

Message

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**From:** Maccarroll, Amber (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 1/12/2023 9:24:37 PM  
**To:** Boston, Beverly (CMS/CMCS); (b)(6)  
(b)(6); Howe, Rory (CMS/CMCS)  
(b)(6)  
(b)(6)  
(b)(6)  
**Subject:** RE: RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good catch Beverly. Sorry I missed those. Yes, they need to be added in. Do you have time or do you want me to add them?

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 4:23 PM  
**To:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Amber. I do not see Tim Engelhardt's edits that he requested. Do they need to be added?

*Beverly*

**From:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 4:00 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Beverly –

I reviewed and provided a few minor (mainly formatting) edits. These are good to go by me, but I think Rory will likely want to review also before they go back.

Thanks, Amber

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 2:44 PM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon,

The FMG Front Office is up next to clear the CIB and underlying docs prior to moving them back to the OCD. Please make any additional edits. I will accept the changes and will provide OCD with both clean and redlined versions. I'll be online late if needed.

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:41 PM

**To:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Great. Thanks Jonathan, Kristin and team. I will clear the updates with the FMG Front Office and will move the items forward. So far, what I am hearing is that the CIB will not go through another round of CMS clearance, but will be moved forward to IOS/OMB/DPC.

Thank you!

*Beverly*

**From:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:33 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Beverly,

I believe Kristin and I have responded to all the comments and made of the edits that we feel are appropriate, including for the reactive statement. I don't think there is anything left for us to do. Please let us know if we can be of any further assistance. I will be glad to make any other changes anyone else suggests. Thank you.

Best,

Jonathan

Jonathan Endelman  
Social Science Research Analyst  
Centers for Medicare & Medicaid Services (CMS)  
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410.786.4738  
[jonathan.endelman@cms.hhs.gov](mailto:jonathan.endelman@cms.hhs.gov)  
7500 Security Blvd.  
Mail Stop, S3-14-28  
Baltimore, MD 21244-1850

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:26 PM

**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon team – I am checking in on the status of the updated CIB. I understand from Rory that we are fine to reject the re-framing references proposed by OL. As the CIB is on a timeline for release by 1/23, can all edits/comments be wrapped up on the CIB/Q/As and Reactive Statement by COB today?

Hello, I am adding a SP link (below) for the reactive statement with OL comments/edits (attached) to be aligned with the updated CIB and Q/As. Will these changes impact the OA briefing paper? We normally wait until we have clearance comments before going to OA, but I understand we are on a somewhat tight timeline.

OC reconciled the comments. I did move the reconciled version of the CIB and Q/As to SharePoint (below). Please see attached with separate line edits/comments for full disclosure from OL and OGC. Please make edits in the reconciled version.

[HC Related Taxes CIB](#)

[Q/As Taxes CIB](#)

[Reactive Statement - Tax CIB](#)

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Monday, January 9, 2023 4:31 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS)

<Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** RE: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks, Beverly. I think some of the line edits are visible in the CIB, but many by OL are not visible. Is there a version with the line edits visible?

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Monday, January 9, 2023 3:34 PM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hello,

Please see attached with OL and OGC comments. Can you take a look and let me know **when you'll be able to turn around clean versions?** As a reminder, next step is R2 CMS and the OCD will concurrently send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Friday, January 6, 2023 4:29 PM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Looks good. I will circle back if there are any questions. Thank you all.

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Friday, January 6, 2023 4:08 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS)



<Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

My edits are in and this is good to go. Thanks, all!

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 2:47 PM

**To:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

Based on your comments would the below edits work? Please others review Kristin's comments in the attached and make edits here → reactive that was drafted by OC by COB today.

(b)(5)

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 2:19 PM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I made some suggestions.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 1:33 PM

**To:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>;

Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

**Status update:** OCD confirmed we are still aiming for 1/23. OCD is awaiting OGC comments (if any) on the CIB. Once the CIB clears Comms, the OCD will send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

**In addition due COB today** - Here is the reactive that was drafted by OC for the CIB. **Please let me know if you have edits to the reactive statement developed by OC.**

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>  
**Sent:** Wednesday, January 4, 2023 9:45 AM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** RE: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Beverly. I defer to others but don't think the edits are helpful for the CIB. It was carefully crafted language. I would not recommend accepting these changes.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Wednesday, January 4, 2023 8:46 AM  
**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning and HNY! 🎉

Looping others. All Comms clearance comments on the CIB are due from commenters on 1/5. Please hold the attached FCHCO comments until all other comments on the CIB are received. **I will need clean and redlined comments once all comments are received.**

**In addition due 12pm tomorrow 1/5** - Here is the reactive that was drafted by OC for the CIB. Please let me know if you have edits to the reactive statement developed by OC.

Thank you

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 3:57 PM  
**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>  
**Cc:** Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>  
**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi, Beverly and Lia. Would you mind making should make sure the attached track changes based on a few suggestions from Tim make it into the final version? Please let me know if you have any questions.

Thanks,  
Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Tuesday, January 3, 2023 3:49 PM  
**To:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>  
**Subject:** RE: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Tim,

Happy New Year. I appreciate you taking the time to review and to comment. Thanks for catching the typo and for highlighting where we could be more precise to avoid misinterpretations. We'll update the draft CIB to address the comments/edit. Thanks again.

Rory

**From:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 3:16 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Rory –

I understand the CIB was FYI-only, but I feel compelled to share with you a few things in the attached. I was only reading it to try to learn the policy, but there is a place in the CIB where a reader could easily take away the wrong message. And a typo.

Tim Engelhardt (he/him)  
Medicare-Medicaid Coordination Office  
Centers for Medicare & Medicaid Services  
202.690.6277

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**From:** CMS CLEARANCES <[CLEARANCES@cms.hhs.gov](mailto:CLEARANCES@cms.hhs.gov)>

**Sent:** Tuesday, January 3, 2023 1:35 PM

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Brauer (he/him), Randy (CMS/OHI) <[Randy.Brauer@cms.hhs.gov](mailto:Randy.Brauer@cms.hhs.gov)>; Slade, James (CMS/OHI) <[James.Slade@cms.hhs.gov](mailto:James.Slade@cms.hhs.gov)>; Hernandez (she/her), Laura (CMS/OHI) <[Laura.Hernandez@cms.hhs.gov](mailto:Laura.Hernandez@cms.hhs.gov)>; Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>; Harris, Monica (CMS/CMCS) <[Monica.Harris@cms.hhs.gov](mailto:Monica.Harris@cms.hhs.gov)>; Harshman, Sara (CMS/CMCS) <[Sara.Harshman@cms.hhs.gov](mailto:Sara.Harshman@cms.hhs.gov)>; Stegmaier, Jason (CMS/CMCS) <[Jason.Stegmaier@cms.hhs.gov](mailto:Jason.Stegmaier@cms.hhs.gov)>; Whelan, Ellen-Marie

(CMS/CMCS) <EllenMarie.Whelan@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Fowler (she/her), Liz (CMS/CMMI) <Liz.Fowler@cms.hhs.gov>; Tabe-Bedward, Arrah (CMS/CMMI) <arrah.tabebedward@cms.hhs.gov>; Rushton, Andrew (CMS/CMMI) <Andrew.Rushton@cms.hhs.gov>; Dziak, Kathleen (CMS/CMMI) <Kathleen.Dziak@cms.hhs.gov>; Cardin, Megan (CMS/CMMI) <Megan.Cardin@cms.hhs.gov>; OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Wells, Carrie (CMS/CMMI) <Carrie.Wells1@cms.hhs.gov>; Barberi, Jade (CMS/CMMI) <Jade.Russell@cms.hhs.gov>; Doherty, Theresa (CMS/CMMI) <Theresa.Doherty@cms.hhs.gov>; Anderson, Jessica (CMS/CMMI) <jessica.anderson@cms.hhs.gov>; McGinley, Katelynn (CMS/CMMI) <katelynn.mcginley@cms.hhs.gov>; Greene, Mary (CMS/OBRHI) <Mary.Greene1@cms.hhs.gov>; McClain, Rena (CMS/OBRHI) <Rena.McClain1@cms.hhs.gov>; Jackson, Michelle (CMS/CPI) <Michelle.Jackson@cms.hhs.gov>; Ratchford, Deneen (CMS/OAGM) <Deneen.Ratchford@cms.hhs.gov>; St. Louis, Aileah (CMS/OC) <Aileah.St.Louis@cms.hhs.gov>; Blum, Jonathan (CMS/OA) <Jonathan.Blum@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Boulanger, Jennifer (CMS/OL) <Jennifer.Boulanger@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Woronoff, Arielle (CMS/OL) <Arielle.Woronoff@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; CMS-CQISCOMO@ees.hhs.gov; Ling, Shari (CMS/CCSQ) <Shari.Ling@cms.hhs.gov>; Wild, Richard (CMS/CCSQ) <Richard.Wild@cms.hhs.gov>; Nilasena, David (CMS/CCSQ) <David.Nilasena@cms.hhs.gov>; Wolfe, Ashby (CMS/CCSQ) <Ashby.Wolfe1@cms.hhs.gov>; Fisher, Barbara (HHS/OGC) <Barbara.Fisher@HHS.GOV>; Rainer, Melanie Fontes (OS/OCR) <Melanie.Rainer@hhs.gov>; Smalley, Elizabeth (HHS/ASPA) <Elizabeth.Smalley@hhs.gov>; Levin, Michael (HHS/ASPA) <Michael.Levin@hhs.gov>; HHSPress@hhs.gov; releases@hhs.gov

**Cc:** CMS CLEARANCES <CLEARANCES@cms.hhs.gov>; Dinges, Enrico (CMS/OC) <Eric.Dinges@cms.hhs.gov>

**Subject:** FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

**\*\*\*Please copy Enrico Dinges and on ALL responses pertaining to this item when replying to CMS Clearances.\*\*\***

Please see attached internal qas for review. The informational bulletin is FYI ONLY. Thank you.

**Comments Due: 1:00 PM ET Thursday, January 5, 2023**

**All: For your review and input. Concurrent HHS/CMS review.**

**Title:** Internal Q&As for CMCS informational bulletin on health care related taxes and hold harmless arrangements.

**Agency/Office:** CMCS

**Subject/Description:** CMS will release an informational bulletin on health care related taxes and hold harmless arrangements involving the redistribution of Medicaid payments. This informational bulletin responds in part to questions CMS has received regarding the statutory and regulatory requirements applicable to health care-related taxes, including in connection with proposals to implement or renew Medicaid managed care state directed payments (SDPs). There will be a reactive statement, listserv message, and internal questions-and-answers for this item.

**COMMs Materials for Rollout:** Internal Q&As

**Deadline for COMMS Clearance comments: Thursday, January 5 by 1:00 PM**

**Requested Release date:** 2/7/2023

**INFORMATION NOT RELEASABLE TO THE PUBLIC UNLESS AUTHORIZED BY LAW:**

*This information has not been publicly disclosed and may be privileged and confidential. It is for internal government use only and must not be disseminated, distributed, or copied to persons not authorized to receive the information. Unauthorized disclosure may result in disciplinary action or prosecution to the full extent of the law.*

Message

**From:** Silanskis, Jeremy (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 4/13/2023 3:47:36 PM  
**To:** Boston, Beverly (CMS/CMCS); (b)(6)  
(b)(6); Howe, Rory (CMS/CMCS)  
Maccarroll, Amber  
(CMS/CMCS); (b)(6)  
**CC:** adams, lia (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** RE: RE: OA Issues Item - MA FQHC Write-up

**Massachusetts State Plan Amendment 22-0002 – Federally Qualified Health Center (FQHC)**

CMCS will brief and seek concurrence from the Administrator on a pending Massachusetts state plan amendment (SPA 22-0002). The SPA proposes to establish a prospective payment system (PPS) rate for FQHCs to come into compliance with the Social Security Act (the Act). Beginning in 2001, the Act required states to establish PPS rates based on cost report data from 1999 and 2000, however, MA's state plan has not included a compliant PPS methodology consistent with the statute and the state has relied exclusively on an alternative payment methodology to pay providers. Based on the state's movement toward value-based purchasing, providers requested the state to establish provider-specific PPS rates. In reviewing the 1999 and 2000 cost report data, the state determined that some of the provider-specific data included errors that could not be remedied due to the age of the data. After significant collaboration with the provider community, the state is requesting to use a reasonable cost determination to account for outlier data. The reasonable cost policy, which is incorporated into Medicaid statute by reference to Medicare statute, would bind outlier providers within low and high end percentiles of all providers' PPS rates to bring the outliers in line with the range of provider PPS rates. CMCS has collaborated with OGC and CM colleagues to review the relevant statutory and implementing guidance and believe the state's proposal is supportable. Although the SPA is pending off of the federal review clock, the state has indicated urgency in receiving approval as the proposal is crucial to implementing the value-based purchasing initiative.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Thursday, April 13, 2023 11:18 AM  
**To:** Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Cc:** adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** RE: OA Issues Item - MA FQHC Write-up

Hi Jeremy,

Lela is also pinging on the OA blurb (example below)

**Missouri Deferral – Federal Reimbursement Allowance (FRA) Tax**

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hold a portion of Medicaid funding while CMS continues to review information from the state to make a final determination of the allowability of the tax. Regulations require that a deferral must be taken within 60 days of receipt of the state's quarterly expenditure report, which is March 31, 2023.

- Decision deadline: March 20, 2023
- Briefer: Rory Howe, Director, Financial Management Group
- IRA-Related Policies: N/A

**Beverly**

**From:** Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>  
**Sent:** Thursday, April 13, 2023 11:16 AM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>  
**Cc:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>  
**Subject:** RE: OA Issues Item - MA FQHC Write-up

Please see the attached. Thanks.

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Thursday, April 13, 2023 9:51 AM  
**To:** Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>  
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**From:** Boston, Beverly (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 4/13/2023 6:22:04 PM  
**To:** Howe, Rory (CMS/CMCS); (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS); (b)(6)  
(b)(6) Maccarroll, Amber  
(CMS/CMCS); (b)(6)  
**CC:** adams, lia (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** RE: RE: OSORA Pinging Lela: OA Issues Item - MA FQHC Write-up

Lia I put you on the string with Lela. Can you move the papers?

Thanks

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Thursday, April 13, 2023 2:20 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Cc:** adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** RE: OSORA Pinging Lela: OA Issues Item - MA FQHC Write-up

Yes. They are good to go. Good on the briefers as well. Thanks, Jeremy!

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Thursday, April 13, 2023 2:18 PM  
**To:** Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
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Can the blurb move forward? Also, please confirm briefer below

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- Decision deadline: April, 23, 2023
- Briefer: Rory Howe, Director, Financial Management Group, Jeremy Silanskis, Deputy Director, Financial Management Group
- IRA-Related Policies: N/A

**Beverly**

**From:** Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Sent:** Thursday, April 13, 2023 11:48 AM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

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**CC:** (b)(6)  
adams, lia (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** OSORA Pinging Lela: OA Issues Item - MA FQHC Write-up  
**Attachments:** MA FQHC PPS OA Brief 4-13-23.docx

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**Subject:** RE: OA Issues Item - MA FQHC Write-up

**Massachusetts State Plan Amendment 22-0002 – Federally Qualified Health Center (FQHC)**

CMCS will brief and seek concurrence from the Administrator on a pending Massachusetts state plan amendment (SPA 22-0002). The SPA proposes to establish a prospective payment system (PPS) rate for FQHCs to come into compliance with the Social Security Act (the Act). Beginning in 2001, the Act required states to establish PPS rates based on cost report data from 1999 and 2000, however, MA's state plan has not included a compliant PPS methodology consistent with the statute and the state has relied exclusively on an alternative payment methodology to pay providers. Based on the state's movement toward value-based purchasing, providers requested the state to establish provider-specific PPS rates. In reviewing the 1999 and 2000 cost report data, the state determined that some of the provide-specific data included errors that could not be remedied due to the age of the data. After significant collaboration with the provider community, the state is requesting to use a reasonable cost determination to account for outlier data. The reasonable cost policy, which is incorporated into Medicaid statute by reference to Medicare statute, would bind outlier providers within low and high end percentiles of all providers' PPS rates to bring the outliers in line with the range of provider PPS rates. CMCS has collaborated with OGC and CM colleagues to review the relevant statutory and implementing guidance and believe the state's proposal is supportable. Although the SPA is pending off of the federal review clock, the state has indicated urgency in receiving approval as the proposal is crucial to implementing the value-base purchasing initiative.

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, April 13, 2023 11:18 AM

**To:** Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Cc:** adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: OA Issues Item - MA FQHC Write-up

Hi Jeremy,

Lela is also pinging on the OA blurb (example below)

**Missouri Deferral – Federal Reimbursement Allowance (FRA) Tax**

CMCS will brief and seek concurrence from the Administrator on a recommended Missouri deferral related to the state's FRA tax. As part of the action plan to enforce compliance with non-federal share financing requirements in Missouri (previously briefed on May 26, 2022), CMCS conducted a focused review of Missouri's hospital tax, known as the FRA tax, to determine compliance with statutory and regulatory requirements, specifically whether a hold harmless arrangement exists due to providers redistributing Medicaid payments. The review confirmed our previous concerns that the tax may be unallowable, and as a result, CMCS recommends issuing a deferral in the amount of approximately \$236,000,000 to temporarily hold a portion of Medicaid funding while CMS continues to review information from the state to make a final determination of the allowability of the tax. Regulations require that a deferral must be taken within 60 days of receipt of the state's quarterly expenditure report, which is March 31, 2023.

- Decision deadline: March 20, 2023
- Briefer: Rory Howe, Director, Financial Management Group
- IRA-Related Policies: N/A

*Beverly*

**From:** Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Sent:** Thursday, April 13, 2023 11:16 AM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Cc:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: OA Issues Item - MA FQHC Write-up

Please see the attached. Thanks.

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Thursday, April 13, 2023 9:51 AM

**To:** Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Cc:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** OA Issues Item - MA FQHC Write-up

I just talked with OCD. Instead of a full paper for OA Issues next week, would it be reasonable to provide a half-page to one-page of bullets on the issue by tomorrow?

**Massachusetts Request to Establish a  
Prospective Payment System Rate for Federally Qualified Health Centers**

**Issue:**

- The Social Security Act (the Act) required states to establish prospective payment system (PPS) rates for Federally Qualified Health Center (FQHC) providers based on provider-specific cost data from 1999 and 2000.
- The Act also allows states to set alternative payment methodologies (APMs) for FQHCs as long as the FQHCs agree to accept the APMs and the APMs pay providers at least the amount they would receive under the PPS rates.
- Massachusetts' Medicaid state plan does not include a PPS rate for each FQHC provider that is consistent with the Act and the state has historically paid FQHCs using only an APM.
- Recently, the state proposed to use 1115 demonstration authority to initiate value-based payments (VBP) that would affect FQHC providers. Based on this initiative, FQHCs requested that the state amend the state plan and set a PPS rate methodology to serve as the floor for provider payments and ensure that they would be paid at least the PPS amount under the VBP initiative.
- Consistent with this request, MA submitted state plan amendment (SPA) 22-0002 to establish a PPS rate. While the PPS method proposed under SPA 22-0002 would rely on the cost report data submitted by FQHCs in 1999 and 2000, the state determined that some of the cost report data appears inaccurate and contains errors which could not be corrected due to the age of the data.
- As a result, the state engaged each FQHC and the Massachusetts League of Community Health Centers to collectively develop a PPS methodology that would more clearly define and document individualized PPS rates for each FQHC.
- After consulting with the provider community, MA proposed to bound the 1999 and 2000 cost data at the 50<sup>th</sup> and 75<sup>th</sup> percentiles of all providers' reported cost. This means that any provider with reported cost below the 50<sup>th</sup> percentile would have a PPS rate set higher than their reported cost would allow and any provider with reported cost above the 75<sup>th</sup> percentile would have a PPS rate set lower than their reported cost would allow.
- Massachusetts believes this methodology is consistent with the Medicaid statute which references sections of Medicare statute defining reasonable cost.
- **(b)(5)**
- The state has indicated urgency associated with this request and may elevate the request to Congressional delegations if CMS does not approve the proposal soon.



Message

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**From:** Davis, Lovie (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 2/17/2023 8:33:30 PM  
**To:** Giles, John (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** Automatic reply: Automatic reply: Informational Bulletin: Health Care-Related Taxes and Hold Harmless Arrangements

Thank you for your message. I am out of the office through March 31, 2023. I will reply to your email upon my return to the office. For 438.6(c) state directed payment related inquiries, please contact the State Directed Payment Mailbox at [statedirectedpayment@cms.hhs.gov](mailto:statedirectedpayment@cms.hhs.gov).

Message

**From:** Diallo Dana (b)(6)  
**Sent:** 4/26/2023 11:12:39 PM  
**To:** Smith, Linda (CMS/CCSQ); (b)(6)  
(b)(6)  
**CC:** Billingslea, Karmen (CMS/CCSQ); (b)(6)  
(b)(6); Marcia Armstrong  
[marcia@armstronglawyers.com]; Jimenez, Juan (CMS/OHI); (b)(6)  
(b)(6); David Henderson  
[david.henderson@ncmedboard.org]; Evelyn W. Contre [evelyn.contre@ncmedboard.org]; Richardson (she/her),  
Erin (CMS/OA); (b)(6)  
(b)(6); Blum, Jonathan  
(CMS/OA); (b)(6)  
(b)(6); HotLine  
[hotline@ncauditor.net]  
**Subject:** RE: RE: Urgent: CMS Quality of Care Concerns - 4-26-23

Dear Ms. Smith,

Mr. Jimenez as well as Mr. Payne has not called yet so one more thing I guess. Really quick if you can please advise Bethany to send amendment forms for (b)(6) (reattached). I have the Medicare billing and can plan to release the audio of the Bethany manager involved.

The awful thing is physicians have read bogus results which is unsafe and the last three medical records/blood draws remain missing or altered. This may be exactly what State Auditor Wood said would happen and it is not good. While I would need to prep, I will provide any testimony if requested.

With you aware, (b)(6) Have a great evening and thank you again for your awareness and assistance today along with Ms. Armstrong.

Thank you.

Diallo

TO THE GREATEST EXTENT PROVIDED BY ALL APPLICABLE RULES OF COURT, I/WE RESPECTFULLY DO NOT CONSENT TO SERVICE OF ANYTHING VIA ELECTRONIC MAIL/ EMAIL or MAIL. PER RULE 4 (APPLICABLE TO AN UNREPRESENTED PARTY), PLEASE ACCOMPLISH SERVICE BY ARRANGEMENT VIA PHONE CONVERSATION ONLY. THANK YOU.

On Apr 26, 2023 at 6:08 PM -0400, Diallo Dana (b)(6), wrote:

Dear Ms. Smith,

I do not know what your email meant as Mr. Payne remains silent. His help is necessary. But, per your email yesterday, I will be working towards your call in a few weeks with Dr. Barker.

Also, today, was a major setback for me but there is significant new evidence. Let's plan to keep Ms. Armstrong in the loop with OSA.

Thank you.

Diallo

TO THE GREATEST EXTENT PROVIDED BY ALL APPLICABLE RULES OF COURT, I/WE RESPECTFULLY DO NOT CONSENT TO SERVICE OF ANYTHING VIA ELECTRONIC MAIL/ EMAIL or MAIL. PER RULE 4 (APPLICABLE TO AN UNREPRESENTED PARTY), PLEASE ACCOMPLISH SERVICE BY ARRANGEMENT VIA PHONE CONVERSATION ONLY. THANK YOU.

Message

**From:** Boston, Beverly (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 4/13/2023 3:18:13 PM  
**To:** Silanskis, Jeremy (CMS/CMCS); (b)(6)  
(b)(6); Howe, Rory (CMS/CMCS)  
Maccarroll, Amber  
(CMS/CMCS); (b)(6)  
(b)(6)  
**CC:** adams, lia (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** RE: RE: OA Issues Item - MA FQHC Write-up  
**Attachments:** MA FQHC Memo; MA FQHC PPS OA Brief 4-13-23.docx

Hi Jeremy,

Lela is also pinging on the OA blurb (example below)

**Missouri Deferral – Federal Reimbursement Allowance (FRA) Tax**

CMCS will brief and seek concurrence from the Administrator on a recommended Missouri deferral related to the state's FRA tax. As part of the action plan to enforce compliance with non-federal share financing requirements in Missouri (previously briefed on May 26, 2022), CMCS conducted a focused review of Missouri's hospital tax, known as the FRA tax, to determine compliance with statutory and regulatory requirements, specifically whether a hold harmless arrangement exists due to providers redistributing Medicaid payments. The review confirmed our previous concerns that the tax may be unallowable, and as a result, CMCS recommends issuing a deferral in the amount of approximately \$236,000,000 to temporarily hold a portion of Medicaid funding while CMS continues to review information from the state to make a final determination of the allowability of the tax. Regulations require that a deferral must be taken within 60 days of receipt of the state's quarterly expenditure report, which is March 31, 2023.

- Decision deadline: March 20, 2023
- Briefer: Rory Howe, Director, Financial Management Group
- IRA-Related Policies: N/A

*Beverly*

**From:** Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Sent:** Thursday, April 13, 2023 11:16 AM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Cc:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** RE: OA Issues Item - MA FQHC Write-up

Please see the attached. Thanks.

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Thursday, April 13, 2023 9:51 AM  
**To:** Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Cc:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; adams, lia (CMS/CMCS)

<[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** OA Issues Item - MA FQHC Write-up

I just talked with OCD. Instead of a full paper for OA Issues next week, would it be reasonable to provide a half-page to one-page of bullets on the issue by tomorrow?

Message

---

**From:** Teal, Lela (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 4/13/2023 2:11:11 PM  
**To:** Howe, Rory (CMS/CMCS) [rory.howe@cms.hhs.gov]  
**CC:** Boston, Beverly (CMS/CMCS) [beverly.boston@cms.hhs.gov]  
**Subject:** MA FQHC Memo

May I get a blurb for the agenda as soon as possible - I understand that this is a decisional item and so we will need to send up to OSORA

Message

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**From:** Maccarroll, Amber (CMS/CMCS) (b)(6)  
(b)(6)  
**Sent:** 1/12/2023 9:40:10 PM  
**To:** Boston, Beverly (CMS/CMCS) (b)(6)  
(b)(6)  
**CC:** Howe, Rory (CMS/CMCS) (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS) (b)(6)  
(b)(6)  
**Subject:** RE: RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Done! And thank you for everything this week – I know it's been a wild one.... Hope you have a fabulous long weekend!

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 4:32 PM  
**To:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I'm fine if you want to add them (attached) 🙏. I'm working on huge GAO CAPs report request on supplemental payments that will go to the Divs for update. Thank you!

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

*Beverly*

**From:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 4:25 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good catch Beverly. Sorry I missed those. Yes, they need to be added in. Do you have time or do you want me to add them?

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 4:23 PM  
**To:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Amber. I do not see Tim Engelhardt's edits that he requested. Do they need to be added?

**Beverly**

**From:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>  
**Sent:** Thursday, January 12, 2023 4:00 PM  
**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Beverly –

I reviewed and provided a few minor (mainly formatting) edits. These are good to go by me, but I think Rory will likely want to review also before they go back.

Thanks, Amber

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>  
**Sent:** Thursday, January 12, 2023 2:44 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>  
**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon,

The FMG Front Office is up next to clear the CIB and underlying docs prior to moving them back to the OCD. Please make any additional edits. I will accept the changes and will provide OCD with both clean and redlined versions. I'll be online late if needed.

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

Thanks

**Beverly**

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>  
**Sent:** Thursday, January 12, 2023 2:41 PM  
**To:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>



**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Great. Thanks Jonathan, Kristin and team. I will clear the updates with the FMG Front Office and will move the items forward. So far, what I am hearing is that the CIB will not go through another round of CMS clearance, but will be moved forward to IOS/OMB/DPC.

Thank you!

*Beverly*

**From:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>  
**Sent:** Thursday, January 12, 2023 2:33 PM  
**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Beverly,

I believe Kristin and I have responded to all the comments and made of the edits that we feel are appropriate, including for the reactive statement. I don't think there is anything left for us to do. Please let us know if we can be of any further assistance. I will be glad to make any other changes anyone else suggests. Thank you.

Best,

Jonathan

Jonathan Endelman  
Social Science Research Analyst  
Centers for Medicare & Medicaid Services (CMS)  
Center for Medicaid and CHIP Services (CMCS)  
Financial Management Group (FMG)  
Division of Financial Policy (DFP)  
410.786.4738  
[jonathan.endelman@cms.hhs.gov](mailto:jonathan.endelman@cms.hhs.gov)  
7500 Security Blvd.  
Mail Stop, S3-14-28  
Baltimore, MD 21244-1850

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>  
**Sent:** Thursday, January 12, 2023 2:26 PM  
**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>

**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon team – I am checking in on the status of the updated CIB. I understand from Rory that we are fine to reject the re-framing references proposed by OL. As the CIB is on a timeline for release by 1/23, can all edits/comments be wrapped up on the CIB/Q/As and Reactive Statement by COB today?

Hello, I am adding a SP link (below) for the reactive statement with OL comments/edits (attached) to be aligned with the updated CIB and Q/As. Will these changes impact the OA briefing paper? We normally wait until we have clearance comments before going to OA, but I understand we are on a somewhat tight timeline.

OC reconciled the comments. I did move the reconciled version of the CIB and Q/As to SharePoint (below). Please see attached with separate line edits/comments for full disclosure from OL and OGC. Please make edits in the reconciled version.

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

**Sent:** Monday, January 9, 2023 4:31 PM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks, Beverly. I think some of the line edits are visible in the CIB, but many by OL are not visible. Is there a version with the line edits visible?

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Monday, January 9, 2023 3:34 PM

**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hello,

Please see attached with OL and OGC comments. Can you take a look and let me know **when you'll be able to turn around clean versions**? As a reminder, next step is R2 CMS and the OCD will concurrently send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 4:29 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Looks good. I will circle back if there are any questions. Thank you all.

