

United States Senate

WASHINGTON, DC 20510

July 14, 2026

The Honorable Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dr. Mehmet Oz
Administrator
Centers for Medicare and Medicaid Services
7500 Security Blvd.
Baltimore, MD 21244

Dear Secretary Kennedy and Administrator Oz,

We write with serious concerns regarding the composition of the Healthcare Advisory Committee (the Committee), the selection and qualification of its members, and the credibility of any policy recommendations made by members with obvious conflicts of interest.

HHS and CMS jointly announced the formation of this Committee on March 26, 2026, and it met for the first time on May 18, 2026.¹ Its 18 members have been tasked with advising on the delivery and financing of patient care across Medicare, Medicaid, the Children's Health Insurance Program (CHIP), and the Affordable Care Act (ACA) marketplaces — programs that together serve more than 160 million Americans.² Given the scope of this mandate, the American people deserve a Committee whose members are qualified experts free from bias or conflict of interest. At a minimum, the Committee must be fully compliant with the Federal Advisory Committee Act (FACA), and we believe that its current composition fails to satisfy the membership balance requirement of this statute.

I. Member Qualifications and Membership Balance

Federal advisory committees exist to bring expertise to bear on complex policy questions. The issues this Committee will address have been studied for decades by physicians, economists,

¹ Centers for Medicare and Medicaid Services, *HHS and CMS Announce Healthcare Advisory Committee Members to Improve Patient Care and Modernize the U.S. Healthcare System*, March 26, 2026, <https://www.cms.gov/newsroom/press-releases/hhs-cms-announce-healthcare-advisory-committee-members-improve-patient-care-modernize-u-s-healthcare>; see also Joyce Frieden, *HHS Panel That Aims to Reshape U.S. Healthcare Holds Its First Meeting*, MedPage Today, May 18, 2026, <https://www.medpagetoday.com/publichealthpolicy/healthpolicy/121328>.

² *Id.*

and patient advocates. According to the Federal Register notice seeking nominees, the Committee will advise on a wide range of issues “as they relate to strategies for improving the operations and outcomes of federally administered healthcare insurance and payment programs,” and its membership will consist of “individuals that have practical and tactical experience or expertise working in all aspects of the U.S. healthcare system.”³ We are troubled by the absence of such expertise among the members nominated to date. Most conspicuously, the Committee includes “motivational speaker” Tony Robbins, who has no professional credentials in clinical medicine, health policy, economics, or health administration. He has also been the subject of sexual misconduct allegations from more than ten women.⁴ The Trump administration owes the American public a clear explanation of why it believes Mr. Robbins is qualified to advise the federal government on the delivery and financing of taxpayer-funded healthcare. While he is listed on the Committee’s public roster, reporting suggests that Mr. Robbins did not appear at the Committee’s inaugural meeting on May 18, 2026; a question submitted through the meeting’s public chat, inquiring whether he was still a committee member, went unanswered.⁵

Federal advisory committees are governed by the FACA, which imposes parameters on their formation, composition, and operations.⁶ These statutory requirements exist to ensure that committees advising the federal government are balanced, accountable, and accessible to the public. FACA requires “the membership of the advisory committee to be fairly balanced in terms of the points of view represented,” and that there be procedures in place “to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee’s independent judgment.”⁷ We are unconvinced that the Committee complied with these core provisions of FACA, and we have two substantive concerns.

First, the Committee lacks public health experts, academics, healthcare economists, or patient advocates; it is predominantly composed of industry executives and investors. Unless this imbalance is corrected, the Committee’s recommendations will skew towards overrepresenting industry concerns and special interests, while patient voices and lived experience of harm will be notably underrepresented.

