

Congress of the United States

Washington, DC 20515

March 10, 2025

The Honorable Stephanie Carlton
Acting Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Re: Reckless Firing of Centers for Medicare & Medicaid Services Staff

Dear Acting Administrator Carlton,

We write regarding the Trump Administration's arbitrary and reckless purge of executive branch workers at federal health agencies, including the Centers for Medicare & Medicare Services (CMS), under the Executive Order, *Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative*.¹ On Friday, February 14, 2025, the so-called United States DOGE Service ("DOGE"), under the direction and advisement of unelected, unconfirmed billionaire Elon Musk, forced agency officials to eliminate thousands of jobs that are critical to ensuring 160 million Americans receive high-quality and safe health care through the very programs President Trump has vowed to protect—including individuals who work on Medicare and Medicaid.² **We are deeply concerned that this arbitrary and unilateral firing of federal health staff will only harm the health and well-being of families, children, and older Americans across the country, while risking instability to the entire U.S. health system.**

As you know, CMS is composed of six centers and oversees Medicare, Medicaid, the Children's Health Insurance Program, and the Affordable Care Act (ACA) Marketplaces, distributing more than \$1.5 trillion in payments annually.³ Its staff work efficiently—keeping administrative costs to less than one percent of its total obligations—while overseeing quality and patient safety initiatives; protecting consumers from fraud, waste, and abuse; lowering prescription drug costs; and ensuring the hospitals, nursing homes, and other providers on which our children, parents, grandparents, and neighbors depend provide quality health care.⁴ As such,

¹ www.whitehouse.gov/presidential-actions/2025/02/implementing-the-presidents-department-of-government-efficiency-workforce-optimization-initiative/

² <https://www.politico.com/newsletters/politico-pulse/2025/02/18/hhs-workforce-purge-continues-00204610>

³ <https://www.cms.gov/files/document/cms-financial-report-fiscal-year-2024.pdf>

⁴ <https://www.cms.gov/files/document/fy2025-cms-congressional-justification-estimates-appropriations-committees.pdf>

haphazard cuts to the CMS workforce jeopardize patient safety and lead to disrupted care, increased fraud, interrupted payments for providers, and diminished safety of the nation's health care facilities.

The Administration has claimed that these cuts to the federal workforce were methodical and transparent, deceptively justifying firing employees because their "performance has not been adequate." The truth is that DOGE targeted "probationary employees," which include workers recently hired, promoted, or transferred between agencies because they have fewer protections than employees who have completed their probationary period.⁵ Alarming reports have emerged of indiscriminate firings, including of veterans—and in some cases, Trump's own political appointees were unaware of who and why staff were fired by DOGE.⁶ The Administration's narrative of poor performance is a flimsy cover for its reckless actions, given that many impacted public servants received stellar performance reviews as recently as last month, were recently promoted, or had not yet even had an appraisal.³ These actions were taken with no consideration or regard for performance.

These firings are precisely what the President threatened after he took the oval office—retribution. On January 21, 2025, the President wrote on Truth Social, "My Presidential Personnel Office is actively in the process of identifying and removing over a thousand Presidential Appointees from the previous Administration, who are not aligned with our vision to Make America Great Again."⁷ In the hours prior, on January 20, 2025, the President issued an executive order, *Restoring Accountability to Policy-Influencing Positions within the Federal Workforce*, aimed at making it easier to fire government employees.⁸ The President and DOGE have continued to double down on similar rhetoric and initiatives, disparaging employees seen as undermining the President's agenda, and promising that these firings of probationary employees are just the start. On February 26, 2025, the Director of the White House Office of Management and Budget (OMB) directed agencies to further reduce the federal workforce.⁹ We believe that the OMB memorandum will result in unlawful termination of staff without any analysis of the impact the elimination of these roles would have on the agency's ability to serve its mission—and the American people.

To date, the Trump Administration has failed to provide the public information related to the number of firings by position type and the duties these terminated employees were fulfilling on behalf of American taxpayers. **Put plainly, these opaque staffing cuts endanger the agency's mission to enhance the health and well-being of Americans.** Despite claims that these cuts exempted staff working on Medicare and Medicaid, DOGE clearly targeted staff at

⁵ <https://www.washingtonpost.com/nation/2025/02/17/trump-fires-federal-workers-performance/>

⁶ <https://www.politico.com/news/2025/02/16/mass-firings-health-agencies-00204570>

⁷ <https://www.cnn.com/2025/01/21/politics/trump-touts-political-firings-and-retribution-and-installs-loyalists-at-key-posts/index.html>

⁸ <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-accountability-to-policy-influencing-positions-within-the-federal-workforce/>

⁹ <https://www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf>

CMS who work to keep our federal health programs safe and operational and ensure that everyone relying on these programs can access quality care when they need it.