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 4:08 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

My edits are in and this is good to go. Thanks, all!

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 2:47 PM

**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

Based on your comments would the below edits work? Please others review Kristin's comments in the attached and make edits here → reactive that was drafted by OC by COB today.

(b)(5)

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 2:19 PM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I made some suggestions.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 1:33 PM

**To:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

**Status update:** OCD confirmed we are still aiming for 1/23. OCD is awaiting OGC comments (if any) on the CIB. Once the CIB clears Comms, the OCD will send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

**In addition due COB today** - Here is the reactive that was drafted by OC for the CIB. **Please let me know if you have edits to the reactive statement developed by OC.**

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>  
**Sent:** Wednesday, January 4, 2023 9:45 AM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** RE: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Beverly. I defer to others but don't think the edits are helpful for the CIB. It was carefully crafted language. I would not recommend accepting these changes.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Wednesday, January 4, 2023 8:46 AM  
**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning and HNY! 🍷

Looping others. All Comms clearance comments on the CIB are due from commenters on 1/5. Please hold the attached FCHCO comments until all other comments on the CIB are received. **I will need clean and redlined comments once all comments are received.**

**In addition due 12pm tomorrow 1/5** - Here is the reactive that was drafted by OC for the CIB. Please let me know if you have edits to the reactive statement developed by OC.

Thank you

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Tuesday, January 3, 2023 3:57 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Cc:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi, Beverly and Lia. Would you mind making should make sure the attached track changes based on a few suggestions from Tim make it into the final version? Please let me know if you have any questions.

Thanks,  
Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Tuesday, January 3, 2023 3:49 PM  
**To:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>  
**Subject:** RE: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Tim,

Happy New Year. I appreciate you taking the time to review and to comment. Thanks for catching the typo and for highlighting where we could be more precise to avoid misinterpretations. We'll update the draft CIB to address the comments/edit. Thanks again.

Rory

**From:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 3:16 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Rory –

I understand the CIB was FYI-only, but I feel compelled to share with you a few things in the attached. I was only reading it to try to learn the policy, but there is a place in the CIB where a reader could easily take away the wrong message. And a typo.

Tim Engelhardt (he/him)  
Medicare-Medicaid Coordination Office  
Centers for Medicare & Medicaid Services  
202.690.6277

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**From:** CMS CLEARANCES <[CLEARANCES@cms.hhs.gov](mailto:CLEARANCES@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 1:35 PM  
**To:** Worstell, Megan (CMS/OFM) <[Megan.Worstell@cms.hhs.gov](mailto:Megan.Worstell@cms.hhs.gov)>; Czajkowski, John (CMS/OFM) <[John.Czajkowski@cms.hhs.gov](mailto:John.Czajkowski@cms.hhs.gov)>; Plater, Morris (CMS/OFM) <[Morris.Plater@cms.hhs.gov](mailto:Morris.Plater@cms.hhs.gov)>; Stokes-Murray (He/Him), Heinz (CMS/OFM) <[KHeinz.Stokes-Murray@cms.hhs.gov](mailto:KHeinz.Stokes-Murray@cms.hhs.gov)>; Tierney, Janet (CMS/OFM) <[Janet.Tierney@cms.hhs.gov](mailto:Janet.Tierney@cms.hhs.gov)>; Kelsey, Ashley (CMS/OFM) <[Ashley.Kelsey@cms.hhs.gov](mailto:Ashley.Kelsey@cms.hhs.gov)>; Carmichael, Wanda (CMS/OFM) <[Wanda.Carmichael@cms.hhs.gov](mailto:Wanda.Carmichael@cms.hhs.gov)>; Benns, Antoinette (CMS/OFM) <[Antoinette.Benns@cms.hhs.gov](mailto:Antoinette.Benns@cms.hhs.gov)>; Richter (she/her), Liz (CMS/CM) <[elizabeth.richter@cms.hhs.gov](mailto:elizabeth.richter@cms.hhs.gov)>; Rice, Cheri (CMS/CM) <[Cheri.Rice@cms.hhs.gov](mailto:Cheri.Rice@cms.hhs.gov)>; Ahern, Robert (CMS/CM) <[Robert.Ahern@cms.hhs.gov](mailto:Robert.Ahern@cms.hhs.gov)>; Mays, Beth (CMS/CM) <[Beth.Mays@cms.hhs.gov](mailto:Beth.Mays@cms.hhs.gov)>; Blackford (she/her), Carol (CMS/CM) <[Carol.Blackford@cms.hhs.gov](mailto:Carol.Blackford@cms.hhs.gov)>; Pequigney, Susan (CMS/CM) <[Susan.Pequigney@cms.hhs.gov](mailto:Susan.Pequigney@cms.hhs.gov)>; Farran, Patti (CMS/CM) <[Patti.Farran@cms.hhs.gov](mailto:Patti.Farran@cms.hhs.gov)>; Beder, Victoria (CMS/CM) <[Victoria.Beder@cms.hhs.gov](mailto:Victoria.Beder@cms.hhs.gov)>; Feaster, Simone (CMS/CM) <[simone.feaster@cms.hhs.gov](mailto:simone.feaster@cms.hhs.gov)>; Uebersax, Julie (CMS/CM) <[Julie.Uebersax@cms.hhs.gov](mailto:Julie.Uebersax@cms.hhs.gov)>; Held, William (CMS/CM) <[William.Held@cms.hhs.gov](mailto:William.Held@cms.hhs.gov)>; OToole, Meghan (CMS/OA) <[Meghan.OToole1@cms.hhs.gov](mailto:Meghan.OToole1@cms.hhs.gov)>; Labonte, Christiane (CMS/CM) <[Christiane.Labonte@cms.hhs.gov](mailto:Christiane.Labonte@cms.hhs.gov)>; Martin, Kristi (CMS/CM) <[Kristina.Martin@cms.hhs.gov](mailto:Kristina.Martin@cms.hhs.gov)>; Turco, Molly (CMS/CM) <[Molly.Turco@cms.hhs.gov](mailto:Molly.Turco@cms.hhs.gov)>; Jacobs, Douglas (CMS/CM) <[Douglas.Jacobs@cms.hhs.gov](mailto:Douglas.Jacobs@cms.hhs.gov)>; Hunter, Leah (CMS/CM) <[Leah.Hunter@cms.hhs.gov](mailto:Leah.Hunter@cms.hhs.gov)>; CMS CPI Clearance Box <[CPI\\_Clearance\\_Box@cms.hhs.gov](mailto:CPI_Clearance_Box@cms.hhs.gov)>; Hart, Bradley (CMS/CPI); Lindstrom, Jennifer (CMS/CPI) <[Jennifer.Lindstrom@cms.hhs.gov](mailto:Jennifer.Lindstrom@cms.hhs.gov)>; Mills, George (CMS/CPI) <[george.mills@cms.hhs.gov](mailto:george.mills@cms.hhs.gov)>; Brentzel, Ingrid (CMS/CPI) <[Ingrid.Brentzel@cms.hhs.gov](mailto:Ingrid.Brentzel@cms.hhs.gov)>; Graham, John (CMS/CPI) <[John.Graham@cms.hhs.gov](mailto:John.Graham@cms.hhs.gov)>; Wilson-Coe, Tomiko (CMS/CPI) <[Tomiko.Wilson-Coe@cms.hhs.gov](mailto:Tomiko.Wilson-Coe@cms.hhs.gov)>; Allen, Nakia (CMS/CPI) <[nakia.allen-mcghee@cms.hhs.gov](mailto:nakia.allen-mcghee@cms.hhs.gov)>; Ahmad, Namirah (CMS/CPI) <[Namirah.Ahmad@cms.hhs.gov](mailto:Namirah.Ahmad@cms.hhs.gov)>; Barkai, Melissa (CMS/CPI) <[Melissa.Barkai@cms.hhs.gov](mailto:Melissa.Barkai@cms.hhs.gov)>; Coates, Nikita

(CMS/CPI) <Nikita.Coates@cms.hhs.gov>; Mitchell, Dashe (CMS/CPI) <Dashe.Mitchell@cms.hhs.gov>; Tott, Karen (CMS/CPI) <Karen.Tott@cms.hhs.gov>; Stevenson, Bryant (CMS/CPI) <bryant.stevenson@cms.hhs.gov>; Oelschlaeger, Allison (CMS/OEDA) <Allison.Oelschlaeger@cms.hhs.gov>; Shatto, Andrew (CMS/OEDA) <Andrew.Shatto@cms.hhs.gov>; Hitchcock, Katherine (CMS/OEDA) <Katherine.Hitchcock@cms.hhs.gov>; Harper, Bernice (CMS/OEDA) <Bernice.Harper@cms.hhs.gov>; CMS Front Office - CCIIO Clearances <FrontOffice-CCIIOClearances@cms.hhs.gov>; Wu (he/him), Jeff (CMS/CCIIO) <Jeff.Wu@cms.hhs.gov>; Wilson, Lisa (CMS/CCIIO) <lisa.wilson@cms.hhs.gov>; Oconnor, Nancy (CMS/OPOLE) <Nancy.OConnor@cms.hhs.gov>; Rosta (she/her), Sara (CMS/CCIIO) <Sara.Rosta@cms.hhs.gov>; Arapi, Leslie (CMS/OPOLE) <Leslie.Arapi@cms.hhs.gov>; Frimpong, Janny (CMS/CCIIO) <Janny.Frimpong@cms.hhs.gov>; Brooks, Kiahana (CMS/CCIIO) <Kiahana.Brooks@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Garcia, Vanessa (CMS/OSORA) <Vanessa.Garcia@cms.hhs.gov>; Jackson, Marilyn (CMS/OSORA) <Marilyn.Jackson@cms.hhs.gov>; Barnett Sherrill (She/Her), Alexis (CMS/OSORA) <Alexis.Sherrill@cms.hhs.gov>; Taylor, Isabel (CMS/OSORA) <Isabel.Taylor@cms.hhs.gov>; Palmer, Erin (CMS/OSORA) <erin.palmer@cms.hhs.gov>; Unruh, Patti (CMS/OSORA) <Patti.Unruh@cms.hhs.gov>; Khan, Farooq (CMS/OSORA) <Farooq.Khan@cms.hhs.gov>; Lafferty, Tiffany (CMS/OSORA) <Tiffany.Lafferty@cms.hhs.gov>; Parham, William (CMS/OSORA) <WILLIAM.PARHAM@cms.hhs.gov>; Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Edmondson-Parrott, Michele (CMS/OSORA) <michele.edmondsonparrott@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Lilley, Edward (CMS/OSORA) <Edward.Lilley@cms.hhs.gov>; McLemore, Monica (CMS/OSORA) <Monica.McLemore@cms.hhs.gov>; Witherspoon, Tia (CMS/OSORA) <Tia.Witherspoon@cms.hhs.gov>; CMS OIT Correspondence <OITCorrespondence@cms.hhs.gov>; Howden, Catherine (CMS/OC) <Catherine.Howden@cms.hhs.gov>; Tross, Jason (CMS/OC) <Jason.Tross@cms.hhs.gov>; Wagner, Rachel (CMS/OC) <Rachel.Wagner@cms.hhs.gov>; Fortin-Garcia, Carolina (CMS/OC) <Carolina.Fortin-Garcia@cms.hhs.gov>; Boykin, Jibril (CMS/OC) <Jibril.Boykin@cms.hhs.gov>; Dinges, Enrico (CMS/OC) <Eric.Dinges@cms.hhs.gov>; Joy-Bush, Keya (CMS/OC) <keya.joy-bush@cms.hhs.gov>; Martin, Patrice (CMS/OC) <Patrice.Martin@cms.hhs.gov>; Mengel, Jonathan (CMS/OC) <Jonathan.Mengel@cms.hhs.gov>; Myers, Gregory (CMS/OC) <Gregory.Myers@cms.hhs.gov>; Smith, Aaron (CMS/OC) <Aaron.Smith@cms.hhs.gov>; Sokol, Lisa (CMS/OC) <Lisa.Sokol@cms.hhs.gov>; Thorn, Raymond (CMS/OC) <Raymond.Thorn@cms.hhs.gov>; Washington, April (CMS/OC) <April.Washington@cms.hhs.gov>; Trucil, Daniel (CMS/OC) <Daniel.Trucil@cms.hhs.gov>; Ryan, Lorraine (CMS/OC) <lorraine.ryan@cms.hhs.gov>; Schinderle, Elizabeth (CMS/OC) <elizabeth.schinderle@cms.hhs.gov>; Mahoney, Christine (CMS/OC) <Christine.Mahoney@cms.hhs.gov>; Brager, Mark (CMS/OC) <Mark.Brager@cms.hhs.gov>; Clemens, Kristen (CMS/OC) <Kristen.Clemens@cms.hhs.gov>; 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**Cc:** CMS CLEARANCES <[CLEARANCES@cms.hhs.gov](mailto:CLEARANCES@cms.hhs.gov)>; Dinges, Enrico (CMS/OC) <[Eric.Dinges@cms.hhs.gov](mailto:Eric.Dinges@cms.hhs.gov)>

**Subject:** FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

**\*\*\*Please copy Enrico Dinges and on ALL responses pertaining to this item when replying to CMS Clearances.\*\*\***

Please see attached internal qas for review. The informational bulletin is FYI ONLY. Thank you.

**Comments Due: 1:00 PM ET Thursday, January 5, 2023**

**All: For your review and input. Concurrent HHS/CMS review.**

**Title:** Internal Q&As for CMCS informational bulletin on health care related taxes and hold harmless arrangements.

**Agency/Office:** CMCS

**Subject/Description:** CMS will release an informational bulletin on health care related taxes and hold harmless arrangements involving the redistribution of Medicaid payments. This informational bulletin responds in part to questions CMS has received regarding the statutory and regulatory requirements applicable to health care-related taxes, including in connection with proposals to implement or renew Medicaid managed care state directed payments (SDPs). There will be a reactive statement, listserv message, and internal questions-and-answers for this item.

**COMMs Materials for Rollout:** Internal Q&As

**Deadline for COMMS Clearance comments: Thursday, January 5 by 1:00 PM**

**Requested Release date:** 2/7/2023

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Message

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**From:** Boston, Beverly (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 1/12/2023 9:41:39 PM  
**To:** Maccarroll, Amber (CMS/CMCS); (b)(6)  
(b)(6)  
**CC:** Howe, Rory (CMS/CMCS); (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** RE: RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

You too!! Thank YOU! Rory, I will hang tight until you confirm any additional edits.

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

*Beverly*

**From:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 4:40 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Done! And thank you for everything this week – I know it's been a wild one.... Hope you have a fabulous long weekend!

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 4:32 PM  
**To:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I'm fine if you want to add them (attached)🙏. I'm working on huge GAO CAPs report request on supplemental payments that will go to the Divs for update. Thank you!

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

**Beverly**

**From:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 4:25 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good catch Beverly. Sorry I missed those. Yes, they need to be added in. Do you have time or do you want me to add them?

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 4:23 PM

**To:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Amber. I do not see Tim Engelhardt's edits that he requested. Do they need to be added?

**Beverly**

**From:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 4:00 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Beverly –

I reviewed and provided a few minor (mainly formatting) edits. These are good to go by me, but I think Rory will likely want to review also before they go back.

Thanks, Amber

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:44 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon,

The FMG Front Office is up next to clear the CIB and underlying docs prior to moving them back to the OCD. Please make any additional edits. I will accept the changes and will provide OCD with both clean and redlined versions. I'll be online late if needed.

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:41 PM

**To:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

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**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Great. Thanks Jonathan, Kristin and team. I will clear the updates with the FMG Front Office and will move the items forward. So far, what I am hearing is that the CIB will not go through another round of CMS clearance, but will be moved forward to IOS/OMB/DPC.

Thank you!

*Beverly*

**From:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:33 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

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**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Beverly,

I believe Kristin and I have responded to all the comments and made of the edits that we feel are appropriate, including for the reactive statement. I don't think there is anything left for us to do. Please let us know if we can be of any further assistance. I will be glad to make any other changes anyone else suggests. Thank you.

Best,

Jonathan

Jonathan Endelman

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**Sent:** Thursday, January 12, 2023 2:26 PM  
**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon team – I am checking in on the status of the updated CIB. I understand from Rory that we are fine to reject the re-framing references proposed by OL. As the CIB is on a timeline for release by 1/23, can all edits/comments be wrapped up on the CIB/Q/As and Reactive Statement by COB today?

Hello, I am adding a SP link (below) for the reactive statement with OL comments/edits (attached) to be aligned with the updated CIB and Q/As. Will these changes impact the OA briefing paper? We normally wait until we have clearance comments before going to OA, but I understand we are on a somewhat tight timeline.

OC reconciled the comments. I did move the reconciled version of the CIB and Q/As to SharePoint (below). Please see attached with separate line edits/comments for full disclosure from OL and OGC. Please make edits in the reconciled version.

[HC Related Taxes CIB](#)

[Q/As Taxes CIB](#)

[Reactive Statement - Tax CIB](#)

***Beverly***

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Monday, January 9, 2023 4:31 PM  
**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks, Beverly. I think some of the line edits are visible in the CIB, but many by OL are not visible. Is there a version with the line edits visible?

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Monday, January 9, 2023 3:34 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hello,

Please see attached with OL and OGC comments. Can you take a look and let me know **when you'll be able to turn around clean versions**? As a reminder, next step is R2 CMS and the OCD will concurrently send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 4:29 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Looks good. I will circle back if there are any questions. Thank you all.

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 4:08 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

My edits are in and this is good to go. Thanks, all!

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 2:47 PM

**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

Based on your comments would the below edits work? Please others review Kristin's comments in the attached and make edits here → reactive that was drafted by OC by COB today.

(b)(5)

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 2:19 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I made some suggestions.

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 1:33 PM

**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia

(CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

**Status update:** OCD confirmed we are still aiming for 1/23. OCD is awaiting OGC comments (if any) on the CIB. Once the CIB clears Comms, the OCD will send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

**In addition due COB today** - Here is the reactive that was drafted by OC for the CIB. **Please let me know if you have edits to the reactive statement developed by OC.**

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Sent:** Wednesday, January 4, 2023 9:45 AM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Beverly. I defer to others but don't think the edits are helpful for the CIB. It was carefully crafted language. I would not recommend accepting these changes.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Wednesday, January 4, 2023 8:46 AM

**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning and HNY! 🍷

Looping others. All Comms clearance comments on the CIB are due from commenters on 1/5. Please hold the attached FCHCO comments until all other comments on the CIB are received. **I will need clean and redlined comments once all comments are received.**

**In addition due 12pm tomorrow 1/5** - Here is the reactive that was drafted by OC for the CIB. Please let me know if you have edits to the reactive statement developed by OC.

Thank you



**Beverly**

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 3:57 PM  
**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>  
**Cc:** Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>  
**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi, Beverly and Lia. Would you mind making should make sure the attached track changes based on a few suggestions from Tim make it into the final version? Please let me know if you have any questions.

Thanks,  
Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Tuesday, January 3, 2023 3:49 PM  
**To:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>  
**Subject:** RE: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Tim,

Happy New Year. I appreciate you taking the time to review and to comment. Thanks for catching the typo and for highlighting where we could be more precise to avoid misinterpretations. We'll update the draft CIB to address the comments/edit. Thanks again.

Rory

**From:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 3:16 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Rory –

I understand the CIB was FYI-only, but I feel compelled to share with you a few things in the attached. I was only reading it to try to learn the policy, but there is a place in the CIB where a reader could easily take away the wrong message. And a typo.

Tim Engelhardt (he/him)  
Medicare-Medicaid Coordination Office  
Centers for Medicare & Medicaid Services  
202.690.6277

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**From:** CMS CLEARANCES <[CLEARANCES@cms.hhs.gov](mailto:CLEARANCES@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 1:35 PM  
**To:** Worstell, Megan (CMS/OFM) <[Megan.Worstell@cms.hhs.gov](mailto:Megan.Worstell@cms.hhs.gov)>; Czajkowski, John (CMS/OFM) <[John.Czajkowski@cms.hhs.gov](mailto:John.Czajkowski@cms.hhs.gov)>; Plater, Morris (CMS/OFM) <[Morris.Plater@cms.hhs.gov](mailto:Morris.Plater@cms.hhs.gov)>; Stokes-Murray (He/Him), Heinz (CMS/OFM) <[KHeinz.Stokes-Murray@cms.hhs.gov](mailto:KHeinz.Stokes-Murray@cms.hhs.gov)>; Tierney, Janet (CMS/OFM) <[Janet.Tierney@cms.hhs.gov](mailto:Janet.Tierney@cms.hhs.gov)>;

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**Cc:** CMS CLEARANCES <CLEARANCES@cms.hhs.gov>; Dinges, Enrico (CMS/OC) <Eric.Dinges@cms.hhs.gov>

**Subject:** FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

**\*\*\*Please copy Enrico Dinges and on ALL responses pertaining to this item when replying to CMS Clearances.\*\*\***

Please see attached internal qas for review. The informational bulletin is FYI ONLY. Thank you.

**Comments Due: 1:00 PM ET Thursday, January 5, 2023**

**All: For your review and input. Concurrent HHS/CMS review.**

**Title:** Internal Q&As for CMCS informational bulletin on health care related taxes and hold harmless arrangements.

**Agency/Office:** CMCS

**Subject/Description:** CMS will release an informational bulletin on health care related taxes and hold harmless arrangements involving the redistribution of Medicaid payments. This informational bulletin responds in part to questions CMS has received regarding the statutory and regulatory requirements applicable to health care-related taxes, including in connection with proposals to implement or renew Medicaid managed care state directed payments (SDPs). There will be a reactive statement, listserv message, and internal questions-and-answers for this item.

**COMMs Materials for Rollout:** Internal Q&As

**Deadline for COMMS Clearance comments: Thursday, January 5 by 1:00 PM**

**Requested Release date:** 2/7/2023

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Message

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**From:** Robert Nelb [robert.nelb@macpac.gov]  
**Sent:** 4/17/2023 12:54:20 PM  
**To:** Howe, Rory (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** Touching base on financing and supplemental payments?

Rory -

I hope you're doing well. At MACPAC, we're starting some new work on oversight of non-federal share financing, and our new ED, Kate Massey, mentioned that Dan suggested we reach out to you and your team to learn more about some of the current issues you're working on, including the recent hold harmless issues with local provider taxes.

Also, I just wanted to give you a heads up that we're continuing to run into issues accessing the new provider-level supplemental payments data, since we don't seem to have access to it in MACFin. We're open to other ways to get this data if the system isn't working. For example, we just worked with DEHPG to have them upload all of the directed payment pre-prints to our secure shared file site on Box.com.

Happy to set up time to chat about both of these issues whenever you're available. I recognize that different teams might be involved in each issue, so we can set up separate calls if that's easier. Also, feel free to give me a call at (b)(6) if it's easier to chat on the phone.

~ Rob

----- Forwarded message -----

**From:** Robert Nelb <robert.nelb@macpac.gov>  
**Date:** Tue, Apr 11, 2023 at 5:02 PM  
**Subject:** Re: Request: CMS MACFin data  
**To:** Lane, Robert (CMS/CMCS) <Robert.Lane@cms.hhs.gov>  
**Cc:** Kessler, Christopher (CMS/CMCS) <Christopher.Kessler@cms.hhs.gov>, Aaron Pervin <aaron.pervin@macpac.gov>, Barraza, Leticia (CMS/CMCS) <Leticia.Barraza@cms.hhs.gov>, Chris Park <chris.park@macpac.gov>, Holligan, Ricardo (CMS/CMCS) <Ricardo.Holligan@cms.hhs.gov>, Kate Massey <kate.massey@macpac.gov>, Sam-Louie, Henrietta (CMS/CMCS) <Henrietta.Sam-Louie@cms.hhs.gov>

Thanks all for your continued help on this issue.

At this point, we are primarily interested in reviewing the hospital-specific data for inpatient and outpatient hospital supplemental payments that has been submitted under the new reporting requirements of the Consolidated Appropriations Act 2021. These data are needed to inform our larger analyses of hospital supplemental payments.

I recognize that you are continuing to have challenges making this data available through MACFin, but we are happy to receive the data in whatever format you can send it in. If it helps, we can provide an upload link to our file sharing site on Box.com. This is a process we have used in the past with other CMS divisions for large data files.

Happy to discuss further if you have any questions.

~ Rob

On Tue, Apr 11, 2023 at 4:46 PM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Rob,

We have not made the reports available for review because we are still working to transition to a new site. We will let you know once they are available. If you let us know the specific reports needed and we can work to provide them. I appreciate your patients as we work to improve MACFin.

Thanks,

Robert

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Sent:** Monday, April 10, 2023 2:03 PM

**To:** Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>

**Cc:** Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>; Barraza, Leticia (CMS/CMCS)

<[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>; Holligan, Ricardo (CMS/CMCS)

<[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>; Lane, Robert (CMS/CMCS)

<[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Hi all -

I just wanted to follow up to see if you had any more updates on getting us access to the UPL reports. The link in the MACfin system still does not work for me.

Thanks,

- Rob

On Wed, Mar 8, 2023 at 9:34 AM Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)> wrote:

I approved MACFIN accesses for Chris P. and Aaron Pervin

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 4:40 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS)

<[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS)

<[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[\[Louie@cms.hhs.gov\]\(mailto:Louie@cms.hhs.gov\)>; Aaron Pervin <\[aaron.pervin@macpac.gov\]\(mailto:aaron.pervin@macpac.gov\)>](mailto:Henrietta.Sam-</a></p></div><div data-bbox=)

**Subject:** Re: Request: CMS MACFin data

Rob, just so that you have Aaron's email, I copied him on this chain

On Tue, Mar 7, 2023 at 10:06 AM Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)> wrote:

Yes, that works for me. Thanks

On Tue, Mar 7, 2023 at 9:47 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

I will send an appointment for 4-4:30pm to hold. Let me know if that works.

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 9:27 AM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS)

<[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS)

<[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[CMS03272cv1712](mailto:Henrietta.Sam-</a></p></div><div data-bbox=)



[Louie@cms.hhs.gov](mailto:Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob,

Rob Nelb and I are available from 3-5 pm today. If necessary, we could also meet over lunch from 11:30 - 1pm. If you can't meet at those times, then feel free to schedule something with Rob while I'm out.

Thanks,

Chris

On Tue, Mar 7, 2023 at 9:01 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

Can we schedule some time to discuss your request and what you need access too so that we can figure out how to give you access until we finish development? It would also be helpful for us to understand what you need access to as we build out our user management module. If we can't schedule today. Maybe we can work with Rob later this week or next week.

Thanks,

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, March 6, 2023 12:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Cc:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Robert,

The MACFin help desk had advised me to just select FMG read-only access, but that wasn't a clear option. My colleague Rob Nelb, who is copied on this email, just went through the process and selected FMG (not sure which division) and got approved. But none of the reports seem to generate data. Is there another CMS branch we could select until the system is built out? For example, I would guess that our use of the data will be similar to OACT.

We primarily want access to the UPL demonstration data and the CMS-37 reports at this point. However, we will likely want to get the most updated data as we go along, so we may have a lot of data requests, so it would be good to have access as soon as possible.

I'll be out of the office starting Wednesday, March 8 through the end of the month, but if you could work with Rob Nelb about getting the UPL data at this point that would be great.

Chris

On Mon, Mar 6, 2023 at 11:54 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

As Rory indicates below, we are still developing the user management for MACFin. It may take some time to build in the access for non-CMS Federal employees. If you have an immediate data need please let me and we will try to assist.

Thanks,

Robert

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Friday, March 3, 2023 3:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Subject:** RE: Request: CMS MACFin data

Rory,

Appreciate your patience. When MACPAC has a Commission meeting, our week is more hectic than usual.

Thank you for referring us to Robert. I'm moving us all to 'bcc' now and introducing Robert and Chris virtually so that they can partner together on next steps.

We are grateful for your responsiveness and partnership. Have a great weekend!

Kate

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Tuesday, February 28, 2023 4:50 PM  
**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>  
**Subject:** RE: Request: CMS MACFin data

Hi Kate,

Thanks for reaching out. I apologize that Chris is having some challenges obtaining MACFin access. As we continue to transition from MBES to MACFin, our process for providing MACFin access to external users is still under development. In the interim, we would be happy to connect with Chris to fulfill his current data needs directly and to get system access moving forward. I've looped in Robert Lane, the Director of the Division of Financial Operations East, who oversees the business aspects of MACFin. Robert and team are happy to work with Chris directly.

Please let me know if you have questions or need anything else.

Thanks,

Rory

Rory Howe

Director

Financial Management Group

CMS/CMCS

443-615-1277

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Tuesday, February 28, 2023 12:00 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>

**Subject:** RE: Request: CMS MACFin data

Thanks so much, Lela. Moving you and Anne Marie to 'bcc' moving forward.

Hi Rory, MACPAC has been working to secure access to key Medicaid data that will inform our analytic work next year. In particular, Chris Park has been trying to secure access to certain MACFin modules but has been challenged throughout the process since our role isn't part of the preselected options flagged during registration.

Would you be able to help us navigate the approval process? Also, happy to jump on a brief call if that would help identify which data we need.

Let us know. Thanks!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

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**From:** Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 10:46 AM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Good Morning Kate,

Yes, I can place you in contact with Rory (copied here) for assistance.

Thank you,

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Monday, February 27, 2023 7:57 PM

**To:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>

**Subject:** Request: CMS MACFin data

Hi Anne Marie and Lela,

Sorry to bother you with this request since so much is going on. In good news, MACPAC was able to connect with Jen Bowdoin and secure the HCBS ARPA spending plans. However, we are still hoping to gain access to MACFin.

Is there any point of contact with whom we can partner? Because next year's work hinges on these data, we need to understand its availability and breadth.

Let us know. Thanks so much for your help.