Second, a majority of the Committee’s members have either donated to the Trump campaign, received a criminal pardon from President Trump, or entered into business agreements with members of the Trump family. These relationships raise serious questions as to whether such members can render advice that is not “inappropriately influenced by

3 Request for Nominations of Members To Serve on the Healthcare Advisory Committee, 90 F.R. 41089 (Aug. 22, 2025) <https://www.federalregister.gov/documents/2025/08/22/2025-16136/request-for-nominations-of-members-to-serve-on-the-healthcare-advisory-committee>.

4 Jane Bradley and Katie J.M. Baker, *Unlimited Power*, BuzzFeed News, May 17, 2019, <https://www.buzzfeednews.com/article/janebradley/tony-robbins-self-help-secrets>.

5 Centers for Medicare & Medicaid Services, Healthcare Advisory Committee (HAC), <https://www.cms.gov/priorities/healthcare-advisory-committee/overview>; see also Joyce Frieden, *HHS Panel That Aims to Reshape U.S. Healthcare Holds Its First Meeting*, MedPage Today, May 18, 2026, <https://www.medpagetoday.com/publichealthpolicy/healthpolicy/121328>.

6 5 U.S.C. §§ 10 et. seq.

7 5 U.S.C. § 1004.

the appointing authority,” as required by FACA, and we believe that these Committee members should be removed.⁸

II. Fraud and Conflicts of Interest

The majority of the Committee’s 18 members are executives or investors of companies that stand to benefit directly from the Committee’s recommendations. Even more troubling are reports that several members have made significant campaign contributions to President Trump, have received favors from him, or have business relationships with members of his family. These relationships suggest that Committee members were not selected on the basis of merit or expertise, raising doubts about the impartiality of their advisory work. We have particular concerns with the following Committee members:

- **Elizabeth Fago** has deep financial ties to the nursing home and long-term care industry; these sectors are heavily dependent on Medicaid and Medicare reimbursement, and they stand to be directly affected by the Committee’s recommendations. Ms. Fago has also raised millions of dollars for Trump’s presidential campaigns, and she attended a \$1 million-per-person fundraiser at Mar-a-Lago in April 2025. Weeks after that dinner, President Trump granted a full and unconditional pardon to her son, Paul Walczak, who had pled guilty to multiple tax crimes and been sentenced to 18 months in prison.⁹
- **Sebastian Caliri** is a venture capitalist whose portfolio of companies includes BlinkRx.¹⁰ The President’s son, Donald Trump Jr., now sits on BlinkRx’s Board of Directors, and Congress has previously raised concerns that BlinkRx may have been operationally intertwined with the launch of TrumpRx in ways that directly enriched the Trump family.¹¹ Mr. Caliri’s fiduciary duty to his investors creates a direct conflict between his business interests and his advisory work as a member of this Committee.
- **William Gassen** is the CEO of Sanford Health and the chairman-elect of the American Hospital Association; he also serves on the Board of Directors of Oscar Health, a health insurance and technology company founded by the President’s son-in-law, Jared Kushner.¹² Gassen’s advisory work on this Committee thus has the potential to directly enrich members of the Trump family.

⁸ *Id.*

⁹ Kenneth P. Vogel, *Trump Pardoned Tax Cheat After Mother Attended \$1 Million Dinner*, New York Times, May 27, 2025, <https://www.nytimes.com/2025/05/27/us/politics/trump-pardon-paul-walczak-tax-crimes.html>.

¹⁰ Public Citizen, *Trump’s New Corporate Interest Healthcare Advisory Panel*, May 13, 2026, <https://www.citizen.org/article/trumps-new-corporate-interest-healthcare-advisory-panel/>.

¹¹ Letter from Senator Wyden (Ranking Member, U.S. Senate Finance Committee), Representative Pallone (Ranking Member, House Energy & Commerce Committee), and Representative Neal (Ranking Member, House Ways & Means Committee) to BlinkRx CEO Geoffrey Chaiken, October 23, 2025, <https://democrats-energycommerce.house.gov/sites/evo-subsites/democrats-energycommerce.house.gov/files/evo-media-document/letter-to-blinkrx-10.23.2025.pdf>.

