tomorrow the president will use a recess appointment to put Dr. Berwick at the agency's helm and provide strong leadership for the Medicare program without delay."

The move fans flames of an already heated battle over Berwick's nomination, with advocates and opponents vying to frame the new CMS leader as, alternatively, an innovative health care leader or dangerous advocate of rationing. The appointment is good until the end of the 111th Congress in January, after which Berwick would have to be renominated to continue in the job and would likely face even greater opposition if the GOP makes expected gains in Senate seats.

"This recess appointment is an insult to the American people," said Sen. John Barrasso (R-Wyo.), a physician and leading Berwick opponent. "Dr. Berwick is a self-professed supporter of rationing health care and he won't even have to explain his views to the American people in a hearing. Once again, President Obama has made a mockery of his pledge to be accountable and transparent."

For weeks now, Senate Republicans have repeatedly taken to the floor to attack Berwick. They characterize the recess appointment as proof that Berwick doesn't have enough backing from Democrats or Republicans.

"Once again, the Obama administration is going behind closed doors out of fear the American people will learn that Dr. Berwick plans to use rationing as a cost-cutting tool to achieve the billions of dollars in cuts to Medicare called for in the health care reform bill," said Sen. Pat Roberts (R-Kan.), who led the opposition in the Senate. "It is very troubling to me that the American people will not get to hear Dr. Berwick's explanation for his comments including: 'I am romantic about the NHS. I love it,' and 'Most people who have serious pain do not need advanced methods; they just need the morphine and counseling that have been around for centuries.'"

Added Minority Leader Mitch McConnell (R-Ky.): "Democrats haven't scheduled so much as a committee hearing for Donald Berwick but the mere possibility of allowing the

American people the opportunity to hear what he intends to do with their health care is evidently reason enough for this administration to sneak him through without public scrutiny."

Concurrently, leading medical societies, including the American Medical Association, and numerous health reform advocates have lauded Berwick as a qualified and innovative leader.

"Dr. Berwick is also one of the nation's leading authorities on health care quality and improvement," said one June 29 letter, signed by 90 groups including the AFL-CIO. "He has dedicated his professional career to closing what the Institute of Medicine has called the "quality chasm"; that is, the enormous gap between the health care we have and the health care we should have."

Senate Democrats backed Obama's decision.

"As part of their continued attack on health care reform, Senate Republicans made it perfectly clear that they would never allow him to be confirmed," said Jim Manley, a spokesman for Senate Majority Leader Harry Reid (D-Nev.). "The president made the right decision."

A pediatrician with three Harvard degrees, Berwick is known in the health policy world for founding the influential Cambridge, Mass., think tank, the Institute for Healthcare Improvement, in 1991. He has been a leading advocate for the idea that the quality of health care can improve while errors are reduced and costs decreased.

CMS has not had a permanent head for four years now, a point that Pfeiffer used in explaining the White House's decision to appoint Berwick with the Senate out of session for the July Fourth recess. The Democratic-controlled Senate never took up the nomination of Kerry Weems, former President George W. Bush's choice in 2007 to head the agency, and the CMS has cycled through a series of acting administrators who do not need Senate confirmation.

"CMS has been without a permanent administrator since 2006, and even many Republicans have called on the administration to move to quickly to name a permanent head," he wrote. "There's no question that Don Berwick is the right choice to be our next CMS administrator."