Kate

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Wednesday, February 15, 2023 3:53 PM  
**To:** 'Costello, Anne Marie (CMS/CMCS)' <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; 'Teal, Lela (CMS/CMCS)' <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Kirstin Blom <[kirstin.blom@macpac.gov](mailto:kirstin.blom@macpac.gov)>  
**Subject:** Request: CMS data and HCBS ARPA state submissions

Hi Anne Marie and Lela,

MACPAC is in the process of gearing up for the analyses that we will present to the Commission during our next analytic cycle. As we have been working to build out the projects, there are several that would utilize Medicaid program data managed by CMS. For example, we are interested in accessing MACFin because the CMS-37 projected spending reports have been moved from MBES (which MACPAC has access to) to MACFin. We use the CMS-37 for the territories to help project what funding they may need in future years. Also, several things are being transitioned into MACFin, such as the UPL demonstrations and DSH audit data and these data will feed into next year's project work.

MACPAC doesn't fall neatly into the predetermined categories of users so our attempts to establish access have stalled. Chris Park is the primary analyst who has been working to secure access to the data. I've copied an email chain below so that you can see how he's been approaching the request. If there is anything that you can do to help us navigate the approval process or provide a point of contact, we'd greatly appreciate the help. Some of our projects will not be able to move forward without access to these new data.

Also, can you please provide any direction to secure access to HCBS spending plans (submitted quarterly) and spending narratives (submitted every other quarter)? We have committed to monitor the ARPA HCBS spending plans until the resources are expended. Thus far, we have been interviewing states and tracking publicly available data; however, the state submissions will help to fill out our monitoring activities.

Please let me know if you have any questions. Thanks in advance – as always – for your help!

Kate

Kate Massey

Executive Director

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**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Monday, December 5, 2022 10:37 AM  
**To:** Kate Massey <[katherine.massey@macpac.gov](mailto:katherine.massey@macpac.gov)>; Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** Fwd: Question on MACFin user type

----- Forwarded message -----

From: **Chris Park** <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
Date: Mon, Sep 19, 2022 at 10:52 AM  
Subject: Re: Question on MACFin user type  
To: MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)>  
Cc: MACFinHDTier2 <[MACFinHDTier2@dcca.com](mailto:MACFinHDTier2@dcca.com)>

Hi all, just checking in on this question I had about selecting a user type for MACFin access.

Thanks,

Chris

On Fri, Sep 9, 2022 at 1:35 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Adding Tier 2

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Friday, September 9, 2022 1:28 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Re: Question on MACFin user type



**External Email** - Please be cautious when opening links or attachments.

Hi,

Thanks for the follow-up, but I'm not sure how to select FMG Read-only access. I can get to FMG by selecting a user type of CMS Federal and group/office of FMG, but then it requires me to select a division and possibly a branch. Which options should I choose under division and if necessary, branch.

Division: choices are Division of Financial Operations East, Division of Financial Operations West, Division of Financial Policy, Division of Reimbursement Policy, Front Office, and Division of Reimbursement Review.

Other options for division such as DSG, OFM, OACT, and Others don't require me to select a division. Should I choose one of those instead?

Thanks,

Chris

On Fri, Sep 9, 2022 at 12:25 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Good afternoon Chris,

My apologies for the delay as my team discussed this internally. The recommended role for you to use would be FMG Read-only access.

Thanks,

Danielle

MACFin Tier 2 – Technical Support

[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)

833-879-6075

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Thursday, September 1, 2022 3:23 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
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Hi,

I'm an analyst with MACPAC and have recently been granted access to MACFin. I'm at the step upon the first log-on where I am asked to select a user type. MACPAC does not fit into any of the provided selections. We are not a state user, CMS group/office, or a contractor. On our DUA with CMS, we have been classified as an oversight agency. We do not need to enter or edit any information, but rather would like to generate reports using a variety of data such as the CMS-37, DSH audit, UPL demonstration, etc. Do you have a suggestion on what I should select?

Thanks,

Chris

--

Chris Park

Principal Analyst

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Robert Nelb, MPH

Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

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Robert Nelb, MPH

Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

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Robert Nelb, MPH

Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

Message

**From:** Kaiser, Alyssa (CMS/OL) (b)(6)  
(b)(6)  
**Sent:** 3/24/2023 7:32:59 PM  
**To:** OToole, Meghan (CMS/OA) (b)(6)  
(b)(6) Harris, Will (CMS/OA)  
(b)(6) Ellis (she/her), Kyla  
(CMS/OA) (b)(6)  
(b)(6) Katch (she/her), Hannah  
(CMS/OA) (b)(6)  
(b)(6) Richardson (she/her),  
Erin (CMS/OA) (b)(6)  
(b)(6) Yao, Kristiana (CMS/OA)  
(b)(6) Tesfaye, Eden (CMS/OA)  
**Subject:** RE: RE: OA Issues notes - week of 3/20

**ESRD 3/24:**

**CM:**

- ACBL: Read through the paper – wants to know particular areas of concern, but overall okay with all of it.
- Case mix adjustments – measuring patient level resource use (2)
  - Collecting additional info on the claims about the duration of dialysis sessions
    - We expect to hear a lot on this, but we view this as a first step in bigger reforms
  - We previously tried to implement this sub-reg, which was challenged, so we took this back
  - No comments.
- Pediatric Dialysis (3)

(b)(5)

- TDAPA (4):
  - Add-on payment after the TDAPA period.
  - Does not have to be budget neutral, and this is not something that has to be in the future.
  - Jon (b)(5)

(b)(5)

(b)(5)

- Skipped 5

**CCSQ:**

- QPP (6)
  - Jon and ACBL: Great, nothing



**From:** Kaiser, Alyssa (CMS/OL)

**Sent:** Friday, March 24, 2023 2:42 PM

**To:** OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Harris, Will (CMS/OA)

<William.Harris@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Tesfaye, Eden (CMS/OA) <eden.tesfaye@cms.hhs.gov>

**Subject:** RE: OA Issues notes - week of 3/20

**PFS Issues: 3/24**

**CCSQ:**

**QPPs:**

- 
- 
- 
- 
- Improvement Activity (5)
  - Jon – what kind of comments do you expect?
  - Positive ones, except for the one lawsuit that is still ongoing. But these originate with the stakeholder community.
- Adding new MVPs (2) – lots of stakeholder work for teams but exciting about aligning MVPs with improvement
  - No comments
- Supervision (10)
  - Pulmonary rehab and cardiac rehab – proposing text to align with law – allows additional practitioners to supervise (good news)
  - No comments
- Appropriate Use Criteria (11)
  - Propose a full removal of the program and end all the provisions associated with the program.
  - Jon: no concerns, the program was designed on a way that was not easy to implement in the first place
- Diabetes Screening (12)
  - ACBL: Have heard about this, so glad it is coming to reality

**CM: Going to focus on decisional items**

- Dental: Secretary level issues
- MSSP: aligning. And this is to help in the short term
  - No feedback

•

(b)(5)

- Supervision (28)
  - PT and OT remote monitoring – good with ACBL

(b)(5)

#### CMCS:

- Basic Health (17)
  - ACBL: We have talked about in depth so nothing

#### CPI:

- 3 provisions that have not been previously briefed to OA

(b)(5)

- Practice location changes: reducing from 90 days notice to 30 days no questions
- Authorized officials: have to define what organization means as a technical clarification

#### CMMI:

- QPP:
- Certified EHR Requirements (15): no comments
- Individual Qualifying Providers (16):
  - ACBL: Why did this move to an RFI last year?
  - There are delays in thresholds increasing. But when it does, we will need this policy to preserve the policies of the APMs and specialists participating.
- Jon: Would anyone believe we should keep it the way it is and do we expect comments saying so?
  - All comments were lukewarm but generally, they want to be in the ACO rather than not a QP.

**From:** OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>

**Sent:** Thursday, March 23, 2023 11:53 AM

**To:** Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Tesfaye, Eden (CMS/OA) <eden.tesfaye@cms.hhs.gov>; Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>

**Subject:** RE: OA Issues notes - week of 3/20

#### CM Issues

##### Hospital price transparency

- People have been saying that we are giving hospitals way too much leeway – they should know what the rules are by now
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(b)(5)

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**To:** Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Tesfaye, Eden (CMS/OA) <eden.tesfaye@cms.hhs.gov>; Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>

**Subject:** RE: OA Issues notes - week of 3/20

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##### **MDPP**

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(b)(5)

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**From:** Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

**Sent:** Tuesday, March 21, 2023 3:01 PM

**To:** Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Tesfaye, Eden (CMS/OA) <eden.tesfaye@cms.hhs.gov>; Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>

**Subject:** RE: OA Issues notes - week of 3/20

#### CCSQ Issues 3/21

##### **Microgrids**

Current regulations do not adopt the most current versions of life safety codes that allow the use of renewable energy for backup power systems. CCSQ plans to propose doing this in the emergency preparedness rule, which won't be proposed until 2024Q1. Until that proposal can be finalized, CCSQ is hoping to use a categorical waiver that allows systems to request to use a sustainable microgrid as long as they can show it's safe.

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## OPOs

CCSQ briefed on coming OPO public reports. The 2021 data show that 24 of the 56 OPOs would fall into “Tier 3” of the new OPO rule’s categories, which would mean that – if its enforcement mechanisms were in effect – they would face decertification. 15 were Tier 1, and 18 were Tier 2. Unfortunately, we’ve seen the number of OPOs in Tier 3 grow since 2019.

We’ve seen two mergers last year and one this year. We’ve also seen requests come in from hospitals to work with better performing OPOs. So, we are seeing an effect of this public reporting.

ACBL asked what measures go into the tiering of the OPOs. We use organ donations and organs transplanted to measure the organizations’ success.

(b)(5)

*Jon:* how can we make sure the public sees the results to help put pressure on the system? Everyone talked about the importance of public seeing the data. *Will* volunteered to work with CCSQ and OC to come up with something that is easy for real people to read.

**From:** Ellis (she/her), Kyla (CMS/OA) <[Kyla.Ellis@cms.hhs.gov](mailto:Kyla.Ellis@cms.hhs.gov)>

**Sent:** Monday, March 20, 2023 10:50 PM

**To:** Katch (she/her), Hannah (CMS/OA) <[Hannah.Katch@cms.hhs.gov](mailto:Hannah.Katch@cms.hhs.gov)>; OToole, Meghan (CMS/OA) <[Meghan.OTOole1@cms.hhs.gov](mailto:Meghan.OTOole1@cms.hhs.gov)>; Harris, Will (CMS/OA) <[William.Harris@cms.hhs.gov](mailto:William.Harris@cms.hhs.gov)>; Richardson (she/her), Erin (CMS/OA) <[Erin.Richardson@cms.hhs.gov](mailto:Erin.Richardson@cms.hhs.gov)>; Yao, Kristiana (CMS/OA) <[Kristiana.Yao1@cms.hhs.gov](mailto:Kristiana.Yao1@cms.hhs.gov)>; Tesfaye, Eden (CMS/OA) <[eden.tesfaye@cms.hhs.gov](mailto:eden.tesfaye@cms.hhs.gov)>; Kaiser, Alyssa (CMS/OL) <[Alyssa.Kaiser@cms.hhs.gov](mailto:Alyssa.Kaiser@cms.hhs.gov)>

**Subject:** RE: OA Issues notes - week of 3/20

Hi team,

### **3/20 CCIIO Issues Meeting**

- The user fee surplus could encourage SBMs; states can chose their SBM user fee/similar tax amount
- User fee analysis is typically straightforward: premium and enrollee assumptions
  - This year, there is uncertainty about the future of subsidies, unwinding transfers/pick-up, and states transitioning to SBMs
- Note: if enough states dropped out of the FFM it would cause instability for the FFM

- See slides for the recommended scenarios re: possible user fees: proposed 2.5%, 2.25% or 2.0% and associated projected surplus
- ACBL and Jon Blum concurred on 2.2% this year and indicate that we're watching the trends and may come back
  - Both want more information about projects to improve the consumer experience with the current user fee money; CCIO will come back with strategic opportunities on brokers, navigators, etc.

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**Sent:** Monday, March 20, 2023 10:57 AM

**To:** OToole, Meghan (CMS/OA) <[Meghan.OTOole1@cms.hhs.gov](mailto:Meghan.OTOole1@cms.hhs.gov)>; Harris, Will (CMS/OA) <[William.Harris@cms.hhs.gov](mailto:William.Harris@cms.hhs.gov)>; Ellis (she/her), Kyla (CMS/OA) <[Kyla.Ellis@cms.hhs.gov](mailto:Kyla.Ellis@cms.hhs.gov)>; Richardson (she/her), Erin (CMS/OA) <[Erin.Richardson@cms.hhs.gov](mailto:Erin.Richardson@cms.hhs.gov)>; Yao, Kristiana (CMS/OA) <[Kristiana.Yao1@cms.hhs.gov](mailto:Kristiana.Yao1@cms.hhs.gov)>; Tesfaye, Eden (CMS/OA) <[eden.tesfaye@cms.hhs.gov](mailto:eden.tesfaye@cms.hhs.gov)>; Kaiser, Alyssa (CMS/OL) <[Alyssa.Kaiser@cms.hhs.gov](mailto:Alyssa.Kaiser@cms.hhs.gov)>

**Subject:** OA Issues notes - week of 3/20

### CMCS Issues – 3.20.23

- **BHP – OR Issue**

- 
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(b)(5)

- **Hub update (non-decisional)**
  - Reminder – the CSI service only available to states currently using it due to funding issues
  - MA, MT, RI – new ask to come in – because Equifax increased rates on their state contracts – additional states may come in with the same ask (in addition to HI and MD)
  - Current year funding unlikely to cover these states' use of the Hub for CSI pings
- **MO disallowance**
  - State SDPs includes a “hold harmless” arrangement
  - In 2020 – CMS sent a letter to MO with a 2021 date to transition their payments to allowable financing sources
  - In 2022, MO told CMS they no longer intend to honor the arrangement
  - Next step – review of provider tax structure – outlined in July 2022 letter from CMS to MO

- Review final this week; \$236M deferral for impermissible provider tax arrangement – amount calculated based on statutory requirements (per quarter)
  - Regulatory deadline – March 31
  - CMCS will call Medicaid director prior to the communication
- **ACBL concurrence – she would like to call the Governor prior to the 3/31 letter (with Dan)**
  - Need OC and OL reactives

Message

**From:** Kaiser, Alyssa (CMS/OL) (b)(6)  
(b)(6)  
**Sent:** 3/24/2023 6:41:47 PM  
**To:** OToole, Meghan (CMS/OA) (b)(6)  
(b)(6); Harris, Will (CMS/OA)  
(b)(6) Ellis (she/her), Kyla  
(CMS/OA) (b)(6)  
(b)(6) Katch (she/her), Hannah  
(CMS/OA) (b)(6)  
(b)(6) Richardson (she/her),  
Erin (CMS/OA) (b)(6)  
(b)(6) Yao, Kristiana (CMS/OA)  
(b)(6) Tesfaye, Eden (CMS/OA)  
**Subject:** RE: RE: OA Issues notes - week of 3/20

**PFS Issues: 3/24**

**CCSQ:**

**QPPs:**

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- Improvement Activity (5)
  - Jon – what kind of comments do you expect?
  - Positive ones, except for the one lawsuit that is still ongoing. But these originate with the stakeholder community.
- Adding new MVPs (2) – lots of stakeholder work for teams but exciting about aligning MVPs with improvement
  - No comments
- Supervision (10)
  - Pulmonary rehab and cardiac rehab – proposing text to align with law – allows additional practitioners to supervise (good news)
  - No comments
- Appropriate Use Criteria (11)
  - Propose a full removal of the program and end all the provisions associated with the program.
  - Jon: no concerns, the program was designed on a way that was not easy to implement in the first place
- Diabetes Screening (12)
  - ACBL: Have heard about this, so glad it is coming to reality

**CM: Going to focus on decisional items**

- Dental: Secretary level issues
- MSSP: aligning. And this is to help in the short term
  - No feedback

(b)(5)

- Supervision (28)
  - PT and OT remote monitoring – good with ACBL

(b)(5)

**CMCS:**

- Basic Health (17)
  - ACBL: We have talked about in depth so nothing

**CPI:**

- 3 provisions that have not been previously briefed to OA

(b)(5)

**CMMI:**

- QPP:
- Certified EHR Requirements (15): no comments
- Individual Qualifying Providers (16):
  - ACBL: Why did this move to an RFI last year?
  - There are delays in thresholds increasing. But when it does, we will need this policy to preserve the policies of the APMs and specialists participating.
- Jon: Would anyone believe we should keep it the way it is and do we expect comments saying so?
  - All comments were lukewarm but generally, they want to be in the ACO rather than not a QP.

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Message

**From:** Sokol, Lisa (CMS/OC); (b)(6)  
(b)(6)

**Sent:** 4/26/2023 3:10:14 PM

**To:** Pryor, Rachel (HHS/OS/IOS); (b)(6)  
(b)(6); Rainer, Melanie Fontes  
(OS/OCR); (b)(6)  
(b)(6) Sommers, Benjamin  
(HHS/ASPE); (b)(6)  
(b)(6) Marks, Caryn  
(HHS/IEA); (b)(6)  
(b)(6) Stevens, Lee (OS/IEA)  
(b)(6)  
ASPAHealthCare@hhs.gov; Pearlman, Aj (HHS/IOS); (b)(6)  
(b)(6) Egorin, Melanie  
(HHS/ASL); (b)(6)  
(b)(6) Jones, Kamara  
(HHS/ASPA); (b)(6)  
(b)(6) Smalley, Elizabeth  
(HHS/ASPA); (b)(6)  
(b)(6) Cross-Call, Jesse (OS/IEA)  
(b)(6); Sullivan, Rose  
(HHS/ASL); (b)(6)  
(b)(6) Porras, Jessica (OS/IOS)  
(b)(6); Arguello, Andres  
(OS/IOS); (b)(6)  
(b)(6) Kaplun, Brian  
(HHS/IOS); (b)(6)  
(b)(6) Wulff, Kacey (OS/IOS/)  
(b)(6); Levin, Michael  
(HHS/ASPA); (b)(6)  
(b)(6); Ingrid.Ulrey@hhs.gov;  
Gramling, Elizabeth (HHS/IOS); (b)(6)  
(b)(6) Sanders, Stacy (HHS/IOS)  
(b)(6); Ciccone, Caroline  
(b)(6) Zuniga, Ilse (HHS/ASPA)  
(b)(6); Mellette, Kelsey  
(HHS/ASL); (b)(6)  
(b)(6) Emanuel, Noah (HHS/ASL)  
(b)(6) Graf, Alex (HHS/ASL)  
(b)(6); Moore, Jonathan  
(OS/IOS/); (b)(6)  
(b)(6) Satchell, Samantha  
(OS/IOS/); (b)(6)  
(b)(6)  
**CC:** Richardson (she/her), Erin (CMS/OA); (b)(6)  
(b)(6) Alexander, Bruce  
(CMS/OC); (b)(6)

(b)(6)	Aldana, Karen (CMS/OC)
(CMS/OC); (b)(6)	; Shorter, Kimberly
(b)(6)	Thomas, Jasmine
(CMS/OC); (b)(6)	
(b)(6)	Struebing, Andrew
(CMS/OSPR); (b)(6)	
(b)(6)	Jones, Karmin
(CMS/CM); (b)(6)	
(b)(6)	Brown, Anastasia
(CMS/OSPR); (b)(6)	
(b)(6)	Perez-Rivera, Diana
(CMS/OC); (b)(6)	
(b)(6)	Joy-Bush, Keya
(CMS/OC); (b)(6)	
(b)(6)	Wagner, Rachel
(CMS/OC); (b)(6)	
(b)(6)	Bradley, Tasha
(CMS/OC); (b)(6)	
(b)(6)	Howden, Catherine
(CMS/OC); (b)(6)	
(b)(6)	; Kaiser, Alyssa (CMS/OL)
(b)(6)	Tesfaye, Eden (CMS/OA)
(b)(6)	; Lonardo, Sara
(CMS/OC); (b)(6)	
(b)(6)	Sokol, Lisa (CMS/OC)

**Subject:** CMS Calendar & Rollouts 4.26.23

Hi Team,

CMS' daily comms calendar and rollout updates are below.

**NOTE: This calendar/look ahead is close hold in nature and should not be forwarded/shared outside of this group of recipients.**

Friendly reminder that these are living documents and the dates are accurate as of the time it is sent - all dates are subject to change.

**Do not reply all to this message - If you are aware of any changes/updates to items on the calendar, please let OC know.**

#### Rollouts Today

- [TENATIVE] FAQs: CMS Waivers, Flexibilities, and the End of the COVID-19 PHE

#### Comms Calendar

Black - Holidays and Moments to Mark

# 2023 APRIL

SUNDAY

CALENDAR  
YEAR

CALENDAR MONTH

FIRST DAY OF  
WEEK

Red - CBL External Speeches/ Events  
Purple – Rollouts/Announcements

Brown - Media/Interviews

	Monday	Tuesday	Wednesday	Thursday	Friday
23	24	25	26	27	28
National Infant Immunization Week (4/24-5/1)	Clarifying Eligibility for a Qualified Health Plan, Medicaid, CHIP and Basic Health Plan (CMS 9894-P)		House Committee on Energy and Commerce: Hearing on Transparency and Competition (CBL)  TENTATIVE: FAQs: CMS Waivers, Flexibilities, and the End of the COVID-19 PHE	NPRM: Ensuring Access to Medicaid Services (CMS 2442-P)  NPRM: Managed Care Access, Finance, and Quality (CMS-2439-P)	TENTATIVE: Consumer Fact Sheet on OTC Testing for COVID-19 After the End of the PHE  TENTATIVE: QSO Memo - Guidance for the End of the COVID-19 Public Health Emergency (PHE) and Termination of 1135 Emergency Waivers  TENTATIVE: Organ Procurement Organization Annual Public Performance Data  TENTATIVE: Blog: The Transplant Eco-System: The Role Of Data In CMS Oversight Of The Organ Procurement Organizations

# 2023 MAY

CALENDAR  
YEAR

CALENDAR MONTH

SUNDAY  
FIRST DAY OF  
WEEK

Black - Holidays and Moments to Mark

Red - CBL External Speeches/ Events  
Purple – Rollouts/Announcements

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	Monday	Tuesday	Wednesday	Thursday	Friday
	01	02	03	04	05
High Blood Pressure Education Month	2023 CMS Quality Conference (CBL)	2023 CMS Quality Conference (Day 2)	2023 CMS Quality Conference (Day 3)	Secretary Event: Mental Health Panel Discussion (CBL)	TENTATIVE: Missouri Notice Letter
Mental Health Awareness Month	2023 CMS Quality Conference (Day 1)				CMS Roundup
National Cancer Research Month	Medicaid Redeterminations Second Virtual Regional Pen-and-Pad				
Older American's Month					
	07	08	09	10	11
National Nurses Week (5/6-12)			TENTATIVE: Organ Transplantation Affinity Group (OTAG) Public Launch	End of PHE	
			Medicaid Redeterminations Third Virtual Regional Pen-and-Pad	TENTATIVE: Health Equity Data Briefs	
				TENTATIVE (Pending Submission): CMS Innovation Center Health Equity Update Blog	
	14	15	16	17	18
					19



Mother's Day

National  
Women's  
Health Week  
(5/14-20)

TENTATIVE: NPRM:  
Drug  
Misclassification  
(CMS-2434-P)

Trip to  
Birmingham, AL  
and Atlanta, GA  
(CBL)

TENTATIVE (Close  
Hold): NPRM:  
Removal of Hyde  
Amendment  
Language in  
Public Health  
Service Act  
(PHSA)  
Regulations

Three-week look-ahead

### **Wednesday, 4/26**

- **[TENTATIVE] Frequently Asked Questions (FAQs): CMS Waivers, Flexibilities, and the End of the COVID-19 Public Health Emergency**  
CMS will publish a Frequently Asked Questions (FAQs) document addressing various issues related to the May 11, 2023, end of the COVID-19 Public Health Emergency (PHE) and its impact on various on waivers and flexibilities implemented to address the pandemic. This document will be periodically updated as new FAQs are raised by the public.
- **House Committee on Energy and Commerce: Hearing on Transparency and Competition**  
CMS Administrator Chiquita Brooks-LaSure will testify at the House Energy and Commerce Committee's hearing titled "Lowering Unaffordable Costs: Legislative Solutions to Increase Transparency and Competition in Health Care."
- **Medicaid and Children's Health Insurance Program Continuous Enrollment Partner Education Series (April 2023)**  
CMS will host the April 2023 monthly webinar to educate stakeholders and help them prepare for the upcoming Medicaid and Children's Health Insurance Program (CHIP) Continuous enrollment unwinding period. Included for awareness only. There is no planned media for this item.

### **Thursday, 4/27**

- **Notice of Proposed Rule Making (NPRM): Ensuring Access to Medicaid Services (CMS 2442-P)**  
CMS will issue a notice of proposed rulemaking (NPRM), entitled "Assuring Access to Medicaid Services" (CMS-2442-P), that includes provisions to enhance Medicaid beneficiaries' access to health care services across fee-for-service, managed care, and home and community-based services delivery systems. The proposed regulatory improvements will affect access to care by increasing transparency and accountability, and by promoting standardized data and monitoring. The NPRM also includes opportunities for states to leverage active beneficiary engagement in their Medicaid programs. There

will be a combined press release, fact sheets, social media, a listserv message, and internal questions-and-answers for this item (see item below).

- **Notice of Proposed Rulemaking (NPRM): Managed Care Access, Finance, and Quality (CMS-2439-P)**  
CMS will release a proposed rule that would add additional parameters under managed care delivery systems related to access to care requirements, states' use of in Lieu of Services or Settings, state directed payments, quality rating systems, and other policy and reporting changes to ensure the efficient operation of state managed care programs. There will be a combined press release, fact sheets, social media, a listserv message, and internal questions-and-answers for this item (see item above).
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- **Speaking Engagement: Virtual Summit: Advancing Equity Through Value-Based Care**  
CMS' Dr. Dora Hughes (Chief Medical Officer, Center for Medicare and Medicaid Innovation (CMMI)) will participate in the Humanity Talent Network's (HTN) Virtual Summit: Advancing Equity Through Value-Based Care. The summit is a forum for senior healthcare and life sciences leaders to engage in meaningful discourse around value-based care. It focuses on best practices in forming effective partnerships with other care givers or accountable care organizations (ACOs) to share data and enhance patient outcomes, leveraging patient data in order to align incentives with quality of care, and discusses effective rollouts of value-based care delivery plans and how to market your strategic differentiation vs fee-for-service plans. Dr. Hughes will be a keynote speaker.
- **Speaking Engagement: National Academy of Medicine (NAM) Action Collaborative on Decarbonizing the U.S. Health Sector Public Meeting**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in the National Academy of Medicine's (NAM) Action Collaborative on Decarbonizing the U.S. Health Sector Public Meeting. NAM was founded in 1970 as the Institute of Medicine (IOM), the National Academy of Medicine (NAM) is one of three academies that make up the National Academies of Sciences, Engineering, and Medicine (the National Academies) in the United States. Operating under the 1863 Congressional charter of the National Academy of Sciences, the National Academies are private, nonprofit institutions that work outside of government to provide objective advice on science, technology, and health.

- **Conversation with CMS Office of Minority Health (OMH) Leadership on Health Equity Engagements and Initiatives**

CMS will host a Conversation with CMS Office of Minority Health (OMH) Leadership on Health Equity. This event is an invitation-only virtual session. Dr. LaShawn McIver (Director, Office of Minority Health) and her leadership team will review prior feedback from stakeholders and provide updates on the CMS Health Equity Conference.

## **Friday, 4/28**

- **[TENTATIVE] Consumer Fact Sheet on Over-the-Counter (OTC) Testing for COVID-19 Post After the End of the Public Health Emergency (PHE)**

CMS will release a consumer fact sheet that addresses insurance coverage of COVID-19 over-the-counter (OTC) tests after the end of the public health emergency (PHE). There will be a fact sheet, social media, graphics, and a listserv announcement for this item.

- **[TENTATIVE] Quality Safety Oversight (QSO) Memo: Guidance for the End of the COVID-19 Public Health Emergency (PHE) and Termination of 1135 Emergency Waivers**

CMS will post and release guidance for the end of the COVID-19 public health emergency (PHE) and termination of 1135 emergency waivers. This Quality, Safety & Oversight memorandum will guide key stakeholders on returning to a more normal delivery of quality health care for beneficiaries, provide additional guidance for regulations released during the PHE as Interim Final Rules with Comment, and give details such as dates and CMS expectations of compliance following the end of the PHE. There will be a reactive statement and internal questions and answers (QAs) for this item.

- **[TENTATIVE] Organ Procurement Organization (OPO) Annual Public Performance Data**

CMS will post the Organ Procurement Organization (OPO) specific performance outcomes report to the Quality, Safety, and Oversight Reports (QCOR) webpage. The requirement to make the measures publicly available was established in a 2020 final rule (85 FR 77898). Posting this data is critical to holding OPOs accountable as a crucial step in reforming the organ donation system. The publication will provide transparency and demonstrate how OPOs compare to each other. Although these standards are not yet enforceable, publication of this information will allow OPOs to compare their organization's performance to other OPOs. There will be a fact sheet, blog (see item below), and data release for this item.

- **[TENTATIVE] The Transplant Eco-System: The Role of Data in CMS Oversight of the Organ Procurement Organizations**

CMS recently released the Organ Transplantation Affinity Group (OTAG), draft recommendations which are geared toward effectively using data-driven approaches to improve organ donation, procurement, and transplantation system for patients, donors, and their families and caregivers as well as providers. In concert, the Health Resources Services Administration (HRSA) released their Organ Procurement and Transplantation Network Modernization Initiative. In this blog, CMS is outlining its strategy with respect to Organ Procurement Organization data. CMS is sharing information to improve the public trust of increasing transplantation of organs and implementing it in an equitable manner. There will be a blog for this item.

- **Speaking Engagement: Medical Device Manufacturers Association (MDMA) 2023 Annual Meeting**

CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality (CCSQ)) will participate in the Medical Device Manufacturers Association (MDMA) 2023 Annual Meeting. Dr. Fleisher will give a keynote on CMS updates and priorities.