¹² Oscar Health, Board of Directors, <https://ir.hioscar.com/governance/board-of-directors/person-details/default.aspx?ItemId=7afb8e6e-b755-4127-8c83-62b0f74b455b>.

- **Andrew Lynch** is the Chief Strategy Officer at Acadia Healthcare, which in 2024 paid \$19.85 million to settle False Claims Act allegations.¹³ The Department of Justice contended that Acadia had overbilled and knowingly submitted false claims to Medicare, Medicaid and TRICARE for inpatient psychiatric and behavioral health services that were not reasonable or medically necessary.¹⁴

FACA requires that “each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed.”¹⁵ We intend to undertake such a review, and accordingly seek responses to the inquiries below.

13 Department of Justice, *Acadia Healthcare Company Inc. to Pay \$19.85M to Settle Allegations Relating to Medically Unnecessary Inpatient Behavioral Health Services*, September 26, 2024, <https://www.justice.gov/archives/opa/pr/acadia-healthcare-company-inc-pay-1985m-settle-allegations-relating-medically-unnecessary>.

14 *Id.*

15 U.S.C. § 1004(a)

Please provide written responses to the following questions and inquiries by August 14, 2026:

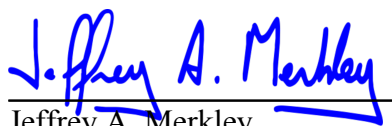
- 1) Please describe in detail the methodology that HHS and CMS used to evaluate the more than 400 nominations reportedly received for Committee membership. Describe who conducted the review, what criteria were used, and whether a scoring rubric was applied.
- 2) What conflict-of-interest review process did HHS and CMS conduct prior to appointing each Committee member? Who conducted these reviews? Did any Committee member submit financial disclosure forms or conflict-of-interest certifications?
- 3) Was a Membership Balance Plan prepared for this Committee, as required by FACA implementing regulations? If so, please provide it.
- 4) The Committee currently includes one nurse, zero patient advocates, and zero academic experts, but it has ten c-suite executives on the roster. How do HHS and CMS conclude that this ratio meets the membership balance requirement?
- 5) Is Tony Robbins still a member of the Committee?
- 6) Will the deliberations and outputs of the Committee's workgroups be made publicly available? Will workgroup meetings be open to the public and subject to FACA's notice requirements?
- 7) In order for the Committee to render expert and impartial advice as required by FACA, it should not include individuals whose family members have received a criminal pardon from President Trump or individuals who have entered into business agreements with members of the Trump family. Please confirm the dates upon which Elizabeth Fago, Sebastian Caliri, and William Gassen will be removed from the Committee.
- 8) In light of the Administration's self-proclaimed focus on waste, fraud, and abuse in the taxpayer-funded healthcare programs, please explain why Andrew Lynch belongs on this Committee while he concurrently serves as Chief Strategy Officer for a company that paid nearly \$20 million to settle fraud and overbilling claims under the False Claims Act.

In addition, please provide the following documents¹⁶ to the Democratic staff of the Senate Finance Committee and Senate Budget Committee by August 14:

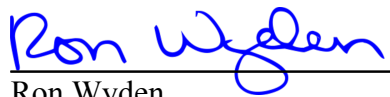
- 1) All documents relating to the Committee's charter, membership balance plan, conflict-of-interest reviews, and vetting process.
- 2) For each member appointed to the Committee: all documents related to the member's application, vetting, and nomination package.

The recommendations of the Healthcare Advisory Committee must reflect independent, expert judgment, not the financial interests of its own members or the political favor of the President who appointed them. FACA was enacted precisely to prevent the kind of self-dealing and special-interest capture that this Committee's current composition invites. We look forward to your timely response.

Sincerely,



Jeffrey A. Merkley
United States Senator
Ranking Member, Committee
on Budget



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance

¹⁶ For purposes of this request, "documents" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), direct messages, chats, calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).