On February 16, 2025, Politico reported that staff at the Center for Medicare and Medicaid Innovation (CMMI) had been terminated—including one official who was working on a pilot program in Medicaid to improve maternal health outcomes across 15 states.^{10, 11} These staffing cuts come despite the United States facing a maternal health crisis and the highest rate of maternal deaths of any high-income country.¹² Over 80 percent of maternal deaths are likely preventable—but gutting the federal workforce will only put more mothers at risk. Another CMMI employee was working on improving care for Medicare Advantage enrollees, many of whom struggle to access needed care in the face of excessive prior authorizations and care denials.¹³ These actions are unconscionable and are in complete contradiction with any Administration truly working to improve the lives and health of the American people.

DOGE also targeted the Center for Consumer Information and Insurance Oversight (CCIIO), which oversees health coverage for millions of Americans enrolled in private insurance and sets and enforces standards for health insurance.¹⁴ DOGE cut at least 80 CCIIO employees, some of whom worked on protecting patients from surprise medical bills—a bipartisan effort signed into law by Donald Trump in 2020.^{15, 16} Others worked on combating unscrupulous brokers engaged in unauthorized enrollment schemes that harm Americans purchasing coverage on their own.¹⁷ Cutting the staff working to prevent fraud, waste, and abuse starkly contradicts the DOGE’s stated purpose and will harm CMS’s ability to protect patients across the country.

At a time when Americans need transparent government that works for them, these unilateral and chaotic cuts to the federal health workforce are harmful to everyone—patients, providers, taxpayers, and the hard-working individuals in the executive branch whose lives have been needlessly upended. The Trump Administration is sabotaging the very programs that millions of older adults, individuals with disabilities, children, and people purchasing coverage on their own rely on each day—all to fulfill the misguided and ill-informed whims of Trump, Musk, and his business interests.

Three weeks after these firings, Congress has not received any information about how many staff who were fired were working on Medicare and Medicaid. And it remains unclear what, if any information, will be provided about DOGE’s continued actions. The American

¹⁰ <https://www.politico.com/news/2025/02/16/mass-firings-health-agencies-00204570>

¹¹ <https://www.fiercehealthcare.com/regulatory/mass-layoffs-hhs-cdc-cuts-1300-probationary-workers-reports-say>

¹² <https://www.commonwealthfund.org/publications/issue-briefs/2024/jun/insights-us-maternal-mortality-crisis-international-comparison>

¹³ <https://www.kff.org/medicare/issue-brief/nearly-50-million-prior-authorization-requests-were-sent-to-medicare-advantage-insurers-in-2023/>

¹⁴ <https://www.cms.gov/about-cms/leadership/center-consumer-information-insurance-oversight>

¹⁵ <https://www.politico.com/news/2025/02/16/mass-firings-health-agencies-00204570>

¹⁶ <https://www.cms.gov/marketplace/about/oversight/other-insurance-protections/consolidated-appropriations-act-2021-cao>

¹⁷ <https://www.cms.gov/newsroom/press-releases/cms-update-actions-prevent-unauthorized-agent-and-broker-marketplace-activity>

people—and the Congress—have a right to know what is happening to the federal workforce tasked with carrying out CMS' critical taxpayer-funded responsibilities. Accordingly, we request you immediately respond to the following questions in writing by March 17, 2025, at 5 p.m.

1. How many CMS employees have been fired or put on administrative leave since January 20, 2025? How many of these employees were probationary and non-probationary? Please provide a breakdown by center, position type, and justification for termination for each category of employee in each center.
2. How were CMS employees notified that they were being fired, and on what grounds? Provide the method of communication and content of the message employees received.
3. How were CMS managers notified about the firings of their staff? Provide the method of communication and content of the message employees received.
4. How were employees subject to the staff cuts identified and prioritized, and what role did DOGE play in determining who would be fired? What, if any, technological changes has DOGE made within CMS were used to identify employees to fire, and what metrics were applied?
5. Were CMS employees' supervisors engaged for purposes of determining who should be fired? If so, what information were supervisors asked to provide to DOGE, or what communication did they receive regarding the firing process?
6. Did CMS, or any DOGE operative, conduct any analysis prior to firings to determine the immediate and long-term impacts staffing cuts would have on the programs and activities those employees were tasked with administering?
 - a. What were the findings of such analyses, and how did CMS or DOGE weigh potential impacts in its decision-making?
7. How was effectiveness in operationalizing each program or activity taken into consideration when firing these employees?
 - a. How will staff cuts in the Center for Clinical Standards and Quality impact clinical, quality, and safety standards, as well as any upcoming survey and certification efforts that keep people safe and ensure compliance with federal rules and laws?
 - b. How will staff cuts impact ongoing and planned CMMI models? Which models have been paused or are being modified? When and how will model applicants and participants be notified of any changes?
 - c. How will staff cuts impact CCIIO's work protecting consumers from unscrupulous brokers engaged in unauthorized enrollment schemes and enforcing provisions under the No Surprises Act that prevent patients from receiving surprise bills?