### **Saturday, 4/29**

- Nothing to report

### **Sunday, 4/30**

- Nothing to report

### **Monday, 5/1**

- **Medicaid Redeterminations Second Virtual Regional Pen-and-Pad**  
CMS will host a virtual pen-and-pad with reporters from select states (Connecticut, Colorado, Kansas, Nebraska, Pennsylvania, Kentucky, Indiana, Utah, Ohio, Oklahoma, and Tennessee) to discuss Medicaid eligibility redeterminations as the continuous enrollment condition ends. This supports CMS' ongoing efforts to engage in national and regional media education about Medicaid and Children's Health Insurance Program redeterminations.
- **2023 CMS Quality Conference**  
CMS will host the 2023 CMS Quality Conference. This conference convenes leaders across the health care spectrum to explore how patients, advocates, providers, researchers, and champions in health care quality improvement can develop and spread solutions to address America's most pervasive health system challenges. There will be a press release and social media and for this item.
- **Speaking Engagement: 2023 CMS Quality Conference**  
CMS Administrator Chiquita Brooks-LaSure will provide pre-recorded remarks for the 2023 CMS Quality Conference. This year's conference theme is "Building Resilient Communities - Having an Equitable Foundation for Equitable Health Care." There is no planned media for this item.
- **Jonathan Blum Visit to CMS Region 10 (Alaska)**  
CMS' Jonathan Blum (Principal Deputy Administrator and Chief Operating Officer) will participate in a four-day visit to Alaska to discuss challenges and opportunities around access to care. The trip includes the communities of Anchorage, Bethel, and Fairbanks. The aim is to 1) hold listening sessions with local health leaders and community members; 2) participate in a listening session and present during the National Indian Health Board's Tribal Health Conference; 3) meet with Alaska Department of Health leadership to discuss a range of issues including Medicaid; 4) meet with leadership and tour the Alaska Native Medical Center, Anchorage Neighborhood Health Clinic, Providence Medical Center, Yukon-Kuskokwim Hospital, Denali LTC, and Fairbanks Memorial Hospital; 5) visit two remote Native Villages inaccessible by ground transportation and discuss access issues; and 6) hold a working dinner with the Tanana Chiefs Conference. There will be social media for this item.
- **Speaking Engagement: 2023 National Medicaid, Medicare, and Children's Health Insurance Program (CHIP) Oral Health Symposium - Accelerating Oral Health for Medicaid, Medicare, and CHIP Beneficiaries**  
CMS' Dr. Natalia Chalmers (Chief Dental Officer) will give the keynote address at the 2023 National Medicaid, Medicare, and Children's Health Insurance Program (CHIP) Oral Health Symposium on

accelerating oral health equity for Medicaid, Medicare, and CHIP beneficiaries. There is no planned media for this item.

## **Tuesday, 5/2**

- Nothing to report

## **Wednesday, 5/3**

- **Speaking Engagement: Blue Venture Fund Annual Meeting**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in the Blue Venture Fund Annual Meeting. This meeting is a gathering of healthcare industry professionals, investors, and startups to discuss trends and innovations in healthcare.

## **Thursday, 5/4**

- **Secretary Event: Mental Health Panel Discussion**  
CMS Administrator Chiquita Brooks-LaSure will participate on a panel during HHS Secretary Xavier Becerra's mental health event.
- **Speaking Engagement: American College of Physicians (ACP) Performance Measurement Committee (PMC) Meeting**  
CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality (CCSQ)) and Dr. Michelle Schreiber (Director, Quality Measurement and Value-Based Incentives Group, CCSQ) will participate in the American College of Physicians (ACP) Performance Measurement Committee (PMC) Meeting. Dr. Fleisher and Dr. Schreiber will discuss the CMS Universal Foundation Initiative.
- **Speaking Engagement: National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023**  
CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will participate in the National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023. Dr. Seshamani will speak during the opening plenary session.
- **CMS/American Hospital Association (AHA) Stakeholder Call on Public Health Emergency (PHE)**  
CMS and the American Hospital Association will host a stakeholder call on the public health emergency (PHE) ending on May 11. Information will be shared and questions answered about Medicare waivers and flexibilities after the ending of the COVID-19 PHE.

## **Friday, 5/5**

- **[TENTATIVE] Missouri Notice Letter**  
CMS will release a Medicaid deferral letter to Missouri regarding longstanding concerns about federal Medicaid financing requirements, specifically FRA hospital taxes. This may represent a hold harmless arrangement, which is prohibited by statute and regulations. There will be a reactive statement for this item.
- **CMS Roundup for May 5, 2023**

CMS will release a Roundup highlighting agency initiatives and activities in a condensed, plain-language, reader-friendly narrative format with embedded links to information on the CMS website for reference. The Roundup is distributed twice a month to media and stakeholders.

- **Speaking Engagement: Institute for Healthcare Leadership Alliance Bi-annual Network Meeting**  
CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality), Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) and Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare & Medicaid Innovation) will participate in a moderated town hall-style program to discuss how the Institute for Healthcare Alliance network could better help CMS to lead change. There is no planned media for this item.
- **Speaking Engagement: National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in the National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023. Dr. Fowler will speak during a plenary session.
- **Speaking Engagement: Penn Leonard Davis Institute Drug Pricing After the Inflation Reduction Act**  
CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will speak at the University of Pennsylvania's Drug Pricing After the Inflation Reduction Act Conference. Dr. Seshamani will discuss CMS' progress in implementing the Medicare drug provisions in the Inflation Reduction Act. There is no planned media for this item.

#### **Saturday, 5/6**

- Nothing to report

#### **Sunday, 5/7**

- Nothing to report

#### **Monday, 5/8**

- **Speaking Engagement: Advent Health Executive Leadership Program**  
CMS' Dr. LaShawn Mclver (Director, Office of Minority Health) will participate in the Advent Health Executive Leadership Program. The audience will include executives (director and above), CEOs, CFOs, and leaders from other operational disciplines. New and emerging leaders of Advent Health, one of the largest not-for-profit health care systems with more than 50 hospitals in 9 states (Florida, Georgia, Kentucky, North Carolina, Illinois, Wisconsin, Texas, Colorado, and Kansas). Our hospitals serve communities that range from Appalachia (Manchester, Kentucky) to urban centers (Orlando, Tampa, Kansas City) and the audience will consist of leaders of hospitals in these markets. Dr. Mclver will discuss the administration's healthcare priorities, particularly in the areas of health equity and minority health issues such as maternal mortality, efforts to expand Medicaid and other programs to provide health care to underserved communities, and advice or guidance on career development.

#### **Tuesday, 5/9**

- Nothing to report

### **Wednesday, 5/10**

- **[TENTATIVE] Organ Transplantation Affinity Group (OTAG) Public Launch**  
CMS and the Health Resources and Services Administration will announce the formation of their first collaborative Organ Transplantation Affinity Group. The launch will introduce five goals for organ transplantation system improvement. There will be a blog, patient journey map (illustrating the transplantation journey, challenges, and actions to take along the way), and News Roundup story for this item.
- **Medicaid Redeterminations Third Virtual Regional Pen-and-Pad**  
CMS will host a virtual pen-and-pad with reporters from select states to discuss Medicaid eligibility redeterminations as the continuous enrollment condition ends. This supports CMS' ongoing efforts to engage in national and regional media education about Medicaid and Children's Health Insurance Program redeterminations.

### **Thursday, 5/11**

- **[TENTATIVE] Health Equity Data Briefs**  
CMS will release data briefs about characteristics of enrollees in Medicaid and CHIP. There are four total briefs on race and ethnicity, rural data, language data, and enrollees who qualify for Medicaid based on disability. There will be a blog, listserv announcement, News Roundup story, and internal questions-and-answers for this item.

### **Friday, 5/12**

- Nothing to report

### **Saturday, 5/13**

- Nothing to report

### **Sunday, 5/14**

- Nothing to report

### **Monday, 5/15**

- **Speaking Engagement: National Association of Medicaid Directors Meeting**  
CMS' Dr. Ellen Montz (Deputy Administrator & Director, Center for Consumer Information & Insurance Oversight) will participate in the National Association of Medicaid Directors (NAMD) Meeting.

### **Tuesday, 5/16**

- **[TENTATIVE] Notice of Proposed Rulemaking (NPRM): Medicaid Drug Misclassification, Beneficiary Access Protection, and Drugs Program Administration**  
CMS will release the Medicaid Drug Misclassification, Beneficiary Access Protection, & Drugs Program Administration notice of proposed rulemaking (NPRM). This NPRM proposes new regulatory definitions for single-source drug, innovator multiple-source drug, and potentially non-innovator multiple source drugs. Additionally, the NPRM will propose the imposition of Civil Money Penalty on manufacturers

that report incorrect price or product information, or knowingly misclassify/submit incorrect drug product information. It also will propose states recover unpaid rebate payments, and that the Secretary may exclude a manufacture from participation in any federal health care program if they knowingly misclassifies a drug and fail to correct such misclassification, or if they knowingly provide false drug pricing or product info. There will be a fact sheet, social media, listserv message, internal questions-and-answers, and embargoed interview for this item.

- **Speaking Engagement: American Hospital Association Accelerating Health Equity Conference**  
CMS' Dr. LaShawn McIver (Director, Office of Minority Health) will participate in the American Hospital Association Accelerating Health Equity Conference. Dr. McIver will outline how the Stakeholder Engagement Plan guides our work, highlight efforts to implement the community's feedback, and discuss how feedback is used to improve initiatives and develop the CMS Framework for Health Equity. Additionally, Dr. McIver will highlight programs like the Health Equity Technical Assistance Program, which offers personalized coaching to healthcare organizations looking to tackle health disparities, putting community resources back into the hands of the stakeholders.

### **Wednesday, 5/17**

- **[CLOSE HOLD] [TENTATIVE] Notice of Proposed Rulemaking (NPRM)--Removal of Hyde Amendment Language in Public Health Service Act (PHSA) Regulations**  
CMS will issue a notice of proposed rulemaking (NPRM) to remove outdated Hyde Amendment abortion regulations in Medicaid and Public Health Service Act (PHSA) regulations. PHSA regulations apply to the Title X grant program, which supports the delivery of family planning services for low-income and uninsured populations. These regulations are based on previous iterations of the Hyde Amendment and have not been updated to reflect changes in appropriations law since 1979 and 1987. The Medicaid regulations, in particular, are more restrictive than current Hyde Amendment language in that they do not allow for federal reimbursement even in cases of rape and incest. This rulemaking would remove outdated Hyde Amendment abortion regulations. A similar NPRM is also planned for release by the Indian Health Service. There will be a reactive statement for this item. Additional planned media remains subject to ongoing discussions.
- **Speaking Engagement: Duke-Margolis Annual Health Policy Conference**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in a panel at the Duke-Margolis Health Policy Conference entitled "Looking Ahead for Value-Based Care: What's Working, What's Not, What's Next?"
- **Speaking Engagement: Duke-Margolis Annual Health Policy Conference**  
CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will participate in a panel at the Duke-Margolis Health Policy Conference entitled "Drug Pricing, Value, and Access." This panel session will focus on continued challenges in patient access to drugs and biologics, including updates on implementation of drug pricing provisions included in the Inflation Reduction Act and other public and private sector efforts to address costs, coverage, and patient needs.

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*the information. Unauthorized disclosure may result in disciplinary action or prosecution to the full extent of the law.*

Message

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**Sent:** 4/27/2023 1:53:43 PM

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**Subject:** CMS Calendar & Rollouts 4.27.23

Hi Team,

CMS' daily comms calendar and rollout updates are below.

***NOTE: This calendar/look ahead is close hold in nature and should not be forwarded/shared outside of this group of recipients.***

Friendly reminder that these are living documents and the dates are accurate as of the time it is sent - all dates are subject to change.

**Do not reply all to this message - If you are aware of any changes/updates to items on the calendar, please let OC know.**

#### **Rollouts Today**

- Notice of Proposed Rule Making (NPRM): Ensuring Access to Medicaid Services (CMS 2442-P)
- Notice of Proposed Rulemaking (NPRM): Managed Care Access, Finance, and Quality (CMS-2439-P)

#### **Comms Calendar**

# 2023 APRIL

CALENDAR  
YEAR

CALENDAR MONTH

SUNDAY  
FIRST DAY OF  
WEEK

Black - Holidays and Moments to Mark

Red - CBL External Speeches/ Events  
Purple – Rollouts/Announcements

Brown - Media/Interviews

	Monday	Tuesday	Wednesday	Thursday	Friday
23	24	25	26	27	28
National Infant Immunization Week (4/24-5/1)	Clarifying Eligibility for a Qualified Health Plan, Medicaid, CHIP and Basic Health Plan (CMS 9894-P)		House Committee on Energy and Commerce: Hearing on Transparency and Competition (CBL)  FAQs: CMS Waivers, Flexibilities, and the End of the COVID-19 PHE	NPRM: Ensuring Access to Medicaid Services (CMS 2442-P)  NPRM: Managed Care Access, Finance, and Quality (CMS-2439-P)	TENTATIVE: Consumer Fact Sheet on OTC Testing for COVID-19 After the End of the PHE  TENTATIVE: QSO Memo - Guidance for the End of the COVID-19 Public Health Emergency (PHE) and Termination of 1135 Emergency Waivers  TENTATIVE: Organ Procurement Organization Annual Public Performance Data  TENTATIVE: Blog: The Transplant Eco-System: The Role Of Data In CMS Oversight Of The Organ Procurement Organizations

# 2023 MAY

CALENDAR  
YEAR

CALENDAR MONTH

SUNDAY  
FIRST DAY OF  
WEEK

Black - Holidays and Moments to Mark

Red - CBL External Speeches/ Events  
Purple – Rollouts/Announcements

Brown - Media/Interviews

	Monday	Tuesday	Wednesday	Thursday	Friday
	01	02	03	04	05
High Blood Pressure Education Month	2023 CMS Quality Conference (CBL)	2023 CMS Quality Conference (Day 2)	2023 CMS Quality Conference (Day 3)	Secretary Event: Mental Health Panel Discussion (CBL)	TENTATIVE: Missouri Notice Letter
Mental Health Awareness Month	2023 CMS Quality Conference (Day 1)				CMS Roundup
National Cancer Research Month	Medicaid Redeterminations Second Virtual Regional Pen-and-Pad				
Older American's Month					
	07	08	09	10	11
National Nurses Week (5/6-12)			TENTATIVE: Organ Transplantation Affinity Group (OTAG) Public Launch	End of PHE	TENTATIVE: Health Equity Data Briefs
			Medicaid Redeterminations Third Virtual Regional Pen-and-Pad	TENTATIVE (Pending Submission): CMS Innovation Center Health Equity Update Blog	
	14	15	16	17	18
					19

Mother's Day	TENTATIVE: NPRM:	Trip to	TENTATIVE: Rural
National	Drug	Birmingham, AL	Emergency
Women's	Misclassification	and Atlanta, GA	Hospitals
Health Week	(CMS-2434-P)	(CBL)	Milestone
(5/14-20)		TENTATIVE (Close	Announcement
		Hold): NPRM:	TENTATIVE:
		Removal of Hyde	School-based
		Amendment	Services in
		Language in	Medicaid Super
		Public Health	Guide
		Service Act	
		(PHSA)	
		Regulations	

Three-week look-ahead

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CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in the National Academy of Medicine's (NAM) Action Collaborative on Decarbonizing the U.S. Health Sector Public Meeting. NAM was founded in 1970 as the Institute of Medicine (IOM), the National Academy of Medicine (NAM) is one of three academies that make up the National Academies of Sciences, Engineering, and Medicine (the National Academies) in the United States. Operating under the 1863 Congressional charter of the National Academy of Sciences, the National Academies are private, nonprofit institutions that work outside of government to provide objective advice on science, technology, and health.
- **Conversation with CMS Office of Minority Health (OMH) Leadership on Health Equity Engagements and Initiatives**  
CMS will host a Conversation with CMS Office of Minority Health (OMH) Leadership on Health Equity. This event is an invitation-only virtual session. Dr. LaShawn McIver (Director, Office of Minority Health) and her leadership team will review prior feedback from stakeholders and provide updates on the CMS Health Equity Conference.

#### **Friday, 4/28**

- **[TENTATIVE] Consumer Fact Sheet on Over-the-Counter (OTC) Testing for COVID-19 After the End of the Public Health Emergency (PHE)**  
CMS will release a consumer fact sheet that addresses insurance coverage of COVID-19 over-the-counter (OTC) tests after the end of the public health emergency (PHE). There will be a fact sheet, social media, graphics, and a listserv announcement for this item.
- **[TENTATIVE] Quality Safety Oversight (QSO) Memo: Guidance for the End of the COVID-19 Public Health Emergency (PHE) and Termination of 1135 Emergency Waivers**

CMS will post and release guidance for the end of the COVID-19 public health emergency (PHE) and termination of 1135 emergency waivers. This Quality, Safety & Oversight memorandum will guide key stakeholders on returning to a more normal delivery of quality health care for beneficiaries, provide additional guidance for regulations released during the PHE as Interim Final Rules with Comment, and give details such as dates and CMS expectations of compliance following the end of the PHE. There will be a reactive statement and internal questions and answers (QAs) for this item.

- **[TENTATIVE] Organ Procurement Organization (OPO) Annual Public Performance Data**  
CMS will post the Organ Procurement Organization (OPO) specific performance outcomes report to the Quality, Safety, and Oversight Reports (QCOR) webpage. The requirement to make the measures publicly available was established in a 2020 final rule (85 FR 77898). Posting this data is critical to holding OPOs accountable as a crucial step in reforming the organ donation system. The publication will provide transparency and demonstrate how OPOs compare to each other. Although these standards are not yet enforceable, publication of this information will allow OPOs to compare their organization's performance to other OPOs. There will be a fact sheet, blog (see item below), and data release for this item.
- **[TENTATIVE] The Transplant Eco-System: The Role of Data in CMS Oversight of the Organ Procurement Organizations**  
CMS recently released the Organ Transplantation Affinity Group (OTAG), draft recommendations which are geared toward effectively using data-driven approaches to improve organ donation, procurement, and transplantation system for patients, donors, and their families and caregivers as well as providers. In concert, the Health Resources Services Administration (HRSA) released their Organ Procurement and Transplantation Network Modernization Initiative. In this blog, CMS is outlining its strategy with respect to Organ Procurement Organization data. CMS is sharing information to improve the public trust of increasing transplantation of organs and implementing it in an equitable manner. There will be a blog for this item.
- **Speaking Engagement: Medical Device Manufacturers Association (MDMA) 2023 Annual Meeting**  
CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality (CCSQ)) will participate in the Medical Device Manufacturers Association (MDMA) 2023 Annual Meeting. Dr. Fleisher will give a keynote on CMS updates and priorities.

#### **Saturday, 4/29**

- Nothing to report

#### **Sunday, 4/30**

- Nothing to report

#### **Monday, 5/1**

- **Medicaid Redeterminations Second Virtual Regional Pen-and-Pad**  
CMS will host a virtual pen-and-pad with reporters from select states (Connecticut, Colorado, Kansas, Nebraska, Pennsylvania, Kentucky, Indiana, Utah, Ohio, Oklahoma, and Tennessee) to discuss Medicaid eligibility redeterminations as the continuous enrollment condition ends. This supports CMS' ongoing



efforts to engage in national and regional media education about Medicaid and Children's Health Insurance Program redeterminations.

- **2023 CMS Quality Conference**

CMS will host the 2023 CMS Quality Conference. This conference convenes leaders across the health care spectrum to explore how patients, advocates, providers, researchers, and champions in health care quality improvement can develop and spread solutions to address America's most pervasive health system challenges. There will be a press release and social media and for this item.

- **Speaking Engagement: 2023 CMS Quality Conference**

CMS Administrator Chiquita Brooks-LaSure will provide pre-recorded remarks for the 2023 CMS Quality Conference. This year's conference theme is "Building Resilient Communities - Having an Equitable Foundation for Equitable Health Care." There is no planned media for this item.

- **Jonathan Blum Visit to CMS Region 10 (Alaska)**

CMS' Jonathan Blum (Principal Deputy Administrator and Chief Operating Officer) will participate in a four-day visit to Alaska to discuss challenges and opportunities around access to care. The trip includes the communities of Anchorage, Bethel, and Fairbanks. The aim is to 1) hold listening sessions with local health leaders and community members; 2) participate in a listening session and present during the National Indian Health Board's Tribal Health Conference; 3) meet with Alaska Department of Health leadership to discuss a range of issues including Medicaid; 4) meet with leadership and tour the Alaska Native Medical Center, Anchorage Neighborhood Health Clinic, Providence Medical Center, Yukon-Kuskokwim Hospital, Denali LTC, and Fairbanks Memorial Hospital; 5) visit two remote Native Villages inaccessible by ground transportation and discuss access issues; and 6) hold a working dinner with the Tanana Chiefs Conference. There will be social media for this item.

- **Speaking Engagement: 2023 National Medicaid, Medicare, and Children's Health Insurance Program (CHIP) Oral Health Symposium - Accelerating Oral Health for Medicaid, Medicare, and CHIP Beneficiaries**

CMS' Dr. Natalia Chalmers (Chief Dental Officer) will give the keynote address at the 2023 National Medicaid, Medicare, and Children's Health Insurance Program (CHIP) Oral Health Symposium on accelerating oral health equity for Medicaid, Medicare, and CHIP beneficiaries. There is no planned media for this item.

## **Tuesday, 5/2**

- Nothing to report

## **Wednesday, 5/3**

- **Speaking Engagement: Blue Venture Fund Annual Meeting**

CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in the Blue Venture Fund Annual Meeting. This meeting is a gathering of healthcare industry professionals, investors, and startups to discuss trends and innovations in healthcare.

## **Thursday, 5/4**

- **Secretary Event: Mental Health Panel Discussion**

CMS Administrator Chiquita Brooks-LaSure will participate on a panel during HHS Secretary Xavier Becerra's mental health event.

- **Speaking Engagement: American College of Physicians (ACP) Performance Measurement Committee (PMC) Meeting**  
CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality (CCSQ)) and Dr. Michelle Schreiber (Director, Quality Measurement and Value-Based Incentives Group, CCSQ) will participate in the American College of Physicians (ACP) Performance Measurement Committee (PMC) Meeting. Dr. Fleisher and Dr. Schreiber will discuss the CMS Universal Foundation Initiative.
- **Speaking Engagement: National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023**  
CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will participate in the National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023. Dr. Seshamani will speak during the opening plenary session.
- **CMS/American Hospital Association (AHA) Stakeholder Call on Public Health Emergency (PHE)**  
CMS and the American Hospital Association will host a stakeholder call on the public health emergency (PHE) ending on May 11. Information will be shared and questions answered about Medicare waivers and flexibilities after the ending of the COVID-19 PHE.

#### **Friday, 5/5**

- **[TENTATIVE] Missouri Notice Letter**  
CMS will release a Medicaid deferral letter to Missouri regarding longstanding concerns about federal Medicaid financing requirements, specifically FRA hospital taxes. This may represent a hold harmless arrangement, which is prohibited by statute and regulations. There will be a reactive statement for this item.
- **CMS Roundup for May 5, 2023**  
CMS will release a Roundup highlighting agency initiatives and activities in a condensed, plain-language, reader-friendly narrative format with embedded links to information on the CMS website for reference. The Roundup is distributed twice a month to media and stakeholders.
- **Speaking Engagement: Institute for Healthcare Leadership Alliance Bi-annual Network Meeting**  
CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality), Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) and Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare & Medicaid Innovation) will participate in a moderated town hall-style program to discuss how the Institute for Healthcare Alliance network could better help CMS to lead change. There is no planned media for this item.
- **Speaking Engagement: National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in the National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023. Dr. Fowler will speak during a plenary session.

- **Speaking Engagement: Penn Leonard Davis Institute Drug Pricing After the Inflation Reduction Act**

CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will speak at the University of Pennsylvania's Drug Pricing After the Inflation Reduction Act Conference. Dr. Seshamani will discuss CMS' progress in implementing the Medicare drug provisions in the Inflation Reduction Act. There is no planned media for this item.

### **Saturday, 5/6**

- Nothing to report

### **Sunday, 5/7**

- Nothing to report

### **Monday, 5/8**

- **Speaking Engagement: Advent Health Executive Leadership Program**

CMS' Dr. LaShawn McIver (Director, Office of Minority Health) will participate in the Advent Health Executive Leadership Program. The audience will include executives (director and above), CEOs, CFOs, and leaders from other operational disciplines. New and emerging leaders of Advent Health, one of the largest not-for-profit health care systems with more than 50 hospitals in 9 states (Florida, Georgia, Kentucky, North Carolina, Illinois, Wisconsin, Texas, Colorado, and Kansas). Our hospitals serve communities that range from Appalachia (Manchester, Kentucky) to urban centers (Orlando, Tampa, Kansas City) and the audience will consist of leaders of hospitals in these markets. Dr. McIver will discuss the administration's healthcare priorities, particularly in the areas of health equity and minority health issues such as maternal mortality, efforts to expand Medicaid and other programs to provide health care to underserved communities, and advice or guidance on career development.

### **Tuesday, 5/9**

- Nothing to report

### **Wednesday, 5/10**

- **[TENTATIVE] Organ Transplantation Affinity Group (OTAG) Public Launch**

CMS and the Health Resources and Services Administration will announce the formation of their first collaborative Organ Transplantation Affinity Group. The launch will introduce five goals for organ transplantation system improvement. There will be a blog, patient journey map (illustrating the transplantation journey, challenges, and actions to take along the way), and News Roundup story for this item.

- **Medicaid Redeterminations Third Virtual Regional Pen-and-Pad**

CMS will host a virtual pen-and-pad with reporters from select states to discuss Medicaid eligibility redeterminations as the continuous enrollment condition ends. This supports CMS' ongoing efforts to engage in national and regional media education about Medicaid and Children's Health Insurance Program redeterminations.

### **Thursday, 5/11**

- **[TENTATIVE] Health Equity Data Briefs**

CMS will release data briefs about characteristics of enrollees in Medicaid and CHIP. There are four total briefs on race and ethnicity, rural data, language data, and enrollees who qualify for Medicaid based on disability. There will be a blog, listserv announcement, News Roundup story, and internal questions-and-answers for this item.

#### **Friday, 5/12**

- Nothing to report

#### **Saturday, 5/13**

- Nothing to report

#### **Sunday, 5/14**

- Nothing to report

#### **Monday, 5/15**

- **Speaking Engagement: National Association of Medicaid Directors Meeting**  
CMS' Dr. Ellen Montz (Deputy Administrator & Director, Center for Consumer Information & Insurance Oversight) will participate in the National Association of Medicaid Directors (NAMD) Meeting.

#### **Tuesday, 5/16**

- **[TENTATIVE] Notice of Proposed Rulemaking (NPRM): Medicaid Drug Misclassification, Beneficiary Access Protection, and Drugs Program Administration**  
CMS will release the Medicaid Drug Misclassification, Beneficiary Access Protection, & Drugs Program Administration notice of proposed rulemaking (NPRM). This NPRM proposes new regulatory definitions for single-source drug, innovator multiple-source drug, and potentially non-innovator multiple source drugs. Additionally, the NPRM will propose the imposition of Civil Money Penalty on manufacturers that report incorrect price or product information, or knowingly misclassify/submit incorrect drug product information. It also will propose states recover unpaid rebate payments, and that the Secretary may exclude a manufacture from participation in any federal health care program if they knowingly misclassifies a drug and fail to correct such misclassification, or if they knowingly provide false drug pricing or product info. There will be a fact sheet, social media, listserv message, internal questions-and-answers, and embargoed interview for this item.
- **Speaking Engagement: American Hospital Association Accelerating Health Equity Conference**  
CMS' Dr. LaShawn McIver (Director, Office of Minority Health) will participate in the American Hospital Association Accelerating Health Equity Conference. Dr. McIver will outline how the Stakeholder Engagement Plan guides our work, highlight efforts to implement the community's feedback, and discuss how feedback is used to improve initiatives and develop the CMS Framework for Health Equity. Additionally, Dr. McIver will highlight programs like the Health Equity Technical Assistance Program, which offers personalized coaching to healthcare organizations looking to tackle health disparities, putting community resources back into the hands of the stakeholders.

#### **Wednesday, 5/17**

- [CLOSE HOLD] [TENTATIVE] Notice of Proposed Rulemaking (NPRM)--Removal of Hyde Amendment Language in Public Health Service Act (PHSA) Regulations**  
 CMS will issue a notice of proposed rulemaking (NPRM) to remove outdated Hyde Amendment abortion regulations in Medicaid and Public Health Service Act (PHSA) regulations. PHSA regulations apply to the Title X grant program, which supports the delivery of family planning services for low-income and uninsured populations. These regulations are based on previous iterations of the Hyde Amendment and have not been updated to reflect changes in appropriations law since 1979 and 1987. The Medicaid regulations, in particular, are more restrictive than current Hyde Amendment language in that they do not allow for federal reimbursement even in cases of rape and incest. This rulemaking would remove outdated Hyde Amendment abortion regulations. A similar NPRM is also planned for release by the Indian Health Service. There will be a reactive statement for this item. Additional planned media remains subject to ongoing discussions.
- Speaking Engagement: Duke-Margolis Annual Health Policy Conference**  
 CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in a panel at the Duke-Margolis Health Policy Conference entitled "Looking Ahead for Value-Based Care: What's Working, What's Not, What's Next?"
- Speaking Engagement: Duke-Margolis Annual Health Policy Conference**  
 CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will participate in a panel at the Duke-Margolis Health Policy Conference entitled "Drug Pricing, Value, and Access." This panel session will focus on continued challenges in patient access to drugs and biologics, including updates on implementation of drug pricing provisions included in the Inflation Reduction Act and other public and private sector efforts to address costs, coverage, and patient needs.

