

### Who is Marilyn Tavenner?

On December 2, 2011, the Centers for Medicare & Medicaid Services (CMS) gained a new leader: former CMS Principal Deputy Administrator, Marilyn Tavenner. Tavenner was nominated by President Barack Obama to replace Donald Berwick, after his formal resignation on November 23, 2011, and will serve as acting administrator during the Senate confirmation process.<sup>1</sup> While several of Berwick's policies divided Republican and Democratic parties, Tavenner is thought to bring a new compromise to the feuding groups.

Donald Berwick was nominated as CMS Administrator by President Obama in April 2010 and was subsequently appointed by the President in July 2010 during the Congressional recess. Absent Senate confirmation, *recess appointments* expire at the end of the year.<sup>2</sup> Although the Senate did not confirm Berwick's 2010 nomination, the President again nominated him for the position in January 2011.<sup>3</sup> Berwick's 2011 term as acting CMS Administrator would have expired on December 31, 2011 unless the Senate voted to confirm the nomination. In a letter to the President, 42 Republican Senators announced their intent to block Berwick's confirmation.<sup>4</sup> It is speculated that this "political impasse" led Berwick to step down a month early, though Berwick has not publicly voiced his reasons for resigning from his position.<sup>5</sup>

Unlike the opposition Berwick faced in Washington, Tavenner's nomination has been well-received by Republicans thus far. House Majority Leader, Eric Cantor, has publicly supported President Obama's choice to head CMS, calling Tavenner "eminently qualified" for the position.<sup>6</sup> Cantor's acceptance seems to reflect Republican willingness to support Tavenner for the position. Senator Hatch, who spearheaded the letter denouncing Berwick's appointment, released a statement following Tavenner's nomination which asserted that "Republicans... look forward to examining [Tavenner's] record and gaining an understanding of her views of Medicare, Medicaid and the President's health law."<sup>7</sup> The new acting CMS Administrator has also gained the public support of Tom Scully, former CMS Administrator who served under George W. Bush. Scully has predicted that the Senate will confirm President Obama's latest nomination for CMS leader, pointing out that "[u]nlike a lot of people in government,

[Tavenner] has actually had to run health care day to day for many years."<sup>8</sup>

As reflected by Tom Scully's remark, Tavenner is considered more of a manager than a policy maker—a characterization she likely earned as a result of her long career in the commercial healthcare industry. Before entering politics, Tavenner worked for nearly 20 years as a nurse, three years as a hospital CEO, and ten years in a progressive series of executive positions with the Hospital Corporation of America.<sup>9</sup> In 2006, Tavenner moved from the private to the public sector to become Secretary of Virginia's Health and Human Services. Tavenner served in this state government position until she was appointed Principal Deputy Administrator of CMS in February 2010. Tavenner's long-time colleague, Laurens Artoris, president of the Virginia Hospital and Healthcare Association, describes Tavenner as having the "necessary management skills to deal with a large and extremely complex organization."<sup>10</sup>

CMS has not had a confirmed a CMS Administrator since 2006, but there is hope that Tavenner will bring much needed consensus to Washington concerning this position.<sup>11</sup> Democratic Senator Ed Houck, who worked with Tavenner while she was with the Virginia Department of Health and Human Services, remembers her as someone who "worked well with Republicans" and maintains that Tavenner approaches her work from the viewpoint of a healthcare professional, not a politician.<sup>12</sup>

Republicans primary criticisms of Berwick's nomination were his lack of experience, controversial viewpoints, and the method of his appointment to the position.<sup>13</sup> Since Tavenner is considered "more of a manager and less of a visionary," and because she did not move into the position through a "recess appointment," she may be poised for confirmation by the same Senate who disapproved her predecessor.<sup>14</sup> Despite apparent acceptance by Republicans, Tavenner is not expected to make any substantial changes to Berwick's current agenda. Former colleague Chip Kahn, President of the Federation of American Hospitals, describes Tavenner "as committed as [Berwick] to seeing health care delivery improve and [ensuring] that Medicare and Medicaid are buying value for beneficiaries."<sup>15</sup> The Senate's confirmation vote is expected to take place next

year, though the date for the vote has not been released.

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- 8 The Advisory Board Company, “Meet Marilyn Tavenner—The  
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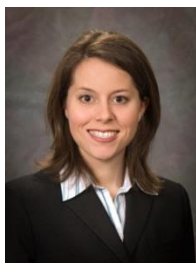
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