8. How will staff cuts impact CMS' efforts to expand beneficiary access to the latest breakthrough devices without diminishing CMS' ability to determine whether these technologies are appropriate for the Medicare population, given CMS' commitment to review five such devices each year?
9. How many additional layoffs are planned, including those directed by OMB and the Office of Personnel Management in the February 26, 2025, memorandum?¹⁸ What specific guidance has been given to CMS for identifying additional employees to lay off?
10. How many of the positions that are now vacant will be permanently eliminated? What steps is CMS taking to ensure that layoffs do not have adverse consequences for providers, patients, and enrollees in programs administered by CMS?
11. Under 5 C.F.R. 315.803(a), prohibitory employees can be terminated "if the employee fails to demonstrate fully his or her qualifications for continued employment." Please document the steps that the Department has taken to align recent terminations with these requirements under law.
12. Under 5 CFR 315.803(b), prohibitory employees who are terminated must be notified in writing as to the "inadequacies of [their] performance of conduct." Please provide copies of each letter documenting the inadequacies in each terminated employee's performance since the beginning of the prohibitory period. If multiple employees were identified as having the same performance inadequacy, please provide the template letter the Department sent and how many staff received the same letter.
13. Federal law prohibits the partisan dismissal of prohibitory employees, and the Federal circuit has identified a right to appeal termination decisions when the action was a result of partisan politics.^{19,20} President Trump has called his efforts to purge career workers in the government "retribution" and disparaged them for undermining his power.^{21,22} Given this:
 - a. What process has the Department of Health and Human Services put in place to process appeals?
 - b. How many appeals have been filed since the terminations began?

¹⁸ <https://www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf>

¹⁹ 5 CFR 315.806(b). *See Stokes v. Aff*, 761 F.2d 682 (probationary staff can appeal decisions when the action was a result of partisan politics).

²⁰ Letter from Mike Zamore, National Directory of Policy and Government Affairs; Kia Hamadancy, Senior Policy Counsel; Monica Hopkins, Executive Director of the ACLU of the District of Columbia, American Civil Liberties Union, to Sen. Rand Paul, Chair, Senate Homeland Security and Governmental Affairs Committee; Sen. Gary C. Peters, Ranking Member, Senate Homeland Security and Governmental Affairs Committee; Rep. James Comer, Chair, House Committee on Oversight and Accountability; Rep. Gerald E. Connolly, Ranking Member, House Committee on Oversight and Accountability (Feb. 7, 2025).

²¹ <https://www.c-span.org/clip/campaign-2024/former-pres-trump-i-am-your-justice-i-am-your-retribution/5060238>.

²² <https://www.citizensforethics.org/reports-investigations/crew-investigations/trump-has-said-he-wants-to-destroy-the-deep-state-56-times-on-truth-social/>.

- c. How many terminations have been reversed and how many have been sustained?
14. Please provide copies of any memos, emails, or other communications used to justify staff work and position changes or that discuss the impact of staffing changes on any CMS activities.
15. Given the President's statement at his March 6, 2025, cabinet meeting that the Secretaries—not Elon Musk—are in charge of their Departments, will CMS staff affected by Musk or DOGE-led firings be reinstated?²³ How many staff will be reinstated in each Center, and how will leadership determine who is reinstated?

Thank you for your attention to this urgent matter. We look forward to your prompt response.

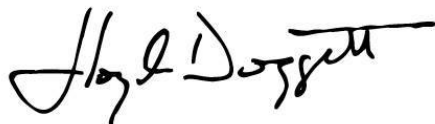
Sincerely,



Richard E. Neal
Ranking Member
House Committee on Ways and Means



Frank Pallone, Jr.
Ranking Member
House Committee on Energy and Commerce



Lloyd Doggett
Ranking Member
House Committee on Ways and Means,
Health Subcommittee



Diana DeGette
Ranking Member
House Committee on Energy and
Commerce, Health Subcommittee

²³ <https://www.politico.com/news/2025/03/06/trump-cabinet-musk-025093>