#### **Thursday, 5/18**

- Rural Emergency Hospitals Milestone Announcement**  
 CMS will celebrate a rural emergency hospitals milestone. On January 3, 2023, Rural Emergency Hospitals launched as a new provider type. Critical access hospitals and small rural hospitals can convert to rural emergency hospitals, which may be a more sustainable option for rural hospitals facing closure. These facilities can further support access to care in rural and underserved communities. Behavioral health services may also be provided at these facilities. CMS will recognize the milestone of approving a certain number of REHs through this rollout. This item will be included in the CMS Roundup, and have social media and a listserv message.
- School-based Services in Medicaid Super Guide**  
 CMS will release the School-based Services (SBS) in Medicaid Super Guide. SBSs – which help address preventive care, behavioral health, physical and occupational therapy, and disease management – have a proven track record for boosting health and academic outcomes. The new guide consolidates hundreds of opportunities to improve connections to care through Medicaid, which covers nearly half of America's children, in classrooms – a key but often overlooked setting that improves access to care and health equity. This guide was required by the Safer Communities Act. There will be a press release, fact sheet, social media, listserv message, and internal questions-and-answers for this item. Additional planned media remains subject to ongoing discussions.
- Speaking Engagement: PRIMARYCARE23**

CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in Primary Care for America's PRIMARYCARE23: See the Possibilities event. Dr. Clive Fields (VillageMD) will interview Dr. Fowler to discuss innovations in primary care.

- **Speaking Engagement: American Dental Association Practice Institute**

CMS' Dr. Natalia Chalmers (Chief Dental Officer) will participate in an event at the American Dental Association Practice Institute. Dr. Chalmers will give a virtual presentation on the interoperability of dental data.

# # #

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Message

**From:** Melanie Nathanson [mnathanson@n-hdc.com]  
**Sent:** 4/12/2023 1:52:02 AM  
**To:** Tsai, Daniel (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** FW: FW: Action Alert: DPP Dear Colleague

FYSA

**WARNING: This email originated outside of BayCare. BE CAUTIOUS clicking links and opening attachments. Use the Report Phishing and Spam button to report malicious emails and contact the IS Service Desk with all other suspicious activity.**



**TO:** FHA Member Chief Executive Officers, Chief Financial Officers and Government Relations Executives  
**FROM:** Mary C. Mayhew, President and Chief Executive Officer, Florida Hospital Association  
**SUBJECT:** Action Alert: DPP Dear Colleague  
**DATE:** April 11, 2022

Dear FHA Members,

This email is intended to provide an update on current actions to ensure the CMS informational bulletin regarding redistribution arrangements in the context of directed payment programs is not implemented:

- Today, Representatives Moskowitz and Bean sent a “dear colleague” to members of Florida’s delegation regarding the February 17 CMS directed payment program (DPP) informational bulletin. The letter, addressed to HHS Secretary Becerra, CMS Administrator Brooks-LaSure, and Medicaid Director Tsai, calls on the Centers for Medicare and Medicaid Services to withdraw the informational bulletin, which “creates needless uncertainty for the hospitals that serve [Florida’s] communities.” Last year and now, members of Florida’s delegation have united to ensure our state’s continued access

to directed payment programs. These programs ensure hospitals are able to provide continued access to care for the state's most vulnerable patients.

**FHA members should reach out to their congressional offices and ask them to join Representatives Moskowitz and Bean as signatories of this “dear colleague” letter.**

When contacting the office you can direct them to

[Harshitha.Teppala@mail.house.gov](mailto:Harshitha.Teppala@mail.house.gov) in Rep. Moskowitz's office or

[richard.lamura@mail.house.gov](mailto:richard.lamura@mail.house.gov) in Rep. Bean's office. If you need contact information for your members of congress, please reach out to Michael Williams at [michaelw@fha.org](mailto:michaelw@fha.org).

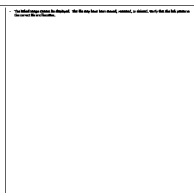
- In last week's Capitol Update FHA reported on the filing of a Texas lawsuit challenging CMS's interpretation of the statute governing hold harmless agreements related to Medicaid tax and match programs. We noted: On Wednesday, the state of Texas filed a lawsuit against CMS and HHS to permanently enjoin enforcement of its February 17 bulletin, which declared that private redistribution arrangements, in the context of local tax programs to fund the state's share of a Medicaid match, are illegal.

The lawsuit alleges that the bulletin is outside of the Agency's statutory authority, and even if it were not, it would violate the Administrative Procedures Act. The lawsuit quotes 2020 comments from Medicaid Administrator Daniel Tsai (then serving as the Massachusetts Medicaid Director) that call the Agency's interpretation “an unprecedented federal overreach...[that] exceeded CMS' statutory authority.” This is consistent with FHA's understanding of the applicable provisions of the Social Security Act.

The suit asks the court to “declare unlawful and set aside the February 17 bulletin” and issue a preliminary and permanent injunction, prohibiting enforcement of the February 17 bulletin.

We will continue to provide updates to our members on any developments related to CMS's efforts to implement the informational bulletin. If you have any questions do not hesitate to contact Michael Williams or me.

Sincerely,



**Mary C. Mayhew**

**President and CEO**

Florida Hospital Association

P 850-222-9800

E

M (b)(6)

W





Message

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**Sent:** 3/28/2023 5:38:58 PM  
**To:** Howe, Rory (CMS/CMCS); (b)(6); Tsai, Daniel (CMS/CMCS)  
(b)(6)  
**CC:** Costello, Anne Marie (CMS/CMCS); (b)(6); Stegmaier, Jason  
(CMS/CMCS); (b)(6); Stephens, Jessica  
(CMS/CMCS); (b)(6); Rashid, Mehreen  
(CMS/CMCS); (b)(6); Miller, Courtney  
(CMS/CMCS); (b)(6); Kochanski, Joseph  
(CMS/CMCS); (b)(6); Hebert, Krista  
(CMS/CMCS); (b)(6); Briskin, Perrie  
(CMS/CMCS); (b)(6); Silanskis, Jeremy  
(CMS/CMCS); (b)(6); Maccarroll, Amber  
(CMS/CMCS); (b)(6); Deboy, Alissa  
(CMS/CMCS); (b)(6)  
**Subject:** RE: RE: Urgent call request from Director Birch and Medicaid Director Charissa Fotinos - WA State

We also provided technical assistance on the SDPs. We were clear that we were not commenting on their draft legislation, but providing technical assistance on the language we reviewed.

John Giles, MPA  
Director, Division of Managed Care Policy  
Disabled and Elderly Health Programs Group  
Center for Medicaid and CHIP Services  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Phone: 410-786-5545  
E-mail: [John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Tuesday, March 28, 2023 12:14 PM  
**To:** Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>  
**Cc:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stegmaier, Jason (CMS/CMCS) <Jason.Stegmaier@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>  
**Subject:** RE: Urgent call request from Director Birch and Medicaid Director Charissa Fotinos - WA State

+ Alissa and John

Hi Dan,

When we talked with Sue and Charissa a couple of weeks ago, they assured us that they had no information or specific concerns about provider redistributions/hold harmless arrangements regarding their hospital tax. Accordingly, we simply provided some general guidance on the CIB/statutory requirements and offered TA. Sue and Charissa did have a number of questions about the state directed payment process and the 340B program. FMG connected Charissa with Alissa and John to assist with the follow up questions in those areas.

I hope this helps.

Thanks,  
Rory

**From:** Tsai, Daniel (CMS/CMCS) <[Daniel.Tsai@cms.hhs.gov](mailto:Daniel.Tsai@cms.hhs.gov)>

**Sent:** Tuesday, March 28, 2023 11:40 AM

**To:** Stephens, Jessica (CMS/CMCS) <[Jessica.Stephens@cms.hhs.gov](mailto:Jessica.Stephens@cms.hhs.gov)>; Rashid, Mehreen (CMS/CMCS) <[mehreen.rashid@cms.hhs.gov](mailto:mehreen.rashid@cms.hhs.gov)>; Miller, Courtney (CMS/CMCS) <[Courtney.Miller@cms.hhs.gov](mailto:Courtney.Miller@cms.hhs.gov)>; Kochanski, Joseph (CMS/CMCS) <[Joseph.Kochanski@cms.hhs.gov](mailto:Joseph.Kochanski@cms.hhs.gov)>; Hebert, Krista (CMS/CMCS) <[krista.hebert@cms.hhs.gov](mailto:krista.hebert@cms.hhs.gov)>; Briskin, Perrie (CMS/CMCS) <[Perrie.Briskin@cms.hhs.gov](mailto:Perrie.Briskin@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Stegmaier, Jason (CMS/CMCS) <[Jason.Stegmaier@cms.hhs.gov](mailto:Jason.Stegmaier@cms.hhs.gov)>

**Subject:** RE: Urgent call request from Director Birch and Medicaid Director Charissa Fotinos - WA State

Adding FMG

The subject for the urgent call w Sue is "Policy Alignment for Safety Net Assessment"

Rory and FMG – I think I recall you recently had a discussion w WA... can you give us an update? I am chatting w Sue Birch this afternoon

Thanks

**From:** Stephens, Jessica (CMS/CMCS) <[Jessica.Stephens@cms.hhs.gov](mailto:Jessica.Stephens@cms.hhs.gov)>

**Sent:** Tuesday, March 28, 2023 11:08 AM

**To:** Rashid, Mehreen (CMS/CMCS) <[mehreen.rashid@cms.hhs.gov](mailto:mehreen.rashid@cms.hhs.gov)>; Miller, Courtney (CMS/CMCS) <[Courtney.Miller@cms.hhs.gov](mailto:Courtney.Miller@cms.hhs.gov)>; Tsai, Daniel (CMS/CMCS) <[Daniel.Tsai@cms.hhs.gov](mailto:Daniel.Tsai@cms.hhs.gov)>; Kochanski, Joseph (CMS/CMCS) <[Joseph.Kochanski@cms.hhs.gov](mailto:Joseph.Kochanski@cms.hhs.gov)>; Hebert, Krista (CMS/CMCS) <[krista.hebert@cms.hhs.gov](mailto:krista.hebert@cms.hhs.gov)>; Briskin, Perrie (CMS/CMCS) <[Perrie.Briskin@cms.hhs.gov](mailto:Perrie.Briskin@cms.hhs.gov)>

**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Stegmaier, Jason (CMS/CMCS) <[Jason.Stegmaier@cms.hhs.gov](mailto:Jason.Stegmaier@cms.hhs.gov)>

**Subject:** RE: Urgent call request from Director Birch and Medicaid Director Charissa Fotinos - WA State

This sounds more likely than unwinding. Suzette reached out to them yesterday to flag one more renewal compliance issue related to telephonic signatures, and they needed to implement a strategy for approval of their mitigation plan. However, they did that quickly, and we should be able to send an informal approval today.

**From:** Rashid, Mehreen (CMS/CMCS) <[mehreen.rashid@cms.hhs.gov](mailto:mehreen.rashid@cms.hhs.gov)>  
**Sent:** Tuesday, March 28, 2023 9:36 AM  
**To:** Miller, Courtney (CMS/CMCS) <[Courtney.Miller@cms.hhs.gov](mailto:Courtney.Miller@cms.hhs.gov)>; Tsai, Daniel (CMS/CMCS) <[Daniel.Tsai@cms.hhs.gov](mailto:Daniel.Tsai@cms.hhs.gov)>; Kochanski, Joseph (CMS/CMCS) <[Joseph.Kochanski@cms.hhs.gov](mailto:Joseph.Kochanski@cms.hhs.gov)>; Hebert, Krista (CMS/CMCS) <[krista.hebert@cms.hhs.gov](mailto:krista.hebert@cms.hhs.gov)>; Briskin, Perrie (CMS/CMCS) <[Perrie.Briskin@cms.hhs.gov](mailto:Perrie.Briskin@cms.hhs.gov)>  
**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Stephens, Jessica (CMS/CMCS) <[Jessica.Stephens@cms.hhs.gov](mailto:Jessica.Stephens@cms.hhs.gov)>; Stegmaier, Jason (CMS/CMCS) <[Jason.Stegmaier@cms.hhs.gov](mailto:Jason.Stegmaier@cms.hhs.gov)>  
**Subject:** RE: Urgent call request from Director Birch and Medicaid Director Charissa Fotinos - WA State

Good morning,

(b)(5)

Thank you!  
Mehreen

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**From:** Miller, Courtney (CMS/CMCS) <[Courtney.Miller@cms.hhs.gov](mailto:Courtney.Miller@cms.hhs.gov)>  
**Sent:** Tuesday, March 28, 2023 8:29 AM  
**To:** Tsai, Daniel (CMS/CMCS) <[Daniel.Tsai@cms.hhs.gov](mailto:Daniel.Tsai@cms.hhs.gov)>; Kochanski, Joseph (CMS/CMCS) <[Joseph.Kochanski@cms.hhs.gov](mailto:Joseph.Kochanski@cms.hhs.gov)>; Hebert, Krista (CMS/CMCS) <[krista.hebert@cms.hhs.gov](mailto:krista.hebert@cms.hhs.gov)>; Briskin, Perrie (CMS/CMCS) <[Perrie.Briskin@cms.hhs.gov](mailto:Perrie.Briskin@cms.hhs.gov)>  
**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Stephens, Jessica (CMS/CMCS) <[Jessica.Stephens@cms.hhs.gov](mailto:Jessica.Stephens@cms.hhs.gov)>; Rashid, Mehreen (CMS/CMCS) <[mehreen.rashid@cms.hhs.gov](mailto:mehreen.rashid@cms.hhs.gov)>; Stegmaier, Jason (CMS/CMCS) <[Jason.Stegmaier@cms.hhs.gov](mailto:Jason.Stegmaier@cms.hhs.gov)>  
**Subject:** RE: Urgent call request from Director Birch and Medicaid Director Charissa Fotinos - WA State

+ Jason, who is coordinating any notes for you from the MCOG state team.

**From:** Tsai, Daniel (CMS/CMCS) <[Daniel.Tsai@cms.hhs.gov](mailto:Daniel.Tsai@cms.hhs.gov)>  
**Sent:** Monday, March 27, 2023 7:57 PM  
**To:** Kochanski, Joseph (CMS/CMCS) <[Joseph.Kochanski@cms.hhs.gov](mailto:Joseph.Kochanski@cms.hhs.gov)>; Hebert, Krista (CMS/CMCS) <[krista.hebert@cms.hhs.gov](mailto:krista.hebert@cms.hhs.gov)>; Briskin, Perrie (CMS/CMCS) <[Perrie.Briskin@cms.hhs.gov](mailto:Perrie.Briskin@cms.hhs.gov)>  
**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Stephens, Jessica (CMS/CMCS) <[Jessica.Stephens@cms.hhs.gov](mailto:Jessica.Stephens@cms.hhs.gov)>; Rashid, Mehreen (CMS/CMCS) <[mehreen.rashid@cms.hhs.gov](mailto:mehreen.rashid@cms.hhs.gov)>; Miller, Courtney (CMS/CMCS) <[Courtney.Miller@cms.hhs.gov](mailto:Courtney.Miller@cms.hhs.gov)>  
**Subject:** FW: Urgent call request from Director Birch and Medicaid Director Charissa Fotinos - WA State

Joe - I could give her a call tmrw afternoon/evening while we're in car heading down from our Baltimore office to DC.  
Joe – can you note for Michelle and find a 15 mins slot on the car tmrw afternoon for me to call Sue Birch - thanks

Jessica, Mehreen and Courtney – anything of note for WA on their 1115 or unwinding or anything else?

Thanks

**From:** Le Duc, Michelle (HCA) <michelle.leduc@hca.wa.gov>  
**Sent:** Monday, March 27, 2023 7:38 PM  
**To:** Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>  
**Cc:** Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>  
**Subject:** RE: Urgent call request from Director Birch and Medicaid Director Charissa Fotinos - WA State

Thank you. I am working on getting that to you as soon as possible. Joe has been helpful with identifying April 6<sup>th</sup> as an option. Sue mentioned it is urgent and asked if she could perhaps text with you instead?? She would just need a number. If you prefer, her cell is: (b)(6)

Appreciate your help.

**Michelle Le Duc**

Executive Secretary – Office of the Director  
Assistant to Director Sue Birch  
Office: 360-725-1040 | Cell: (b)(6)  
Pronouns: she/her

Washington State  
**Health Care Authority**

[hca.wa.gov](https://hca.wa.gov) **Connect with us**

**From:** Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>  
**Sent:** Monday, March 27, 2023 4:17 PM  
**To:** Le Duc, Michelle (HCA) <michelle.leduc@hca.wa.gov>  
**Cc:** Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>  
**Subject:** RE: Urgent call request from Director Birch and Medicaid Director Charissa Fotinos - WA State

External Email

Hi Michelle – happy to. Cc'ing Joe (who can help schedule). We'd be grateful if you can send over for us a few quick bullets on the agenda/subject, if possible

Thanks

**From:** Le Duc, Michelle (HCA) <michelle.leduc@hca.wa.gov>

**Sent:** Monday, March 27, 2023 3:36 PM

**To:** Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>

**Subject:** Urgent call request from Director Birch and Medicaid Director Charissa Fotinos - WA State

Hi Mr. Tsai,

Sue and Charissa are hopeful to connect with you for approximately 30 minutes in the very near future. If possible may Sue Birch text you to align a time or would you be willing to work with myself or have me work with your Admin?

Thank you,

**Michelle Le Duc**

Executive Secretary – Office of the Director

Assistant to Director Sue Birch

Office: 360-725-1040 | Cell: (b)(6)

Pronouns: she/her

Washington State

Health Care Authority

[hca.wa.gov](https://hca.wa.gov)

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Message

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**From:** Arnold, Charlie (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 4/21/2023 2:41:05 PM  
**To:** Howe, Rory (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** Automatic reply: Automatic reply: Texas Congressional Delegation Letter on the CMS Informational Bulletin (the "Bulletin") entitled "Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments"

I am out of the office. For immediate assistance, please contact Jennifer Clark at Jennifer.Clark@cms.hhs.gov.

Message

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**From:** Robert Nelb [robert.nelb@macpac.gov]  
**Sent:** 4/24/2023 5:12:24 PM  
**To:** Howe, Rory (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** Re: Re: Touching base on financing and supplemental payments?

Hi Rory -

I hope you had a good weekend. Just wanted to follow up on this request. Feel free to direct me to others on your team if needed.

Thanks,

~ Rob

On Mon, Apr 17, 2023 at 8:54 AM Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)> wrote:  
Rory -

I hope you're doing well. At MACPAC, we're starting some new work on oversight of non-federal share financing, and our new ED, Kate Massey, mentioned that Dan suggested we reach out to you and your team to learn more about some of the current issues you're working on, including the recent hold harmless issues with local provider taxes.

Also, I just wanted to give you a heads up that we're continuing to run into issues accessing the new provider-level supplemental payments data, since we don't seem to have access to it in MACFin. We're open to other ways to get this data if the system isn't working. For example, we just worked with DEHPG to have them upload all of the directed payment pre-prints to our secure shared file site on Box.com.

Happy to set up time to chat about both of these issues whenever you're available. I recognize that different teams might be involved in each issue, so we can set up separate calls if that's easier. Also, feel free to give me a call at (b)(6) if it's easier to chat on the phone.

~ Rob

----- Forwarded message -----

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Date:** Tue, Apr 11, 2023 at 5:02 PM  
**Subject:** Re: Request: CMS MACFin data  
**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>  
**Cc:** Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>, Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>, Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>, Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>, Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>, Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>, Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

Thanks all for your continued help on this issue.

At this point, we are primarily interested in reviewing the hospital-specific data for inpatient and outpatient hospital supplemental payments that has been submitted under the new reporting requirements of the

Consolidated Appropriations Act 2021. These data are needed to inform our larger analyses of hospital supplemental payments.

I recognize that you are continuing to have challenges making this data available through MACFin, but we are happy to receive the data in whatever format you can send it in. If it helps, we can provide an upload link to our file sharing site on Box.com. This is a process we have used in the past with other CMS divisions for large data files.

Happy to discuss further if you have any questions.

~ Rob

On Tue, Apr 11, 2023 at 4:46 PM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Rob,

We have not made the reports available for review because we are still working to transition to a new site. We will let you know once they are available. If you let us know the specific reports needed and we can work to provide them. I appreciate your patients as we work to improve MACFin.

Thanks,

Robert

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Sent:** Monday, April 10, 2023 2:03 PM

**To:** Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>

**Cc:** Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>; Barraza, Leticia (CMS/CMCS)

<[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>; Holligan, Ricardo (CMS/CMCS)

<[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>; Lane, Robert (CMS/CMCS)

<[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Hi all -

I just wanted to follow up to see if you had any more updates on getting us access to the UPL reports. The link in the MACfin system still does not work for me.



Thanks,

- Rob

On Wed, Mar 8, 2023 at 9:34 AM Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)> wrote:

I approved MACFIN accesses for Chris P. and Aaron Pervin

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 4:40 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>; Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob, just so that you have Aaron's email, I copied him on this chain

On Tue, Mar 7, 2023 at 10:06 AM Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)> wrote:

Yes, that works for me. Thanks

On Tue, Mar 7, 2023 at 9:47 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

I will send an appointment for 4-4:30pm to hold. Let me know if that works.

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 9:27 AM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob,

Rob Nelb and I are available from 3-5 pm today. If necessary, we could also meet over lunch from 11:30 - 1pm. If you can't meet at those times, then feel free to schedule something with Rob while I'm out.

Thanks,

Chris

On Tue, Mar 7, 2023 at 9:01 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

Can we schedule some time to discuss your request and what you need access too so that we can figure out how to give you access until we finish development? It would also be helpful for us to understand what you need access to as we build out our user management module. If we can't schedule today. Maybe we can work with Rob later this week or next week.

Thanks,

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, March 6, 2023 12:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Cc:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Robert,

The MACFin help desk had advised me to just select FMG read-only access, but that wasn't a clear option. My colleague Rob Nelb, who is copied on this email, just went through the process and selected FMG (not sure which division) and got approved. But none of the reports seem to generate data. Is there another CMS branch we could select until the system is built out? For example, I would guess that our use of the data will be similar to OACT.

We primarily want access to the UPL demonstration data and the CMS-37 reports at this point. However, we will likely want to get the most updated data as we go along, so we may have a lot of data requests, so it would be good to have access as soon as possible.

I'll be out of the office starting Wednesday, March 8 through the end of the month, but if you could work with Rob Nelb about getting the UPL data at this point that would be great.

Chris

On Mon, Mar 6, 2023 at 11:54 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

As Rory indicates below, we are still developing the user management for MACFin. It may take some time to build in the access for non-CMS Federal employees. If you have an immediate data need please let me and we will try to assist.

Thanks,

Robert

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Friday, March 3, 2023 3:07 PM  
**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Subject:** RE: Request: CMS MACFin data

Rory,

Appreciate your patience. When MACPAC has a Commission meeting, our week is more hectic than usual.

Thank you for referring us to Robert. I'm moving us all to 'bcc' now and introducing Robert and Chris virtually so that they can partner together on next steps.

We are grateful for your responsiveness and partnership. Have a great weekend!

Kate

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Tuesday, February 28, 2023 4:50 PM  
**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>  
**Subject:** RE: Request: CMS MACFin data

Hi Kate,

Thanks for reaching out. I apologize that Chris is having some challenges obtaining MACFin access. As we continue to transition from MBES to MACFin, our process for providing MACFin access to external users is still under development. In the interim, we would be happy to connect with Chris to fulfill his current data needs directly and to get system access moving forward. I've looped in Robert Lane, the Director of the Division of Financial Operations East, who oversees the business aspects of MACFin. Robert and team are happy to work with Chris directly.

Please let me know if you have questions or need anything else.

Thanks,

Rory

Rory Howe

Director

Financial Management Group

CMS/CMCS

443-615-1277

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Tuesday, February 28, 2023 12:00 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** RE: Request: CMS MACFin data

Thanks so much, Lela. Moving you and Anne Marie to 'bcc' moving forward.

Hi Rory, MACPAC has been working to secure access to key Medicaid data that will inform our analytic work next year. In particular, Chris Park has been trying to secure access to certain MACFin modules but has been challenged throughout the process since our role isn't part of the preselected options flagged during registration.

Would you be able to help us navigate the approval process? Also, happy to jump on a brief call if that would help identify which data we need.

Let us know. Thanks!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: she/her/hers

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2700

[www.macpac.gov](http://www.macpac.gov)

**From:** Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 10:46 AM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Good Morning Kate,

Yes, I can place you in contact with Rory (copied here) for assistance.

Thank you,

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Monday, February 27, 2023 7:57 PM  
**To:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** Request: CMS MACFin data

Hi Anne Marie and Lela,

Sorry to bother you with this request since so much is going on. In good news, MACPAC was able to connect with Jen Bowdoin and secure the HCBS ARPA spending plans. However, we are still hoping to gain access to MACFin.

Is there any point of contact with whom we can partner? Because next year's work hinges on these data, we need to understand its availability and breadth.

Let us know. Thanks so much for your help.

Kate

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Wednesday, February 15, 2023 3:53 PM  
**To:** 'Costello, Anne Marie (CMS/CMCS)' <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; 'Teal, Lela (CMS/CMCS)' <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Kirstin Blom <[kirstin.blom@macpac.gov](mailto:kirstin.blom@macpac.gov)>  
**Subject:** Request: CMS data and HCBS ARPA state submissions

Hi Anne Marie and Lela,

MACPAC is in the process of gearing up for the analyses that we will present to the Commission during our next analytic cycle. As we have been working to build out the projects, there are several that would utilize Medicaid program data managed by CMS. For example, we are interested in accessing MACFin because the CMS-37 projected spending reports have been moved from MBES (which MACPAC has access to) to MACFin. We use the CMS-37 for the territories to help project what funding they may need in future years. Also, several things are being transitioned into MACFin, such as the UPL demonstrations and DSH audit data and these data will feed into next year's project work.

MACPAC doesn't fall neatly into the predetermined categories of users so our attempts to establish access have stalled. Chris Park is the primary analyst who has been working to secure access to the data. I've copied an email chain below so that you can see how he's been approaching the request. If there is anything that you can do to help us navigate the approval process or provide a point of contact, we'd greatly appreciate the help. Some of our projects will not be able to move forward without access to these new data.

Also, can you please provide any direction to secure access to HCBS spending plans (submitted quarterly) and spending narratives (submitted every other quarter)? We have committed to monitor the ARPA HCBS spending plans until the resources are expended. Thus far, we have been interviewing states and tracking publicly available data; however, the state submissions will help to fill out our monitoring activities.

Please let me know if you have any questions. Thanks in advance – as always – for your help!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: she/her/hers

1800 M Street, NW, Suite 650 South



Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2700

[www.macpac.gov](http://www.macpac.gov)

\*\*\*\*\*

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, December 5, 2022 10:37 AM

**To:** Kate Massey <[katherine.massey@macpac.gov](mailto:katherine.massey@macpac.gov)>; Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>

**Subject:** Fwd: Question on MACFin user type

----- Forwarded message -----

From: **Chris Park** <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

Date: Mon, Sep 19, 2022 at 10:52 AM

Subject: Re: Question on MACFin user type

To: MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)>

Cc: MACFinHDTier2 <[MACFinHDTier2@dcca.com](mailto:MACFinHDTier2@dcca.com)>

Hi all, just checking in on this question I had about selecting a user type for MACFin access.

Thanks,

Chris

On Fri, Sep 9, 2022 at 1:35 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Adding Tier 2

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Friday, September 9, 2022 1:28 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Re: Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
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Hi,

Thanks for the follow-up, but I'm not sure how to select FMG Read-only access. I can get to FMG by selecting a user type of CMS Federal and group/office of FMG, but then it requires me to select a division and possibly a branch. Which options should I choose under division and if necessary, branch.

Division: choices are Division of Financial Operations East, Division of Financial Operations West, Division of Financial Policy, Division of Reimbursement Policy, Front Office, and Division of Reimbursement Review.

Other options for division such as DSG, OFM, OACT, and Others don't require me to select a division. Should I choose one of those instead?

Thanks,

Chris

On Fri, Sep 9, 2022 at 12:25 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Good afternoon Chris,

My apologies for the delay as my team discussed this internally. The recommended role for you to use would be FMG Read-only access.

Thanks,

Danielle

MACFin Tier 2 – Technical Support

[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)

833-879-6075

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Thursday, September 1, 2022 3:23 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
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Hi,

I'm an analyst with MACPAC and have recently been granted access to MACFin. I'm at the step upon the first log-on where I am asked to select a user type. MACPAC does not fit into any of the provided selections. We are not a state user, CMS group/office, or a contractor. On our DUA with CMS, we have been classified as an oversight agency. We do not need to enter or edit any information, but rather would like to generate reports using a variety of data such as the CMS-37, DSH audit, UPL demonstration, etc. Do you have a suggestion on what I should select?

Thanks,

Chris

--

Chris Park

Principal Analyst

Medicaid and CHIP Payment and Access Commission

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2024

Fax: (202) 273-2452

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Robert Nelb, MPH

Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

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Robert Nelb, MPH

Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his



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Robert Nelb, MPH  
Principal Analyst  
MACPAC - Medicaid and CHIP Payment and Access Commission  
Pronouns: he/him/his

--

Robert Nelb, MPH  
Principal Analyst  
MACPAC - Medicaid and CHIP Payment and Access Commission  
Pronouns: he/him/his

Message

---

**From:** Robert Nelb [robert.nelb@macpac.gov]  
**Sent:** 4/24/2023 5:47:42 PM  
**To:** Howe, Rory (CMS/CMCS); (b)(6)  
**CC:** Wiley, Evelyn (CMS/CMCS); (b)(6)  
**Subject:** Re: Re: Touching base on financing and supplemental payments?

Great. Thanks so much. Looking forward to it!

On Mon, Apr 24, 2023 at 1:42 PM Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)> wrote:

Hi Rob,

Apologies for the delayed response. It is good to hear from you and I hope you are doing well, too. We are happy to talk. I've copied Evelyn Wiley to help with scheduling on our end. Also, FYI, I will loop in a few others from FMG to make sure you are getting all the information that you need. Looking forward to talking soon.

Rory

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Sent:** Monday, April 24, 2023 1:12 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** Re: Touching base on financing and supplemental payments?

Hi Rory -

I hope you had a good weekend. Just wanted to follow up on this request. Feel free to direct me to others on your team if needed.

Thanks,

~ Rob

On Mon, Apr 17, 2023 at 8:54 AM Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)> wrote:

Rory -

I hope you're doing well. At MACPAC, we're starting some new work on oversight of non-federal share financing, and our new ED, Kate Massey, mentioned that Dan suggested we reach out to you and your team to learn more about some of the current issues you're working on, including the recent hold harmless issues with local provider taxes.

Also, I just wanted to give you a heads up that we're continuing to run into issues accessing the new provider-level supplemental payments data, since we don't seem to have access to it in MACFin. We're open to other ways to get this data if the system isn't working. For example, we just worked with DEHPG to have them upload all of the directed payment pre-prints to our secure shared file site on Box.com.

Happy to set up time to chat about both of these issues whenever you're available. I recognize that different teams might be involved in each issue, so we can set up separate calls if that's easier. Also, feel free to give me a call at (b)(6) if it's easier to chat on the phone.

~ Rob

----- Forwarded message -----

From: **Robert Nelb** <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

Date: Tue, Apr 11, 2023 at 5:02 PM

Subject: Re: Request: CMS MACFin data

To: Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

Cc: Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>, Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>, Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>, Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>, Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>, Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>, Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

Thanks all for your continued help on this issue.

At this point, we are primarily interested in reviewing the hospital-specific data for inpatient and outpatient hospital supplemental payments that has been submitted under the new reporting requirements of the Consolidated Appropriations Act 2021. These data are needed to inform our larger analyses of hospital supplemental payments.

I recognize that you are continuing to have challenges making this data available through MACFin, but we are happy to receive the data in whatever format you can send it in. If it helps, we can provide an upload link to our file sharing site on Box.com. This is a process we have used in the past with other CMS divisions for large data files.

Happy to discuss further if you have any questions.

~ Rob

On Tue, Apr 11, 2023 at 4:46 PM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Rob,

We have not made the reports available for review because we are still working to transition to a new site. We will let you know once they are available. If you let us know the specific reports needed and we can work to provide them. I appreciate your patients as we work to improve MACFin.

Thanks,

Robert

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Sent:** Monday, April 10, 2023 2:03 PM

**To:** Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>

**Cc:** Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Hi all -

I just wanted to follow up to see if you had any more updates on getting us access to the UPL reports. The link in the MACfin system still does not work for me.

Thanks,

- Rob

On Wed, Mar 8, 2023 at 9:34 AM Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)> wrote:

I approved MACFIN accesses for Chris P. and Aaron Pervin

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 4:40 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>; Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob, just so that you have Aaron's email, I copied him on this chain

On Tue, Mar 7, 2023 at 10:06 AM Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)> wrote:

Yes, that works for me. Thanks

On Tue, Mar 7, 2023 at 9:47 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

I will send an appointment for 4-4:30pm to hold. Let me know if that works.

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 9:27 AM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob,

Rob Nelb and I are available from 3-5 pm today. If necessary, we could also meet over lunch from 11:30 - 1pm. If you can't meet at those times, then feel free to schedule something with Rob while I'm out.

Thanks,

Chris

On Tue, Mar 7, 2023 at 9:01 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

Can we schedule some time to discuss your request and what you need access too so that we can figure out how to give you access until we finish development? It would also be helpful for us to understand what you need access to as we build out our user management module. If we can't schedule today. Maybe we can work with Rob later this week or next week.

Thanks,

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, March 6, 2023 12:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Cc:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Robert,

The MACFin help desk had advised me to just select FMG read-only access, but that wasn't a clear option. My colleague Rob Nelb, who is copied on this email, just went through the process and selected FMG (not sure which division) and got approved. But none of the reports seem to generate data. Is there another CMS branch we could select until the system is built out? For example, I would guess that our use of the data will be similar to OACT.

We primarily want access to the UPL demonstration data and the CMS-37 reports at this point. However, we will likely want to get the most updated data as we go along, so we may have a lot of data requests, so it would be good to have access as soon as possible.

I'll be out of the office starting Wednesday, March 8 through the end of the month, but if you could work with Rob Nelb about getting the UPL data at this point that would be great.

Chris

On Mon, Mar 6, 2023 at 11:54 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

As Rory indicates below, we are still developing the user management for MACFin. It may take some time to build in the access for non-CMS Federal employees. If you have an immediate data need please let me and we will try to assist.

Thanks,

Robert

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Friday, March 3, 2023 3:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Subject:** RE: Request: CMS MACFin data

Rory,

Appreciate your patience. When MACPAC has a Commission meeting, our week is more hectic than usual.

Thank you for referring us to Robert. I'm moving us all to 'bcc' now and introducing Robert and Chris virtually so that they can partner together on next steps.

We are grateful for your responsiveness and partnership. Have a great weekend!

Kate

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 4:50 PM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Hi Kate,



Thanks for reaching out. I apologize that Chris is having some challenges obtaining MACFin access. As we continue to transition from MBES to MACFin, our process for providing MACFin access to external users is still under development. In the interim, we would be happy to connect with Chris to fulfill his current data needs directly and to get system access moving forward. I've looped in Robert Lane, the Director of the Division of Financial Operations East, who oversees the business aspects of MACFin. Robert and team are happy to work with Chris directly.

Please let me know if you have questions or need anything else.

Thanks,

Rory

Rory Howe

Director

Financial Management Group

CMS/CMCS

443-615-1277

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Tuesday, February 28, 2023 12:00 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** RE: Request: CMS MACFin data

Thanks so much, Lela. Moving you and Anne Marie to 'bcc' moving forward.

Hi Rory, MACPAC has been working to secure access to key Medicaid data that will inform our analytic work next year. In particular, Chris Park has been trying to secure access to certain MACFin modules but has been challenged throughout the process since our role isn't part of the preselected options flagged during registration.

Would you be able to help us navigate the approval process? Also, happy to jump on a brief call if that would help identify which data we need.

Let us know. Thanks!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: she/her/hers

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2700

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**From:** Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 10:46 AM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Good Morning Kate,

Yes, I can place you in contact with Rory (copied here) for assistance.

Thank you,

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Monday, February 27, 2023 7:57 PM  
**To:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** Request: CMS MACFin data

Hi Anne Marie and Lela,

Sorry to bother you with this request since so much is going on. In good news, MACPAC was able to connect with Jen Bowdoin and secure the HCBS ARPA spending plans. However, we are still hoping to gain access to MACFin.

Is there any point of contact with whom we can partner? Because next year's work hinges on these data, we need to understand its availability and breadth.

Let us know. Thanks so much for your help.

Kate

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Wednesday, February 15, 2023 3:53 PM  
**To:** 'Costello, Anne Marie (CMS/CMCS)' <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; 'Teal, Lela (CMS/CMCS)' <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Kirstin Blom <[kirstin.blom@macpac.gov](mailto:kirstin.blom@macpac.gov)>

**Subject:** Request: CMS data and HCBS ARPA state submissions

Hi Anne Marie and Lela,

MACPAC is in the process of gearing up for the analyses that we will present to the Commission during our next analytic cycle. As we have been working to build out the projects, there are several that would utilize Medicaid program data managed by CMS. For example, we are interested in accessing MACFin because the CMS-37 projected spending reports have been moved from MBES (which MACPAC has access to) to MACFin. We use the CMS-37 for the territories to help project what funding they may need in future years. Also, several things are being transitioned into MACFin, such as the UPL demonstrations and DSH audit data and these data will feed into next year's project work.

MACPAC doesn't fall neatly into the predetermined categories of users so our attempts to establish access have stalled. Chris Park is the primary analyst who has been working to secure access to the data. I've copied an email chain below so that you can see how he's been approaching the request. If there is anything that you can do to help us navigate the approval process or provide a point of contact, we'd greatly appreciate the help. Some of our projects will not be able to move forward without access to these new data.

Also, can you please provide any direction to secure access to HCBS spending plans (submitted quarterly) and spending narratives (submitted every other quarter)? We have committed to monitor the ARPA HCBS spending plans until the resources are expended. Thus far, we have been interviewing states and tracking publicly available data; however, the state submissions will help to fill out our monitoring activities.

Please let me know if you have any questions. Thanks in advance – as always – for your help!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: she/her/hers

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2700

[www.macpac.gov](http://www.macpac.gov)

\*\*\*\*\*

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, December 5, 2022 10:37 AM

**To:** Kate Massey <[katherine.massey@macpac.gov](mailto:katherine.massey@macpac.gov)>; Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>

**Subject:** Fwd: Question on MACFin user type

----- Forwarded message -----

From: **Chris Park** <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

Date: Mon, Sep 19, 2022 at 10:52 AM

Subject: Re: Question on MACFin user type

To: MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)>

Cc: MACFinHDTier2 <[MACFinHDTier2@dcca.com](mailto:MACFinHDTier2@dcca.com)>

Hi all, just checking in on this question I had about selecting a user type for MACFin access.

Thanks,

Chris

On Fri, Sep 9, 2022 at 1:35 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Adding Tier 2

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Friday, September 9, 2022 1:28 PM

**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>

**Subject:** Re: Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
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Hi,

Thanks for the follow-up, but I'm not sure how to select FMG Read-only access. I can get to FMG by selecting a user type of CMS Federal and group/office of FMG, but then it requires me to select a division and possibly a branch. Which options should I choose under division and if necessary, branch.

Division: choices are Division of Financial Operations East, Division of Financial Operations West, Division of Financial Policy, Division of Reimbursement Policy, Front Office, and Division of Reimbursement Review.

Other options for division such as DSG, OFM, OACT, and Others don't require me to select a division. Should I choose one of those instead?

Thanks,

Chris

On Fri, Sep 9, 2022 at 12:25 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Good afternoon Chris,

My apologies for the delay as my team discussed this internally. The recommended role for you to use would be FMG Read-only access.

Thanks,

Danielle

MACFin Tier 2 – Technical Support

[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)

833-879-6075

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Thursday, September 1, 2022 3:23 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
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Hi,

I'm an analyst with MACPAC and have recently been granted access to MACFin. I'm at the step upon the first log-on where I am asked to select a user type. MACPAC does not fit into any of the provided selections. We are not a state user, CMS group/office, or a contractor. On our DUA with CMS, we have been classified as an oversight agency. We do not need to enter or edit any information, but rather would like to generate reports using a variety of data such as the CMS-37, DSH audit, UPL demonstration, etc. Do you have a suggestion on what I should select?

Thanks,

Chris

--

Chris Park

Principal Analyst

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Message

**From:** Fan, Kristin (CMS/CMCS) (b)(6)  
(b)(6)  
**Sent:** 1/4/2023 2:44:42 PM  
**To:** Boston, Beverly (CMS/CMCS) (b)(6)  
(b)(6) Arnold, Charlie  
(CMS/CMCS) (b)(6)  
(b)(6) Clark, Jennifer  
(CMS/CMCS) (b)(6)  
(b)(6) Goldstein, Stuart  
(CMS/CMCS) (b)(6)  
(b)(6) Cuno, Richard  
(CMS/CMCS) (b)(6)  
**CC:** Howe, Rory (CMS/CMCS) (b)(6)  
(b)(6) Maccarroll, Amber  
(CMS/CMCS) (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS) (b)(6)  
(b)(6) adams, lia (CMS/CMCS)  
**Subject:** RE: RE: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Beverly. I defer to others but don't think the edits are helpful for the CIB. It was carefully crafted language. I would not recommend accepting these changes.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Wednesday, January 4, 2023 8:46 AM  
**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning and HNY! 🎉

Looping others. All Comms clearance comments on the CIB are due from commenters on 1/5. Please hold the attached FCHCO comments until all other comments on the CIB are received. **I will need clean and redlined comments once all comments are received.**

**In addition due 12pm tomorrow 1/5** - Here is the reactive that was drafted by OC for the CIB. Please let me know if you have edits to the reactive statement developed by OC.

Thank you

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 3:57 PM  
**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>  
**Cc:** Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>  
**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi, Beverly and Lia. Would you mind making should make sure the attached track changes based on a few suggestions from Tim make it into the final version? Please let me know if you have any questions.

Thanks,  
Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Tuesday, January 3, 2023 3:49 PM  
**To:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>  
**Subject:** RE: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Tim,

Happy New Year. I appreciate you taking the time to review and to comment. Thanks for catching the typo and for highlighting where we could be more precise to avoid misinterpretations. We'll update the draft CIB to address the comments/edit. Thanks again.

Rory

**From:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 3:16 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Rory –

I understand the CIB was FYI-only, but I feel compelled to share with you a few things in the attached. I was only reading it to try to learn the policy, but there is a place in the CIB where a reader could easily take away the wrong message. And a typo.

Tim Engelhardt (he/him)  
Medicare-Medicaid Coordination Office  
Centers for Medicare & Medicaid Services  
202.690.6277

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**From:** CMS CLEARANCES <[CLEARANCES@cms.hhs.gov](mailto:CLEARANCES@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 1:35 PM  
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**Cc:** CMS CLEARANCES <CLEARANCES@cms.hhs.gov>; Dinges, Enrico (CMS/OC) <Eric.Dinges@cms.hhs.gov>

**Subject:** FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

\*\*\*Please copy **Enrico Dinges** and on **ALL** responses pertaining to this item when replying to CMS Clearances.\*\*\*

Please see attached internal gas for review. The informational bulletin is FYI ONLY. Thank you.

**Comments Due: 1:00 PM ET Thursday, January 5, 2023**

**All: For your review and input. Concurrent HHS/CMS review.**

**Title:** Internal Q&As for CMCS informational bulletin on health care related taxes and hold harmless arrangements.

**Agency/Office:** CMCS

**Subject/Description:** CMS will release an informational bulletin on health care related taxes and hold harmless arrangements involving the redistribution of Medicaid payments. This informational bulletin responds in part to questions CMS has received regarding the statutory and regulatory requirements applicable to health care-related taxes, including in connection with proposals to implement or renew Medicaid managed care state directed payments (SDPs). There will be a reactive statement, listserv message, and internal questions-and-answers for this item.

**COMMs Materials for Rollout:** Internal Q&As

**Deadline for COMMS Clearance comments: Thursday, January 5 by 1:00 PM**

**Requested Release date:** 2/7/2023

**INFORMATION NOT RELEASABLE TO THE PUBLIC UNLESS AUTHORIZED BY LAW:**

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Message

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**From:** Bowdoin, Jennifer (CMS/CMCS) (b)(6)  
(b)(6)  
**Sent:** 4/21/2023 3:06:57 PM  
**To:** Howe, Rory (CMS/CMCS) (b)(6)  
(b)(6)  
**Subject:** RE: RE: Maine Background

Thanks! I wrote up a one-pager: <https://share.cms.gov>; (b)(6)

(b)(6)

I can add this into the background when I get off my 11am call.

I wrote up a couple of options. I think that Alissa wants to defer to OCD, so I didn't include a recommendation, but feel free to add a recommendation from FMG.

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Friday, April 21, 2023 11:01 AM  
**To:** Bowdoin, Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>  
**Subject:** Maine Background

Maine imposes a Service Provider Tax that include revenues related to Private Non-Medical Institution (PNMI) services. The state has asserted that its tax is not health-care related, and therefore, not subject to the federal tax requirements in section 1903(w) of the Social Security Act (the Act). However, Maine's selective incorporation of health care items with heavy Medicaid business renders the tax health care-related based on section 1903(w)(3)(A)(ii) of the Act, 42 CFR § 433.55(c), and a 2014 letter CMS issued to State Health Officials (the 2014 SHO letter).

Over the past five years, CMS articulated its concerns about Maine's Service Provider Tax through numerous verbal and written communications. In 2019, CMS informed the state that it intended to initiate deferrals or disallowances in 2020 if the state did not bring its tax into compliance. In 2020, CMS began deferring FFP to initiate compliance enforcement. To date, CMS has issued deferrals totaling \$28,507,491 in Federal Financial Participation (FFP) covering the period July 1, 2020 through March 31, 2022.

Recently, the state has indicated to CMS that it is working with its legislature to end its service provider tax, and the supplemental payments funded by the tax, effective either July 1, 2024 or July 1, 2025. While Maine ultimately intends to reform its rate methodologies to affected providers using alternate funding sources, Maine has raised concern that this may not occur for a few years. In the interim, Maine has expressed a desire for the earlier sunset effective date, but wants to ensure compliance with MOE provisions included in section 9817 of ARP.

Message

**From:** Harris, Will (CMS/OA); (b)(6)  
(b)(6)  
**Sent:** 3/21/2023 7:01:25 PM  
**To:** Ellis (she/her), Kyla (CMS/OA); (b)(6)  
(b)(6); Katch (she/her), Hannah  
(CMS/OA); (b)(6)  
(b)(6); OToole, Meghan  
(CMS/OA); (b)(6)  
(b)(6); Richardson (she/her),  
Erin (CMS/OA); (b)(6)  
(b)(6)  
Yao, Kristiana (CMS/OA)  
; Tesfaye, Eden (CMS/OA)  
; Kaiser, Alyssa (CMS/OL)  
**Subject:** RE: RE: OA Issues notes - week of 3/20  
**Attachments:** CCSQ Issues Meeting Materials 3-21-23.pdf

**CCSQ Issues 3/21**

**Microgrids**

Current regulations do not adopt the most current versions of life safety codes that allow the use of renewable energy for backup power systems. CCSQ plans to propose doing this in the emergency preparedness rule, which won't be proposed until 2024Q1. Until that proposal can be finalized, CCSQ is hoping to use a categorical waiver that allows systems to request to use a sustainable microgrid as long as they can show it's safe.

Nursing homes that use life support systems would not be able to get this waiver because their requirement is set in regulations. But other facility types would be able to get the waiver to use renewable energy microgrids for backup power.

This was approved. This is scheduled to go out on April 1.

**OPOs**

CCSQ briefed on coming OPO public reports. The 2021 data show that 24 of the 56 OPOs would fall into "Tier 3" of the new OPO rule's categories, which would mean that – if its enforcement mechanisms were in effect – they would face decertification. 15 were Tier 1, and 18 were Tier 2. Unfortunately, we've seen the number of OPOs in Tier 3 grow since 2019.

We've seen two mergers last year and one this year. We've also seen requests come in from hospitals to work with better performing OPOs. So, we are seeing an effect of this public reporting.

ACBL asked what measures go into the tiering of the OPOs. We use organ donations and organs transplanted to measure the organizations' success.

(b)(5)

(b)(5)

*Jon*: how can we make sure the public sees the results to help put pressure on the system? Everyone talked about the importance of public seeing the data. *Will* volunteered to work with CCSQ and OC to come up with something that is easy for real people to read.

**From:** Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>

**Sent:** Monday, March 20, 2023 10:50 PM

**To:** Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Tesfaye, Eden (CMS/OA) <eden.tesfaye@cms.hhs.gov>; Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>

**Subject:** RE: OA Issues notes - week of 3/20

Hi team,

**3/20 CCIIO Issues Meeting**

- The user fee surplus could encourage SBMs; states can chose their SBM user fee/similar tax amount
- User fee analysis is typically straightforward: premium and enrollee assumptions
  - This year, there is uncertainty about the future of subsidies, unwinding transfers/pick-up, and states transitioning to SBMs
- Note: if enough states dropped out of the FFM it would cause instability for the FFM
- See slides for the recommended scenarios re: possible user fees: proposed 2.5%, 2.25% or 2.0% and associated projected surplus
- ACBL and Jon Blum concurred on 2.2% this year and indicate that we're watching the trends and may come back
  - Both want more information about projects to improve the consumer experience with the current user fee money; CCIIO will come back with strategic opportunities on brokers, navigators, etc.

**From:** Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

**Sent:** Monday, March 20, 2023 10:57 AM

**To:** OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Tesfaye, Eden (CMS/OA) <eden.tesfaye@cms.hhs.gov>; Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>

**Subject:** OA Issues notes - week of 3/20

**CMCS Issues – 3.20.23**

- **BHP – OR Issue**

**(b)(5)**

- **Hub update (non-decisional)**
  - Reminder – the CSI service only available to states currently using it due to funding issues
  - MA, MT, RI – new ask to come in – because Equifax increased rates on their state contracts – additional states may come in with the same ask (in addition to HI and MD)
  - Current year funding unlikely to cover these states’ use of the Hub for CSI pings
- **MO disallowance**
  - State SDPs includes a “hold harmless” arrangement
  - In 2020 – CMS sent a letter to MO with a 2021 date to transition their payments to allowable financing sources
  - In 2022, MO told CMS they no longer intend to honor the arrangement
  - Next step – review of provider tax structure – outlined in July 2022 letter from CMS to MO
  - Review final this week; \$236M deferral for impermissible provider tax arrangement – amount calculated based on statutory requirements (per quarter)
    - Regulatory deadline – March 31
    - CMCS will call Medicaid director prior to the communication
  - **ACBL concurrence – she would like to call the Governor prior to the 3/31 letter (with Dan)**
    - Need OC and OL reactives

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
200 Independence Avenue SW  
Washington, DC 20201



Office of Strategic Operations and Regulatory Affairs

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March 20, 2023

**To:** Chiquita Brooks-LaSure  
Administrator

Jonathan Blum  
Principal Deputy Administrator and Chief Operating Officer

**Through:** Kathleen Cantwell  
Director

**From:** Linnea Powell  
Program Coordinator

**SUBJECT:** CCSQ Issues Meeting: Administrator Level

**DATE:** Tuesday, March 21, 2023

**TIME:** 2:15 pm – 3:00 pm

**PLACE:** 314G & C5-25-03; Zoom link:

<https://cms.zoomgov.com/j/> (b)(6)  
(b)(6)

**IRA-Related Policies:** No

**Participants:** OA: Erin Richardson, Kyla Ellis, Hannah Katch, Will Harris, Meghan O'Toole, Angela Hitchcock, Natalia Chalmers, Kristiana Yao, Eden Tesfaye; CCSQ: Lee Fleisher, Jean Moody-Williams, Jeneen Iwugo, Michelle Schreiber, Shari Ling, and David Wright; OGC: Janice Hoffman; OL: Arielle Woronoff, Jennifer Boulanger; CM: Meena Seshamani; CMMI: Liz Fowler; FCHCO: Tim Engelhardt; CMCS: Dan Tsai; OSORA: Kathleen Cantwell; OC: Bruce Alexander; CPI: Dara Corrigan; OMH: Lashawn McIver; OEDA: Allison Oelschlaeger; OBRHI: Mary Greene

**Purpose:** This meeting is being held to brief you and request your guidance on the items below.

**Agenda:**

**Informational Items:**

**1. Publication of the 2023 Organ Procurement Organization (OPO) Annual Public Aggregated Performance Report – Preview**

Provide an update on the publication process of the 2023 OPO annual performance reports.

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- Action: None at this time
- Briefers: Annette Snyder and Shonte Carter
- Page 1

## 2. **Health Care Microgrid Systems (HCMS)**

Brief on plans to issue a waiver allowing health care facilities to use clean energy power sources (e.g., HCMSs) in place of generators in accordance with new editions of the National Fire Protection Association codes and standards, as requested by state representatives, facilities, and industry stakeholders.

- Action: None at this time
- Briefer: Martin Casey
- Page 5

## 3. **CCSQ Issues Follow-Up Items**

- Page 7

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## Informational Items for Administrator

### 1. Publication of the 2023 Organ Procurement Organization (OPO) Annual Public Aggregated Performance Report – Preview

- **Issue Summary:** CCSQ will brief the Administrator on the publication process of the 2023 OPO annual performance reports. OPOs will receive their individual 2023 performance reports in March 2023 for their review and will have ten business days in which to inform CMS of any discrepancies in the reports. OPOs will receive their final individual reports in April 2023 once discrepancies are adjudicated and corrected (if needed). A final aggregate performance report will be posted publicly on the Quality, Certification, and Oversight Reports (QCOR)<sup>1</sup> webpage in April 2023.
- **Target Release Date:** April 2023
- **IRA-Related Policies:** No
- **CMS Component Coordination:** N/A
- **Background/Context:** Stakeholders have long criticized OPOs for not functioning at their optimal capacity in procuring sufficient organs for transplantation. This often results in unnecessary deaths as individuals wait for organs suitable for transplantation and eventually succumb to illness that has made organ transplantation necessary for their survival. According to the Donate Life statistics in 2019<sup>2</sup>, up to 22 people each day, and more than 8,000 people yearly, die while waiting for a suitable organ for transplant. Stakeholders have argued that the lack of objective data for calculating donation and transplant rates obscures poor performance and the identification of opportunities for improvement for OPOs. The final rule (85 FR 77898)<sup>3</sup> revised the OPO outcome measures to make them more transparent and reliable. The rule also revised the outcome measures to make them more objective and enforceable. The revisions also focused on using more objective outcome measures to drive higher OPO performance through a higher level of regulatory oversight that incentivizes OPOs to ensure that all viable organs are transplanted. The performance of each OPO will be assessed annually, and this information will be provided to each OPO before the results are then made public.

#### *OPO Performance Trends Using 2023 Preliminary\* Data*

The 2023 performance report, reporting 2021 data, reflects the first full year of operations following the publication of the December 2020 final rule using the new metrics and introducing 'tier status'. Tier status denotes the relative performance of OPOs wherein the top 25 percent are in Tier 1; those above the median but not in the top 25 percent are

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<sup>1</sup> <https://qcor.cms.gov/main.jsp>

<sup>2</sup> <https://www.donatelifenetwork.org/wp-content/uploads/2016/06/2019-NDLM-Donation-and-Transplantation-Statistics-FINAL-Jan2019.pdf>

<sup>3</sup> <https://www.donatelifenetwork.org/statistics/>

<sup>3</sup> <https://www.govinfo.gov/content/pkg/FR-2020-12-02/pdf/2020-26329.pdf>

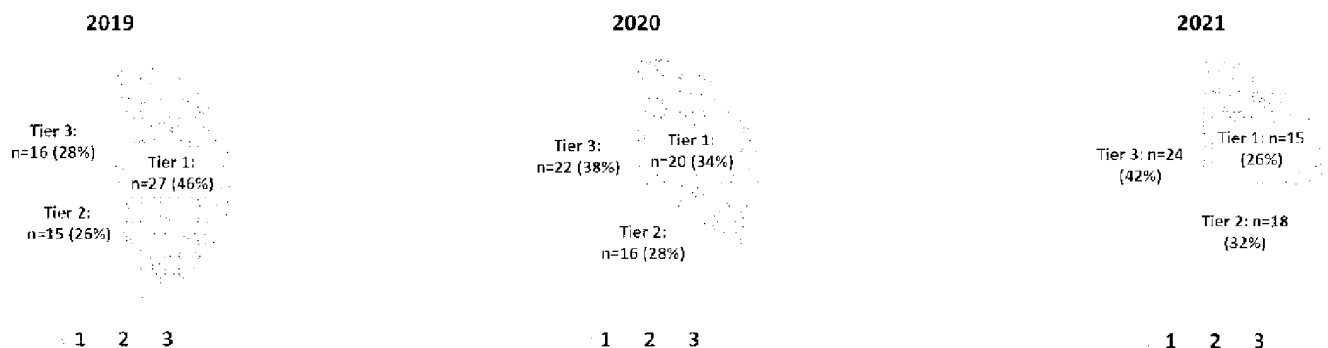
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in Tier 2; and those in Tier 3 are below the median. A continuing concern is the relatively large number of OPOs that are currently in Tier 3, as these OPOs would be automatically decertified and subject to an open competition for another OPO to assume control of their DSA in the final reporting period, 2026. While it was hoped that the number of OPOs in Tier 3 would decline as OPOs sought to identify and address those factors that limited their ability to improve organ procurement, the number of OPOs in Tier 3 has increased. It is noteworthy that the reports reflect data from 2019 and 2020, the period before establishing the new objective outcome measures, so the future 2023-2026 reports may show a more favorable trend. Also, since tier status is a hierarchy relative to all OPOs, there will always be a group that falls below the median into Tier 3. Over time, CMS may see that there is less difference between the tiers as all OPOs attempt to improve their outcomes.

\*Reports will be finalized after an OPO comment period in March. The reports will be finalized and published in April 2023.

### Distribution of OPO Tiers by Year



Based on the 2023 Preliminary OPO Performance Report: **15** OPOs achieved **Tier 1**, 12 of which maintained Tier 1 status for three consecutive years, and two improved from Tiers 2 or 3 in the previous two cycles; **18** OPOs achieved **Tier 2** status and would have to compete to retain their DSAs; and **24** OPOs in **Tier 3** would be decertified and have their DSAs opened to competition.

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### Tier Change Trend

N	2021	2022	2023
12	1	1	1
4	1	1	2
6	1	2	2
3	1	2	3
1	1	2	2
1	1	3	2
1	2	1	1
1	2	1	2
4	2	2	2
1	2	2	3
1	2	3	2
7	2	3	3
1	3	1	1
1	3	2	3
1	3	3	1
1	3	3	2
11	3	3	3

### Tier Change 2022 to 2023

<b>OPOs maintaining the same tier</b> N=43	Tier 1 (14) Tier 2 (11) Tier 3 (18)
<b>Declined</b> N=10	Tier 1 to 2 (5) Tier 2 to 3 (5)
<b>Improved</b> N=4	Tier 3 to 2 (3) Tier 3 to 1 (1)

- Major Issues and Policy Goals:** The OPO final rule (85 FR 77898), effective March 30, 2021, requires the OPO outcome measures to be made publicly available. Annual reports in the 2026 survey cycle (2022-2026) will demonstrate how OPOs compare to each other using the new outcome measures, but CMS will not take enforcement action based on these reports until it begins surveying in January 2026. Posting these data is critical to holding OPOs accountable as a crucial step in reforming the organ donation system. A continuing concern is the relatively large number of OPOs in Tier 3, which would be automatically decertified and have their donation service areas (DSAs) opened to

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competition in the final reporting period, 2026. Over time, CMS may see less difference between the tiers as OPOs improve.

- **Estimated Financial Impact of Policy:** N/A
- **Health Equity Impacts:** While we believe that sharing these reports at this time will most likely spur OPOs to make corrections and improve their performance, we cannot fully estimate the health equity impact at this time. However, we will continue to re-evaluate this impact as we share these reports with the OPOs and move closer to the 2026 enforcement period.
- **Anticipated Stakeholder Reaction:** OPOs are informed about the final rule measure changes and have been engaged in multiple forums to discuss the action, as well as having received and commented on preliminary versions of their reports. CCSQ does not anticipate any negative reaction to this report. Overall, OPOs main concern continues to be how CMS will manage competition for decertified OPOs in 2026.
- **Anticipated Congressional Reaction/ Topics of Significant Interest to Congress:**  
TBD
- **Attachments/Additional Information:** N/A

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## 2. Health Care Microgrid Systems (HCMS)

- **Issue Summary:** CCSQ will brief the Administrator on plans to issue a waiver allowing health care facilities to use clean energy power sources (e.g., HCMSs) in place of generators following the new editions of the National Fire Protection Association (NFPA) codes and standards (the 2021 edition of NFPA 99 and 2023 edition of NFPA 70), as requested by state representatives, facilities, and industry stakeholders.

HCMSs produce electricity from clean energy technologies (e.g., fuel cells, solar panels, wind turbines, energy storage systems, etc.), reducing the environmental and health impacts resulting from generator emissions. In addition to sustainability, these systems can be more reliable, efficient, redundant, and resilient sources of energy than traditional fossil fuel-based generator systems, which are still predominantly being used by the majority of health care facilities. The new editions of the NFPA codes and standards include requirements for the installation, operation, and maintenance of HCMSs, which will provide a comparable level of safety to CMS's currently adopted NFPA codes that require generators.

This allowance will not apply to long-term care facilities providing life support equipment as regulation specifically requires these facilities to use generators without exception.

- **Target Release Date:** April 1, 2023
- **IRA-Related Policies:** Yes. The proposed policy allows health care facilities to use clean energy power sources in place of generators. This will support the Inflation Reduction Act climate change initiative by providing health care facilities with the ability to utilize renewable energy sources that will reduce greenhouse gas emissions and enhance energy security.
- **CMS Component Coordination:** CCSQ components co-authored the memorandum to ensure both acute care, continuing care, and long-term care provider and supplier requirements were considered. In addition, CCSQ reviewed the memorandum to ensure that the proposed alternate sources of power will be appropriately assessed during certification surveys. CCSQ also plans to adopt the 2024 NFPA Health Care Facilities Code, which includes allowances for HCMSs, through regulation in the upcoming Emergency Preparedness Rule.
- **Background/Context:** CMS regulations currently require compliance with the 2012 edition of the NFPA Health Care Facilities Code (NFPA 99), which requires emergency power to be supplied by a generator. The 2021 edition of the NFPA 99 and 2023 National Electric Code (NFPA 70) now permits other sources of emergency power, including HCMSs. HCMSs are small-scale electrical grids where the sources of electricity can be provided by clean energy technologies (e.g., fuel cells, solar, wind,

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energy storage, etc.). In addition to sustainability, these systems can be more reliable and efficient, and provide redundancy and resiliency beyond the traditional use of generators. The new editions of the NFPA codes and standards include requirements for the installation, operation, and maintenance of HCMSs that will provide a comparable level of safety to CMS's currently adopted codes. This allowance has been requested by Senator Edward J. Markey of Massachusetts, the California Department of Health Care Access and Information, and industry stakeholders.

- **Major Goals and Policy Goals:** This policy is intended to allow health care facilities to use HCMSs to produce electricity from clean energy technologies (e.g., fuel cells, solar panels, wind turbines, energy storage systems, etc.), which will reduce the environmental and health impacts resulting from generator emissions.
- **Estimated Financial Impact of Policy:** The proposed policy should not have a financial impact on the federal government, states, clinicians, or enrollees. However, for those health care facilities that elect to implement HCMSs, significant investment will be required for the design, planning, installation, operation, and maintenance of these systems as they are complex, incorporate new technologies, and require qualified personnel to operate and maintain.
- **Health Equity Impacts:** CCSQ expects that the reduction in generator emissions should improve air quality and associated health impacts and potentially reduce health issues for underserved/marginalized populations.
- **Anticipated Stakeholder Reaction:** CMS received requests from Senator Edward J. Markey of Massachusetts, the California Department of Health Care Access and Information, a hospital, and industry stakeholder to allow for the use of clean emergency power (e.g., HCMSs) in place of generators, following the new NFPA codes and standards. Therefore, CCSQ anticipates a positive stakeholder reaction.
- **Anticipated Congressional Reaction/ Topics of Significant Interest to Congress:**  
TBD
- **Attachments/Additional Information:** N/A

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### CCSQ Issues Follow-Up Items

Component	Follow-up Item	Request From	Request Date	Due Date	Status
CCSQ	<p><b>Part 2: Culturally-Competent and Person-Centered Requirements to Increase Access to Care and Improve Quality for All Proposed Rules (CMS-3418-P)</b></p> <ul style="list-style-type: none"> <li>• Proceed with CCSQ's recommended Options 1 and 2 under the <i>Mitigating Burden</i> and <i>Mitigating Litigative Risks</i> discussions, respectively.</li> <li>• Look at other CMS examples for regulating Boards, e.g., in CCIIO.</li> <li>• In the preamble, buttress discussions regarding positive impacts on quality of care and include extensive solicitations for public comment.</li> <li>• Ensure that the final rule can fully maximize flexibility in recognizing priorities expressed in public comment.</li> </ul>	OA	11/29/22	TBD	In progress. Follow-up briefing anticipated for CCSQ Issues 03-28-2023.

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Message

**From:** Ellis (she/her), Kyla (CMS/OA) (b)(6)  
(b)(6)  
**Sent:** 3/21/2023 2:49:42 AM  
**To:** Katch (she/her), Hannah (CMS/OA); (b)(6)  
(b)(6) OToole, Meghan  
(CMS/OA) (b)(6)  
(b)(6); Harris, Will (CMS/OA)  
(b)(6) Richardson (she/her),  
Erin (CMS/OA) (b)(6)  
(b)(6) Yao, Kristiana (CMS/OA)  
(b)(6) Tesfaye, Eden (CMS/OA)  
(b)(6); Kaiser, Alyssa (CMS/OL)  
**Subject:** RE: RE: OA Issues notes - week of 3/20  
**Attachments:** CCIIO Issues Meeting Materials 03-20-2023.pdf

Hi team,

**3/20 CCIIO Issues Meeting**

- The user fee surplus could encourage SBMs; states can choose their SBM user fee/similar tax amount
- User fee analysis is typically straightforward: premium and enrollee assumptions
  - This year, there is uncertainty about the future of subsidies, unwinding transfers/pick-up, and states transitioning to SBMs
- Note: if enough states dropped out of the FFM it would cause instability for the FFM
- See slides for the recommended scenarios re: possible user fees: proposed 2.5%, 2.25% or 2.0% and associated projected surplus
- ACBL and Jon Blum concurred on 2.2% this year and indicate that we're watching the trends and may come back
  - Both want more information about projects to improve the consumer experience with the current user fee money; CCIIO will come back with strategic opportunities on brokers, navigators, etc.

**From:** Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

**Sent:** Monday, March 20, 2023 10:57 AM

**To:** OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Tesfaye, Eden (CMS/OA) <eden.tesfaye@cms.hhs.gov>; Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>

**Subject:** OA Issues notes - week of 3/20

**CMCS Issues – 3.20.23**

- **BHP – OR Issue**

(b)(5)

**(b)(5)**

- **Hub update (non-decisional)**
  - Reminder – the CSI service only available to states currently using it due to funding issues
  - MA, MT, RI – new ask to come in – because Equifax increased rates on their state contracts – additional states may come in with the same ask (in addition to HI and MD)
  - Current year funding unlikely to cover these states’ use of the Hub for CSI pings
- **MO disallowance**
  - State SDPs includes a “hold harmless” arrangement
  - In 2020 – CMS sent a letter to MO with a 2021 date to transition their payments to allowable financing sources
  - In 2022, MO told CMS they no longer intend to honor the arrangement
  - Next step – review of provider tax structure – outlined in July 2022 letter from CMS to MO
  - Review final this week; \$236M deferral for impermissible provider tax arrangement – amount calculated based on statutory requirements (per quarter)
    - Regulatory deadline – March 31
    - CMCS will call Medicaid director prior to the communication
  - **ACBL concurrence – she would like to call the Governor prior to the 3/31 letter (with Dan)**
    - Need OC and OL reactives



Office of Strategic Operations and Regulatory Affairs

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March 17, 2023

**To:** Chiquita Brooks-LaSure  
Administrator

Jonathan Blum  
Principal Deputy Administrator and Chief Operating Officer

**Through:** Kathleen Cantwell  
Director

**From:** Alexis T. Barnett Sherrill  
Policy Coordinator

**SUBJECT:** CCHIO Issues Meeting: Administrator Level

**DATE:** Monday, March 20, 2023

**TIME:** 3:15 PM – 4:00 PM

**PLACE:** 314G/Zoom:

<https://cms.zoomgov.com/join/9212270700> (b)(6)

**IRA-Related Policies:** No

**Participants:** OA: Erin Richardson, Kyla Ellis, Hannah Katch, Will Harris, Kristiana Yao, Eden Tesfaye; CCHIO: Ellen Montz, Jeff Wu, Rogelyn McLean, Lisa Wilson, Lina Rashid, Michelle Koltov; CMCS: Daniel Tsai; OGC: Janice Hoffman, Barbara Fisher; OSORA: Kathleen Cantwell; OACT: Paul Spitalnic; OL: Arielle Woronoff, Jennifer Boulanger, Andrew Dawson; CM: Meena Seshamani; OC: Bruce Alexander; OPOLE: Nancy O'Connor; OBRHI: Mary Greene; OEDA: Allison Oelschlaeger; OSPR: Jennifer Worden

**Purpose:** This meeting is being held to brief you and request your guidance on the items below.

**Agenda:**

**Decisional Item:**

**1. Finalizing 2024 Federally-Facilitated Exchange (FFE) and State-Based Exchange on the Federal Platform (SBE-FP) User Fee Rates**

Seek approval to finalize reduced FFE and SBE-FP user fee rates in the 2024 Notice of Benefit Payment Parameters (2024 Payment Notice) final rule. The FFE and SBE-FP user fee rates are charged as a percent of total monthly premium as a means of generating funding to support Exchange operations. In the 2024 Payment Notice proposed rule, we proposed to reduce the FFE and SBE-FP user fee rates from their 2023 levels of 2.75 percent in the FFE and 2.25 percent in the SBE-FP, to 2.5 percent in the FFE and 2.0 percent in the SBE-FP. Since proposing the reduced user fee rates, our projections of user fee carryover through 2028 has increased significantly due to

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changes in our enrollment projections, leading CCHIO to consider reducing the 2024 user fee rates. Therefore, CCHIO recommends further reducing the 2024 user fee rates by a quarter point to 2.25 percent of premiums in the FFE and 1.75 percent in the SBE-FP.

- Decision Deadline: March 20, 2023
- Briefers: Ellen Montz and Jeff Wu
- Page 1

**Follow-up Item:**

**2. CCHIO Issues Follow-up Items** – None at this time.

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## Decision Item for Administrator

### Finalizing 2024 Federally-Facilitated Exchange (FFE) and State-Based Exchange on the Federal Platform (SBE-FP) User Fee Rates

- **Decision Needed By:** March 20, 2023
- **Target Release Date:** April 17, 2023
- **IRA-Related Policies:** No
- **CMS Cross-Component Coordination:** No
- **Issue Summary:** CCIIO seeks the Administrator's approval to finalize reduced FFE and SBE-FP user fee rates in the 2024 Notice of Benefit and Payment Parameters (2024 Payment Notice) final rule. The FFE and SBE-FP user fee rates are charged as a percent of total monthly premium as a means of generating funding to support Exchange operations. In the 2024 Payment Notice proposed rule, we proposed to reduce the FFE and SBE-FP user fee rates from their 2023 levels of 2.75 percent in the FFE and 2.25 percent in the SBE-FP, to 2.5 percent in the FFE and 2.0 percent in the SBE-FP. Since proposing the reduced user fee rates, our projections of user fee carryover through 2028 has increased significantly due to changes in our enrollment projections, leading CCIIO to consider reducing the 2024 user fee rates. Therefore, CCIIO recommends further reducing the 2024 user fee rates by a quarter point to 2.25 percent of premiums in the FFE and 1.75 percent in the SBE-FP.
- **Policy Goals:** Set the 2024 FFE and SBE-FP user fee rates at levels that will ensure sufficiently large carryover without accumulating excessive surplus, and will not be so high that they incentivize FFE states to transition to SBEs.
- **Background/Context:** At the time that we proposed reducing user fee rates from their 2023 levels of 2.75 percent in the FFE and 2.25 percent in the SBE-FP, to 2.5 percent in the FFE and 2.0 percent in the SBE-FP in the 2024 Payment Notice proposed rule, we projected carryover to remain relatively flat at around \$1.5 billion through 2028. That projected carryover amount was consistent with actual carryover levels in recent years.

After publishing the proposed 2024 Payment Notice proposed rule, two major events occurred that changed our carryover projections for the 2024 benefit year and beyond, and prompted CCIIO to reassess the 2024 projected enrollment used in user fee calculations:

1. The first event was the record 2023 Marketplace Open Enrollment.
2. The second event was the Consolidated Appropriations Act, 2023, signed into law on December 29, 2022, which included provisions that provided certainty that Medicaid redeterminations would take place beginning in 2023.

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After updating user fee carryover projections to reflect those two enrollment events, we estimated that carryover under the proposed user fee rates of 2.5 percent in the FFE and 2.0 percent in the SBE-FP, would grow to over \$2.5 billion by the end of 2024. While we want to avoid accumulating excessive carryover, we also are cognizant of the enrollment impact that potential state transitions from FFEs to SBEs could have. Specifically, we examined the potential effects of GA transitioning to an SBE in 2024, and MI and TX transitioning to an SBE in 2025.

- **Recommendation:** CCIIO recommends further reducing the FFE and SBE-FP user fee rates to 2.25 percent of total premium in the FFE and 1.75 percent of total premium in the SBE-FP. We believe these rates will balance the potential increase in enrollment from Medicaid redeterminations and record open enrollments increasing user fee carryover, with the potential decrease in enrollment subject to the potential transitions of several states from FFEs to SBEs in 2024 and 2025 (GA, MI, and TX) decreasing user fee carryover. Additionally, a lower user fee rate may put downward pressure on premiums and may change the FFE states' incentive to transition from FFEs to SBEs in order to increase cost savings from a potentially lower user fee rate as an SBE.
- **Estimated Financial Impact of Policy:** We estimate that further reducing FFE and SBE-FP user fee rates to 2.25 percent and 1.75 percent respectively, would reduce projected carryover through 2028, while ensuring that carryover does not fall below \$500 million in the scenario that GA transitions to an SBE in 2024, and MI and TX transition to SBEs in 2025.
- **Health Equity Impacts:** The intended outcome of the FFE and SBE-FP user fees is to cover the Federal activities in connection with the operation of FFEs and the special benefits that participating issuers receive. These Federal activities include consumer assistance tools and consumer outreach and education, which can be especially beneficial to underserved communities and hard to reach populations.
- **Anticipated Stakeholder Reaction:** Many commenters objected to the proposed reduction in FFE and SBE-FP user fee rates in the 2024 Payment Notice proposed rule. We anticipate that those commenters will object to finalizing even lower FFE and SBE-FP user fee rates. However, we believe that their objections are based on an assumption that reduced user fee rates equates to reduced funding of outreach and education services. In the final rule, we will explain that increased enrollment estimates enable further reduction to user fee rates without decreasing projected collections and we will fully fund all outreach and education services.
- **Anticipated Congressional Reaction/ Topics of Significant Interest to Congress:**  
TBD
- **OGC Analysis:** OGC has advised that, (b)(5)

(b)(5)

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- **Related External Rollout, Including Messaging:** There is a QHP Issuer and State Virtual event scheduled for Wednesday, April 12, 2023. During that event, we will brief attendees on FFE and SBE-FP user fees and will signal that, due to an increase in enrollment estimates, we are reconsidering the user fee rates in the 2024 Payment Notice final rule.
- **Attachments/Additional Information:** User Fee Carryover Projections

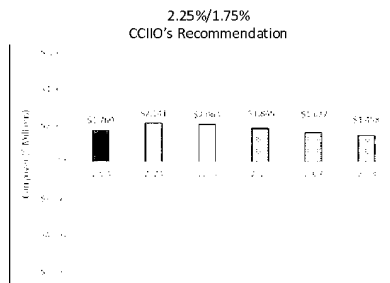
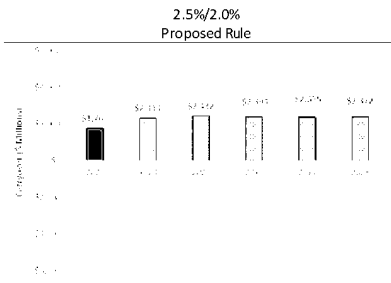
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## User Fee Carryover Projections

### User Fee Carryover Projections (1.7M Unwind Enrollees)

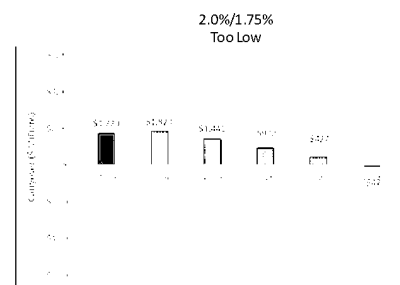
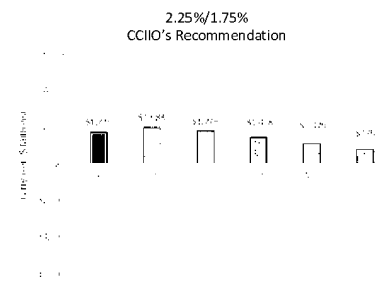
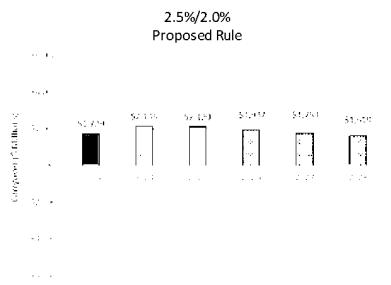
- State transition assumptions
  - VA transitions from SBE-FP to SBE in 2024
  - GA transitions from FFE to SBE in 2024
  - TX transitions from FFE to SBE in 2025
  - MI transitions from FFE to SBE in 2025
- Medicaid unwinding assumptions
  - 1.7M enrollees added to FFE/SBE-FP



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### User Fee Carryover Projections (1M Unwind Enrollees)

- State transition assumptions
  - VA transitions from SBE-FP to SBE in 2024
  - GA transitions from FFE to SBE in 2024
  - TX transitions from FFE to SBE in 2025
  - MI transitions from FFE to SBE in 2025
- Medicaid unwinding assumptions
  - 1M enrollees added to FFE/SBE-FP



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Message

**From:** Wiley, Evelyn (CMS/CMCS) (b)(6)  
(b)(6)  
**Sent:** 4/24/2023 5:53:50 PM  
**To:** Howe, Rory (CMS/CMCS) (b)(6)  
(b)(6)  
**CC:** Maccarroll, Amber (CMS/CMCS) (b)(6)  
(b)(6); Silanskis, Jeremy  
(CMS/CMCS) (b)(6)  
(b)(6); Arnold, Charlie  
(CMS/CMCS) (b)(6)  
(b)(6); Goldstein, Stuart  
(CMS/CMCS) (b)(6)  
(b)(6); Clark, Jennifer  
(CMS/CMCS) (b)(6)  
(b)(6); Thompson, Christopher  
(CMS/CMCS) (b)(6)  
(b)(6); Badaracco, Andrew  
(b)(6)  
**Subject:** RE: RE: Touching base on financing and supplemental payments?

Will do.

*Evelyn Wiley*

Centers for Medicare & Medicaid Services (CMS)  
Center for Medicaid and CHIP Services (CMCS)  
Financial Management Group (FMG)  
410.786.8972 [evelyn.wiley@cms.hhs.gov](mailto:evelyn.wiley@cms.hhs.gov)  
7500 Security Blvd.  
Mail Stop, S3-14-28  
Baltimore, MD 21244-1850

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Monday, April 24, 2023 1:45 PM  
**To:** Wiley, Evelyn (CMS/CMCS) <Evelyn.Wiley@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Thompson, Christopher (CMS/CMCS) <Christopher.Thompson@cms.hhs.gov>; Badaracco, Andrew (CMS/CMCS) <Andrew.Badaracco@cms.hhs.gov>  
**Subject:** FW: Touching base on financing and supplemental payments?

Hi Evelyn. Please include everyone on the "cc:" line on the appointment, recognizing that we should have sufficient coverage as long as we have one attendee from each of DFP and DRP. Thanks!

Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Monday, April 24, 2023 1:42 PM  
**To:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Cc:** Wiley, Evelyn (CMS/CMCS) <[Evelyn.Wiley@cms.hhs.gov](mailto:Evelyn.Wiley@cms.hhs.gov)>  
**Subject:** RE: Touching base on financing and supplemental payments?

Hi Rob,

Apologies for the delayed response. It is good to hear from you and I hope you are doing well, too. We are happy to talk. I've copied Evelyn Wiley to help with scheduling on our end. Also, FYI, I will loop in a few others from FMG to make sure you are getting all the information that you need. Looking forward to talking soon.

Rory

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Sent:** Monday, April 24, 2023 1:12 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** Re: Touching base on financing and supplemental payments?

Hi Rory -

I hope you had a good weekend. Just wanted to follow up on this request. Feel free to direct me to others on your team if needed.

Thanks,

~ Rob

On Mon, Apr 17, 2023 at 8:54 AM Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)> wrote:

Rory -

I hope you're doing well. At MACPAC, we're starting some new work on oversight of non-federal share financing, and our new ED, Kate Massey, mentioned that Dan suggested we reach out to you and your team to learn more about some of the current issues you're working on, including the recent hold harmless issues with local provider taxes.

Also, I just wanted to give you a heads up that we're continuing to run into issues accessing the new provider-level supplemental payments data, since we don't seem to have access to it in MACFin. We're open to other ways to get this data if the system isn't working. For example, we just worked with DEHPG to have them upload all of the directed payment pre-prints to our secure shared file site on Box.com.

Happy to set up time to chat about both of these issues whenever you're available. I recognize that different teams might be involved in each issue, so we can set up separate calls if that's easier. Also, feel free to give me a call at (b)(6) if it's easier to chat on the phone.

~ Rob

----- Forwarded message -----

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Date:** Tue, Apr 11, 2023 at 5:02 PM  
**Subject:** Re: Request: CMS MACFin data  
**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>  
**Cc:** Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>, Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>, Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>, Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>, Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>, Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>, Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

Thanks all for your continued help on this issue.

At this point, we are primarily interested in reviewing the hospital-specific data for inpatient and outpatient hospital supplemental payments that has been submitted under the new reporting requirements of the Consolidated Appropriations Act 2021. These data are needed to inform our larger analyses of hospital supplemental payments.

I recognize that you are continuing to have challenges making this data available through MACFin, but we are happy to receive the data in whatever format you can send it in. If it helps, we can provide an upload link to our file sharing site on Box.com. This is a process we have used in the past with other CMS divisions for large data files.

Happy to discuss further if you have any questions.

~ Rob

On Tue, Apr 11, 2023 at 4:46 PM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Rob,

We have not made the reports available for review because we are still working to transition to a new site. We will let you know once they are available. If you let us know the specific reports needed and we can work to provide them. I appreciate your patients as we work to improve MACFin.

Thanks,

Robert

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Sent:** Monday, April 10, 2023 2:03 PM

**To:** Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>

**Cc:** Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Hi all -

I just wanted to follow up to see if you had any more updates on getting us access to the UPL reports. The link in the MACfin system still does not work for me.

Thanks,

- Rob

On Wed, Mar 8, 2023 at 9:34 AM Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)> wrote:

I approved MACFIN accesses for Chris P. and Aaron Pervin

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 4:40 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>; Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob, just so that you have Aaron's email, I copied him on this chain

On Tue, Mar 7, 2023 at 10:06 AM Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)> wrote:

Yes, that works for me. Thanks

On Tue, Mar 7, 2023 at 9:47 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

I will send an appointment for 4-4:30pm to hold. Let me know if that works.

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 9:27 AM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>  
**Subject:** Re: Request: CMS MACFin data

Rob,

Rob Nelb and I are available from 3-5 pm today. If necessary, we could also meet over lunch from 11:30 - 1pm. If you can't meet at those times, then feel free to schedule something with Rob while I'm out.

Thanks,

Chris

On Tue, Mar 7, 2023 at 9:01 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

Can we schedule some time to discuss your request and what you need access too so that we can figure out how to give you access until we finish development? It would also be helpful for us to understand what you need access to as we build out our user management module. If we can't schedule today. Maybe we can work with Rob later this week or next week.

Thanks,

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, March 6, 2023 12:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Cc:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Robert,

The MACFin help desk had advised me to just select FMG read-only access, but that wasn't a clear option. My colleague Rob Nelb, who is copied on this email, just went through the process and selected FMG (not sure which division) and got approved. But none of the reports seem to generate data. Is there another CMS branch we could select until the system is built out? For example, I would guess that our use of the data will be similar to OACT.

We primarily want access to the UPL demonstration data and the CMS-37 reports at this point. However, we will likely want to get the most updated data as we go along, so we may have a lot of data requests, so it would be good to have access as soon as possible.

I'll be out of the office starting Wednesday, March 8 through the end of the month, but if you could work with Rob Nelb about getting the UPL data at this point that would be great.

Chris

On Mon, Mar 6, 2023 at 11:54 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

As Rory indicates below, we are still developing the user management for MACFin. It may take some time to build in the access for non-CMS Federal employees. If you have an immediate data need please let me and we will try to assist.

Thanks,

Robert

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Friday, March 3, 2023 3:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Subject:** RE: Request: CMS MACFin data

Rory,

Appreciate your patience. When MACPAC has a Commission meeting, our week is more hectic than usual.

Thank you for referring us to Robert. I'm moving us all to 'bcc' now and introducing Robert and Chris virtually so that they can partner together on next steps.

We are grateful for your responsiveness and partnership. Have a great weekend!

Kate

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 4:50 PM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Hi Kate,

Thanks for reaching out. I apologize that Chris is having some challenges obtaining MACFin access. As we continue to transition from MBES to MACFin, our process for providing MACFin access to external users is still under development. In the interim, we would be happy to connect with Chris to fulfill his current data needs directly and to get system access moving forward. I've looped in Robert Lane, the Director of the Division of Financial Operations East, who oversees the business aspects of MACFin. Robert and team are happy to work with Chris directly.

Please let me know if you have questions or need anything else.

Thanks,

Rory

Rory Howe

Director

Financial Management Group

CMS/CMCS

443-615-1277

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Tuesday, February 28, 2023 12:00 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** RE: Request: CMS MACFin data

Thanks so much, Lela. Moving you and Anne Marie to 'bcc' moving forward.

Hi Rory, MACPAC has been working to secure access to key Medicaid data that will inform our analytic work next year. In particular, Chris Park has been trying to secure access to certain MACFin modules but has been challenged throughout the process since our role isn't part of the preselected options flagged during registration.

Would you be able to help us navigate the approval process? Also, happy to jump on a brief call if that would help identify which data we need.

Let us know. Thanks!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission



Pronouns: she/her/hers

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2700

[www.macpac.gov](http://www.macpac.gov)

**From:** Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 10:46 AM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Good Morning Kate,

Yes, I can place you in contact with Rory (copied here) for assistance.

Thank you,

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Monday, February 27, 2023 7:57 PM

**To:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>

**Subject:** Request: CMS MACFin data

Hi Anne Marie and Lela,

Sorry to bother you with this request since so much is going on. In good news, MACPAC was able to connect with Jen Bowdoin and secure the HCBS ARPA spending plans. However, we are still hoping to gain access to MACFin.

Is there any point of contact with whom we can partner? Because next year's work hinges on these data, we need to understand its availability and breadth.

Let us know. Thanks so much for your help.

Kate

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Wednesday, February 15, 2023 3:53 PM  
**To:** 'Costello, Anne Marie (CMS/CMCS)' <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; 'Teal, Lela (CMS/CMCS)' <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Kirstin Blom <[kirstin.blom@macpac.gov](mailto:kirstin.blom@macpac.gov)>  
**Subject:** Request: CMS data and HCBS ARPA state submissions

Hi Anne Marie and Lela,

MACPAC is in the process of gearing up for the analyses that we will present to the Commission during our next analytic cycle. As we have been working to build out the projects, there are several that would utilize Medicaid program data managed by CMS. For example, we are interested in accessing MACFin because the CMS-37 projected spending reports have been moved from MBES (which MACPAC has access to) to MACFin. We use the CMS-37 for the territories to help project what funding they may need in future years. Also, several things are being transitioned into MACFin, such as the UPL demonstrations and DSH audit data and these data will feed into next year's project work.

MACPAC doesn't fall neatly into the predetermined categories of users so our attempts to establish access have stalled. Chris Park is the primary analyst who has been working to secure access to the data. I've copied an email chain below so that you can see how he's been approaching the request. If there is anything that you can

do to help us navigate the approval process or provide a point of contact, we'd greatly appreciate the help. Some of our projects will not be able to move forward without access to these new data.

Also, can you please provide any direction to secure access to HCBS spending plans (submitted quarterly) and spending narratives (submitted every other quarter)? We have committed to monitor the ARPA HCBS spending plans until the resources are expended. Thus far, we have been interviewing states and tracking publicly available data; however, the state submissions will help to fill out our monitoring activities.

Please let me know if you have any questions. Thanks in advance – as always – for your help!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: she/her/hers

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2700

[www.macpac.gov](http://www.macpac.gov)

\*\*\*\*\*

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Monday, December 5, 2022 10:37 AM  
**To:** Kate Massey <[katherine.massey@macpac.gov](mailto:katherine.massey@macpac.gov)>; Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** Fwd: Question on MACFin user type

----- Forwarded message -----

**From:** **Chris Park** <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Date:** Mon, Sep 19, 2022 at 10:52 AM  
**Subject:** Re: Question on MACFin user type  
**To:** MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)>  
**Cc:** MACFinHDTier2 <[MACFinHDTier2@dcca.com](mailto:MACFinHDTier2@dcca.com)>

Hi all, just checking in on this question I had about selecting a user type for MACFin access.

Thanks,

Chris

On Fri, Sep 9, 2022 at 1:35 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Adding Tier 2

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Friday, September 9, 2022 1:28 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Re: Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
---

Hi,

Thanks for the follow-up, but I'm not sure how to select FMG Read-only access. I can get to FMG by selecting a user type of CMS Federal and group/office of FMG, but then it requires me to select a division and possibly a branch. Which options should I choose under division and if necessary, branch.

Division: choices are Division of Financial Operations East, Division of Financial Operations West, Division of Financial Policy, Division of Reimbursement Policy, Front Office, and Division of Reimbursement Review.

Other options for division such as DSG, OFM, OACT, and Others don't require me to select a division. Should I choose one of those instead?

Thanks,

Chris

On Fri, Sep 9, 2022 at 12:25 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Good afternoon Chris,

My apologies for the delay as my team discussed this internally. The recommended role for you to use would be FMG Read-only access.

Thanks,

Danielle

MACFin Tier 2 – Technical Support

[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)

833-879-6075

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Thursday, September 1, 2022 3:23 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Question on MACFin user type

**External Email** - Please be cautious when opening links or attachments.

Hi,

I'm an analyst with MACPAC and have recently been granted access to MACFin. I'm at the step upon the first log-on where I am asked to select a user type. MACPAC does not fit into any of the provided selections. We are not a state user, CMS group/office, or a contractor. On our DUA with CMS, we have been classified as an oversight agency. We do not need to enter or edit any information, but rather would like to generate reports using a variety of data such as the CMS-37, DSH audit, UPL demonstration, etc. Do you have a suggestion on what I should select?

Thanks,

Chris

--

Chris Park

Principal Analyst

Medicaid and CHIP Payment and Access Commission

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2024

Fax: (202) 273-2452

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Robert Nelb, MPH  
Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

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Robert Nelb, MPH  
Principal Analyst  
MACPAC - Medicaid and CHIP Payment and Access Commission  
Pronouns: he/him/his

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Pronouns: he/him/his

--

Robert Nelb, MPH  
Principal Analyst  
MACPAC - Medicaid and CHIP Payment and Access Commission  
Pronouns: he/him/his

Message

**From:** Wiley, Evelyn (CMS/CMCS) (b)(6)  
(b)(6)  
**Sent:** 4/24/2023 6:55:18 PM  
**To:** Arnold, Charlie (CMS/CMCS) (b)(6)  
(b)(6) Goldstein, Stuart  
(CMS/CMCS) (b)(6)  
(b)(6) Thompson, Christopher  
(CMS/CMCS) (b)(6)  
(b)(6) Badaracco, Andrew  
(CMS/CMCS) (b)(6)  
(b)(6) Clark, Jennifer  
(CMS/CMCS) (b)(6)  
**CC:** Maccarroll, Amber (CMS/CMCS) (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS) (b)(6)  
(b)(6) Howe, Rory (CMS/CMCS)  
**Subject:** Touching base on financing and supplemental payments?

Hi DRP and DFP.

I will provide the following times to Robert Nelb unless someone objects. We can schedule it for 45 minutes?

Tuesday, May 2<sup>nd</sup>

1:00 pm – 1:45 pm

1:30 pm – 2:15 pm

2:00 pm – 2:45 pm

*Evelyn Wiley*

Centers for Medicare & Medicaid Services (CMS)

Center for Medicaid and CHIP Services (CMCS)

Financial Management Group (FMG)

410.786.8972 [evelyn.wiley@cms.hhs.gov](mailto:evelyn.wiley@cms.hhs.gov)

7500 Security Blvd.

Mail Stop, S3-14-28

Baltimore, MD 21244-1850

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

**Sent:** Monday, April 24, 2023 1:45 PM

**To:** Wiley, Evelyn (CMS/CMCS) <Evelyn.Wiley@cms.hhs.gov>

**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Thompson, Christopher (CMS/CMCS) <Christopher.Thompson@cms.hhs.gov>; Badaracco, Andrew (CMS/CMCS) <Andrew.Badaracco@cms.hhs.gov>

**Subject:** FW: Touching base on financing and supplemental payments?

Hi Evelyn. Please include everyone on the "cc:" line on the appointment, recognizing that we should have sufficient coverage as long as we have one attendee from each of DFP and DRP. Thanks!

Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Monday, April 24, 2023 1:42 PM  
**To:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Cc:** Wiley, Evelyn (CMS/CMCS) <[Evelyn.Wiley@cms.hhs.gov](mailto:Evelyn.Wiley@cms.hhs.gov)>  
**Subject:** RE: Touching base on financing and supplemental payments?

Hi Rob,

Apologies for the delayed response. It is good to hear from you and I hope you are doing well, too. We are happy to talk. I've copied Evelyn Wiley to help with scheduling on our end. Also, FYI, I will loop in a few others from FMG to make sure you are getting all the information that you need. Looking forward to talking soon.

Rory

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Sent:** Monday, April 24, 2023 1:12 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** Re: Touching base on financing and supplemental payments?

Hi Rory -

I hope you had a good weekend. Just wanted to follow up on this request. Feel free to direct me to others on your team if needed.

Thanks,

~ Rob

On Mon, Apr 17, 2023 at 8:54 AM Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)> wrote:

Rory -

I hope you're doing well. At MACPAC, we're starting some new work on oversight of non-federal share financing, and our new ED, Kate Massey, mentioned that Dan suggested we reach out to you and your team to learn more about some of the current issues you're working on, including the recent hold harmless issues with local provider taxes.

Also, I just wanted to give you a heads up that we're continuing to run into issues accessing the new provider-level supplemental payments data, since we don't seem to have access to it in MACFin. We're open to other ways to get this data if the system isn't working. For example, we just worked with DEHPG to have them upload all of the directed payment pre-prints to our secure shared file site on Box.com.

Happy to set up time to chat about both of these issues whenever you're available. I recognize that different teams might be involved in each issue, so we can set up separate calls if that's easier. Also, feel free to give me a call at (b)(6) if it's easier to chat on the phone.

~ Rob

----- Forwarded message -----

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Date:** Tue, Apr 11, 2023 at 5:02 PM

Subject: Re: Request: CMS MACFin data

To: Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

Cc: Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>, Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>, Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>, Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>, Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>, Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>, Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

Thanks all for your continued help on this issue.

At this point, we are primarily interested in reviewing the hospital-specific data for inpatient and outpatient hospital supplemental payments that has been submitted under the new reporting requirements of the Consolidated Appropriations Act 2021. These data are needed to inform our larger analyses of hospital supplemental payments.

I recognize that you are continuing to have challenges making this data available through MACFin, but we are happy to receive the data in whatever format you can send it in. If it helps, we can provide an upload link to our file sharing site on Box.com. This is a process we have used in the past with other CMS divisions for large data files.

Happy to discuss further if you have any questions.

~ Rob

On Tue, Apr 11, 2023 at 4:46 PM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Rob,

We have not made the reports available for review because we are still working to transition to a new site. We will let you know once they are available. If you let us know the specific reports needed and we can work to provide them. I appreciate your patients as we work to improve MACFin.

Thanks,

Robert

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Sent:** Monday, April 10, 2023 2:03 PM

**To:** Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>

**Cc:** Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Hi all -

I just wanted to follow up to see if you had any more updates on getting us access to the UPL reports. The link in the MACfin system still does not work for me.

Thanks,

- Rob

On Wed, Mar 8, 2023 at 9:34 AM Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)> wrote:

I approved MACFIN accesses for Chris P. and Aaron Pervin

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 4:40 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>; Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob, just so that you have Aaron's email, I copied him on this chain

On Tue, Mar 7, 2023 at 10:06 AM Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)> wrote:

Yes, that works for me. Thanks

On Tue, Mar 7, 2023 at 9:47 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

I will send an appointment for 4-4:30pm to hold. Let me know if that works.

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 9:27 AM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob,

Rob Nelb and I are available from 3-5 pm today. If necessary, we could also meet over lunch from 11:30 - 1pm. If you can't meet at those times, then feel free to schedule something with Rob while I'm out.

Thanks,

Chris

On Tue, Mar 7, 2023 at 9:01 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

Can we schedule some time to discuss your request and what you need access too so that we can figure out how to give you access until we finish development? It would also be helpful for us to understand what you need access to as we build out our user management module. If we can't schedule today. Maybe we can work with Rob later this week or next week.

Thanks,

Robert



**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, March 6, 2023 12:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Cc:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Robert,

The MACFin help desk had advised me to just select FMG read-only access, but that wasn't a clear option. My colleague Rob Nelb, who is copied on this email, just went through the process and selected FMG (not sure which division) and got approved. But none of the reports seem to generate data. Is there another CMS branch we could select until the system is built out? For example, I would guess that our use of the data will be similar to OACT.

We primarily want access to the UPL demonstration data and the CMS-37 reports at this point. However, we will likely want to get the most updated data as we go along, so we may have a lot of data requests, so it would be good to have access as soon as possible.

I'll be out of the office starting Wednesday, March 8 through the end of the month, but if you could work with Rob Nelb about getting the UPL data at this point that would be great.

Chris

On Mon, Mar 6, 2023 at 11:54 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

As Rory indicates below, we are still developing the user management for MACFin. It may take some time to build in the access for non-CMS Federal employees. If you have an immediate data need please let me and we will try to assist.

Thanks,

Robert

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Friday, March 3, 2023 3:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Subject:** RE: Request: CMS MACFin data

Rory,

Appreciate your patience. When MACPAC has a Commission meeting, our week is more hectic than usual.

Thank you for referring us to Robert. I'm moving us all to 'bcc' now and introducing Robert and Chris virtually so that they can partner together on next steps.

We are grateful for your responsiveness and partnership. Have a great weekend!

Kate

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 4:50 PM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Hi Kate,

Thanks for reaching out. I apologize that Chris is having some challenges obtaining MACFin access. As we continue to transition from MBES to MACFin, our process for providing MACFin access to external users is still under development. In the interim, we would be happy to connect with Chris to fulfill his current data needs directly and to get system access moving forward. I've looped in Robert Lane, the Director of the Division of Financial Operations East, who oversees the business aspects of MACFin. Robert and team are happy to work with Chris directly.

Please let me know if you have questions or need anything else.

Thanks,

Rory

Rory Howe

Director

Financial Management Group

CMS/CMCS

443-615-1277

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Tuesday, February 28, 2023 12:00 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** RE: Request: CMS MACFin data

Thanks so much, Lela. Moving you and Anne Marie to 'bcc' moving forward.

Hi Rory, MACPAC has been working to secure access to key Medicaid data that will inform our analytic work next year. In particular, Chris Park has been trying to secure access to certain MACFin modules but has been challenged throughout the process since our role isn't part of the preselected options flagged during registration.

Would you be able to help us navigate the approval process? Also, happy to jump on a brief call if that would help identify which data we need.

Let us know. Thanks!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

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1800 M Street, NW, Suite 650 South

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Direct Dial: (202) 350-2700

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**From:** Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 10:46 AM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Good Morning Kate,

Yes, I can place you in contact with Rory (copied here) for assistance.

Thank you,

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Monday, February 27, 2023 7:57 PM

**To:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Teal, Lela (CMS/CMCS)

<[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>

**Subject:** Request: CMS MACFin data

Hi Anne Marie and Lela,

Sorry to bother you with this request since so much is going on. In good news, MACPAC was able to connect with Jen Bowdoin and secure the HCBS ARPA spending plans. However, we are still hoping to gain access to MACFin.

Is there any point of contact with whom we can partner? Because next year's work hinges on these data, we need to understand its availability and breadth.

Let us know. Thanks so much for your help.

Kate

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Wednesday, February 15, 2023 3:53 PM

**To:** 'Costello, Anne Marie (CMS/CMCS)' <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; 'Teal, Lela (CMS/CMCS)' <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Kirstin Blom <[kirstin.blom@macpac.gov](mailto:kirstin.blom@macpac.gov)>

**Subject:** Request: CMS data and HCBS ARPA state submissions

Hi Anne Marie and Lela,

MACPAC is in the process of gearing up for the analyses that we will present to the Commission during our next analytic cycle. As we have been working to build out the projects, there are several that would utilize Medicaid program data managed by CMS. For example, we are interested in accessing MACFin because the CMS-37 projected spending reports have been moved from MBES (which MACPAC has access to) to MACFin. We use the CMS-37 for the territories to help project what funding they may need in future years. Also, several things are

being transitioned into MACFin, such as the UPL demonstrations and DSH audit data and these data will feed into next year's project work.

MACPAC doesn't fall neatly into the predetermined categories of users so our attempts to establish access have stalled. Chris Park is the primary analyst who has been working to secure access to the data. I've copied an email chain below so that you can see how he's been approaching the request. If there is anything that you can do to help us navigate the approval process or provide a point of contact, we'd greatly appreciate the help. Some of our projects will not be able to move forward without access to these new data.

Also, can you please provide any direction to secure access to HCBS spending plans (submitted quarterly) and spending narratives (submitted every other quarter)? We have committed to monitor the ARPA HCBS spending plans until the resources are expended. Thus far, we have been interviewing states and tracking publicly available data; however, the state submissions will help to fill out our monitoring activities.

Please let me know if you have any questions. Thanks in advance – as always – for your help!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: she/her/hers

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Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2700

[www.macpac.gov](http://www.macpac.gov)

\*\*\*\*\*

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Monday, December 5, 2022 10:37 AM  
**To:** Kate Massey <[katherine.massey@macpac.gov](mailto:katherine.massey@macpac.gov)>; Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** Fwd: Question on MACFin user type

----- Forwarded message -----

From: **Chris Park** <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
Date: Mon, Sep 19, 2022 at 10:52 AM  
Subject: Re: Question on MACFin user type  
To: MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)>  
Cc: MACFinHDTier2 <[MACFinHDTier2@dcca.com](mailto:MACFinHDTier2@dcca.com)>

Hi all, just checking in on this question I had about selecting a user type for MACFin access.

Thanks,

Chris

On Fri, Sep 9, 2022 at 1:35 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Adding Tier 2

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Friday, September 9, 2022 1:28 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Re: Question on MACFin user type

**External Email** - Please be cautious when opening links or attachments.

Hi,

Thanks for the follow-up, but I'm not sure how to select FMG Read-only access. I can get to FMG by selecting a user type of CMS Federal and group/office of FMG, but then it requires me to select a division and possibly a branch. Which options should I choose under division and if necessary, branch.

Division: choices are Division of Financial Operations East, Division of Financial Operations West, Division of Financial Policy, Division of Reimbursement Policy, Front Office, and Division of Reimbursement Review.

Other options for division such as DSG, OFM, OACT, and Others don't require me to select a division. Should I choose one of those instead?

Thanks,

Chris

On Fri, Sep 9, 2022 at 12:25 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Good afternoon Chris,

My apologies for the delay as my team discussed this internally. The recommended role for you to use would be FMG Read-only access.

Thanks,

Danielle



MACFin Tier 2 – Technical Support

[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)

833-879-6075

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Thursday, September 1, 2022 3:23 PM

**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>

**Subject:** Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
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Hi,

I'm an analyst with MACPAC and have recently been granted access to MACFin. I'm at the step upon the first log-on where I am asked to select a user type. MACPAC does not fit into any of the provided selections. We are not a state user, CMS group/office, or a contractor. On our DUA with CMS, we have been classified as an oversight agency. We do not need to enter or edit any information, but rather would like to generate reports using a variety of data such as the CMS-37, DSH audit, UPL demonstration, etc. Do you have a suggestion on what I should select?

Thanks,

Chris

--

Chris Park

Principal Analyst

Medicaid and CHIP Payment and Access Commission

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2024

Fax: (202) 273-2452

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--

Robert Nelb, MPH  
Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

--

Robert Nelb, MPH  
Principal Analyst  
MACPAC - Medicaid and CHIP Payment and Access Commission  
Pronouns: he/him/his

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Pronouns: he/him/his

--

Robert Nelb, MPH  
Principal Analyst  
MACPAC - Medicaid and CHIP Payment and Access Commission  
Pronouns: he/him/his

Message

**From:** Thompson, Christopher (CMS/CMCS) (b)(6)  
(b)(6)  
**Sent:** 4/24/2023 6:59:06 PM  
**To:** Wiley, Evelyn (CMS/CMCS) (b)(6)  
(b)(6); Arnold, Charlie  
(CMS/CMCS) (b)(6)  
(b)(6); Goldstein, Stuart  
(CMS/CMCS) (b)(6)  
(b)(6); Badaracco, Andrew  
(CMS/CMCS) (b)(6)  
(b)(6); Clark, Jennifer  
(CMS/CMCS) (b)(6)  
**CC:** Maccarroll, Amber (CMS/CMCS) (b)(6)  
(b)(6); Silanskis, Jeremy  
(CMS/CMCS) (b)(6)  
(b)(6); Howe, Rory (CMS/CMCS)  
(b)(6)  
**Subject:** RE: RE: Touching base on financing and supplemental payments?

Those times work for me!

**From:** Wiley, Evelyn (CMS/CMCS) <Evelyn.Wiley@cms.hhs.gov>  
**Sent:** Monday, April 24, 2023 2:55 PM  
**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Thompson, Christopher (CMS/CMCS) <Christopher.Thompson@cms.hhs.gov>; Badaracco, Andrew (CMS/CMCS) <Andrew.Badaracco@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Subject:** Touching base on financing and supplemental payments?

Hi DRP and DFP.

I will provide the following times to Robert Nelb unless someone objects. We can schedule it for 45 minutes?

Tuesday, May 2<sup>nd</sup>

1:00 pm – 1:45 pm  
1:30 pm – 2:15 pm  
2:00 pm – 2:45 pm

*Evelyn Wiley*

Centers for Medicare & Medicaid Services (CMS)  
Center for Medicaid and CHIP Services (CMCS)  
Financial Management Group (FMG)  
410.786.8972 [evelyn.wiley@cms.hhs.gov](mailto:evelyn.wiley@cms.hhs.gov)  
7500 Security Blvd.  
Mail Stop, S3-14-28  
Baltimore, MD 21244-1850



**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Monday, April 24, 2023 1:45 PM  
**To:** Wiley, Evelyn (CMS/CMCS) <[Evelyn.Wiley@cms.hhs.gov](mailto:Evelyn.Wiley@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Thompson, Christopher (CMS/CMCS) <[Christopher.Thompson@cms.hhs.gov](mailto:Christopher.Thompson@cms.hhs.gov)>; Badaracco, Andrew (CMS/CMCS) <[Andrew.Badaracco@cms.hhs.gov](mailto:Andrew.Badaracco@cms.hhs.gov)>  
**Subject:** FW: Touching base on financing and supplemental payments?

Hi Evelyn. Please include everyone on the "cc:" line on the appointment, recognizing that we should have sufficient coverage as long as we have one attendee from each of DFP and DRP. Thanks!

Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Monday, April 24, 2023 1:42 PM  
**To:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Cc:** Wiley, Evelyn (CMS/CMCS) <[Evelyn.Wiley@cms.hhs.gov](mailto:Evelyn.Wiley@cms.hhs.gov)>  
**Subject:** RE: Touching base on financing and supplemental payments?

Hi Rob,

Apologies for the delayed response. It is good to hear from you and I hope you are doing well, too. We are happy to talk. I've copied Evelyn Wiley to help with scheduling on our end. Also, FYI, I will loop in a few others from FMG to make sure you are getting all the information that you need. Looking forward to talking soon.

Rory

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Sent:** Monday, April 24, 2023 1:12 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** Re: Touching base on financing and supplemental payments?

Hi Rory -

I hope you had a good weekend. Just wanted to follow up on this request. Feel free to direct me to others on your team if needed.

Thanks,

~ Rob

On Mon, Apr 17, 2023 at 8:54 AM Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)> wrote:

Rory -

I hope you're doing well. At MACPAC, we're starting some new work on oversight of non-federal share financing, and our new ED, Kate Massey, mentioned that Dan suggested we reach out to you and your team to learn more about some of the current issues you're working on, including the recent hold harmless issues with local provider taxes.

Also, I just wanted to give you a heads up that we're continuing to run into issues accessing the new provider-level supplemental payments data, since we don't seem to have access to it in MACFin. We're open to other ways to get this

data if the system isn't working. For example, we just worked with DEHPG to have them upload all of the directed payment pre-prints to our secure shared file site on Box.com.

Happy to set up time to chat about both of these issues whenever you're available. I recognize that different teams might be involved in each issue, so we can set up separate calls if that's easier. Also, feel free to give me a call at (b)(6) if it's easier to chat on the phone.

~ Rob

----- Forwarded message -----

From: **Robert Nelb** <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

Date: Tue, Apr 11, 2023 at 5:02 PM

Subject: Re: Request: CMS MACFin data

To: Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

Cc: Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>, Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>, Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>, Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>, Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>, Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>, Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

Thanks all for your continued help on this issue.

At this point, we are primarily interested in reviewing the hospital-specific data for inpatient and outpatient hospital supplemental payments that has been submitted under the new reporting requirements of the Consolidated Appropriations Act 2021. These data are needed to inform our larger analyses of hospital supplemental payments.

I recognize that you are continuing to have challenges making this data available through MACFin, but we are happy to receive the data in whatever format you can send it in. If it helps, we can provide an upload link to our file sharing site on Box.com. This is a process we have used in the past with other CMS divisions for large data files.

Happy to discuss further if you have any questions.

~ Rob

On Tue, Apr 11, 2023 at 4:46 PM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Rob,

We have not made the reports available for review because we are still working to transition to a new site. We will let you know once they are available. If you let us know the specific reports needed and we can work to provide them. I appreciate your patients as we work to improve MACFin.

Thanks,

Robert

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Sent:** Monday, April 10, 2023 2:03 PM

**To:** Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>

**Cc:** Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Hi all -

I just wanted to follow up to see if you had any more updates on getting us access to the UPL reports. The link in the MACfin system still does not work for me.

Thanks,

- Rob

On Wed, Mar 8, 2023 at 9:34 AM Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)> wrote:

I approved MACFIN accesses for Chris P. and Aaron Pervin

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 4:40 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>; Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob, just so that you have Aaron's email, I copied him on this chain

On Tue, Mar 7, 2023 at 10:06 AM Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)> wrote:

Yes, that works for me. Thanks

On Tue, Mar 7, 2023 at 9:47 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

I will send an appointment for 4-4:30pm to hold. Let me know if that works.

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 9:27 AM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob,

Rob Nelb and I are available from 3-5 pm today. If necessary, we could also meet over lunch from 11:30 - 1pm. If you can't meet at those times, then feel free to schedule something with Rob while I'm out.

Thanks,

Chris

On Tue, Mar 7, 2023 at 9:01 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

Can we schedule some time to discuss your request and what you need access too so that we can figure out how to give you access until we finish development? It would also be helpful for us to understand what you need access to as we build out our user management module. If we can't schedule today. Maybe we can work with Rob later this week or next week.

Thanks,

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, March 6, 2023 12:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Cc:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Robert,

The MACFin help desk had advised me to just select FMG read-only access, but that wasn't a clear option. My colleague Rob Nelb, who is copied on this email, just went through the process and selected FMG (not sure which division) and got approved. But none of the reports seem to generate data. Is there another CMS branch we could select until the system is built out? For example, I would guess that our use of the data will be similar to OACT.

We primarily want access to the UPL demonstration data and the CMS-37 reports at this point. However, we will likely want to get the most updated data as we go along, so we may have a lot of data requests, so it would be good to have access as soon as possible.

I'll be out of the office starting Wednesday, March 8 through the end of the month, but if you could work with Rob Nelb about getting the UPL data at this point that would be great.

Chris

On Mon, Mar 6, 2023 at 11:54 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

As Rory indicates below, we are still developing the user management for MACFin. It may take some time to build in the access for non-CMS Federal employees. If you have an immediate data need please let me and we will try to assist.

Thanks,

Robert

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Friday, March 3, 2023 3:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Subject:** RE: Request: CMS MACFin data

Rory,

Appreciate your patience. When MACPAC has a Commission meeting, our week is more hectic than usual.

Thank you for referring us to Robert. I'm moving us all to 'bcc' now and introducing Robert and Chris virtually so that they can partner together on next steps.

We are grateful for your responsiveness and partnership. Have a great weekend!

Kate

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 4:50 PM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Hi Kate,

Thanks for reaching out. I apologize that Chris is having some challenges obtaining MACFin access. As we continue to transition from MBES to MACFin, our process for providing MACFin access to external users is still under development. In the interim, we would be happy to connect with Chris to fulfill his current data needs directly and to get system access moving forward. I've looped in Robert Lane, the Director of the Division of Financial Operations East, who oversees the business aspects of MACFin. Robert and team are happy to work with Chris directly.

Please let me know if you have questions or need anything else.

Thanks,

Rory

Rory Howe

Director

Financial Management Group

CMS/CMCS

443-615-1277

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Tuesday, February 28, 2023 12:00 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** RE: Request: CMS MACFin data

Thanks so much, Lela. Moving you and Anne Marie to 'bcc' moving forward.

Hi Rory, MACPAC has been working to secure access to key Medicaid data that will inform our analytic work next year. In particular, Chris Park has been trying to secure access to certain MACFin modules but has been challenged throughout the process since our role isn't part of the preselected options flagged during registration.

Would you be able to help us navigate the approval process? Also, happy to jump on a brief call if that would help identify which data we need.

Let us know. Thanks!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: she/her/hers

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2700

[www.macpac.gov](http://www.macpac.gov)

**From:** Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 10:46 AM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Good Morning Kate,



Yes, I can place you in contact with Rory (copied here) for assistance.

Thank you,

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Monday, February 27, 2023 7:57 PM  
**To:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** Request: CMS MACFin data

Hi Anne Marie and Lela,

Sorry to bother you with this request since so much is going on. In good news, MACPAC was able to connect with Jen Bowdoin and secure the HCBS ARPA spending plans. However, we are still hoping to gain access to MACFin.

Is there any point of contact with whom we can partner? Because next year's work hinges on these data, we need to understand its availability and breadth.

Let us know. Thanks so much for your help.

Kate

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Wednesday, February 15, 2023 3:53 PM  
**To:** 'Costello, Anne Marie (CMS/CMCS)' <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; 'Teal, Lela (CMS/CMCS)' <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Kirstin Blom <[kirstin.blom@macpac.gov](mailto:kirstin.blom@macpac.gov)>  
**Subject:** Request: CMS data and HCBS ARPA state submissions

Hi Anne Marie and Lela,

MACPAC is in the process of gearing up for the analyses that we will present to the Commission during our next analytic cycle. As we have been working to build out the projects, there are several that would utilize Medicaid program data managed by CMS. For example, we are interested in accessing MACFin because the CMS-37 projected spending reports have been moved from MBES (which MACPAC has access to) to MACFin. We use the CMS-37 for the territories to help project what funding they may need in future years. Also, several things are being transitioned into MACFin, such as the UPL demonstrations and DSH audit data and these data will feed into next year's project work.

MACPAC doesn't fall neatly into the predetermined categories of users so our attempts to establish access have stalled. Chris Park is the primary analyst who has been working to secure access to the data. I've copied an email chain below so that you can see how he's been approaching the request. If there is anything that you can do to help us navigate the approval process or provide a point of contact, we'd greatly appreciate the help. Some of our projects will not be able to move forward without access to these new data.

Also, can you please provide any direction to secure access to HCBS spending plans (submitted quarterly) and spending narratives (submitted every other quarter)? We have committed to monitor the ARPA HCBS spending plans until the resources are expended. Thus far, we have been interviewing states and tracking publicly available data; however, the state submissions will help to fill out our monitoring activities.

Please let me know if you have any questions. Thanks in advance – as always – for your help!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: she/her/hers

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

Direct Dial: (202) 350-2700

[www.macpac.gov](http://www.macpac.gov)

\*\*\*\*\*

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Monday, December 5, 2022 10:37 AM  
**To:** Kate Massey <[katherine.massey@macpac.gov](mailto:katherine.massey@macpac.gov)>; Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** Fwd: Question on MACFin user type

----- Forwarded message -----

From: **Chris Park** <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
Date: Mon, Sep 19, 2022 at 10:52 AM  
Subject: Re: Question on MACFin user type  
To: MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)>  
Cc: MACFinHDTier2 <[MACFinHDTier2@dcca.com](mailto:MACFinHDTier2@dcca.com)>

Hi all, just checking in on this question I had about selecting a user type for MACFin access.

Thanks,

Chris

On Fri, Sep 9, 2022 at 1:35 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Adding Tier 2

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Friday, September 9, 2022 1:28 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Re: Question on MACFin user type

**External Email** - Please be cautious when opening links or attachments.

Hi,

Thanks for the follow-up, but I'm not sure how to select FMG Read-only access. I can get to FMG by selecting a user type of CMS Federal and group/office of FMG, but then it requires me to select a division and possibly a branch. Which options should I choose under division and if necessary, branch.

Division: choices are Division of Financial Operations East, Division of Financial Operations West, Division of Financial Policy, Division of Reimbursement Policy, Front Office, and Division of Reimbursement Review.

Other options for division such as DSG, OFM, OACT, and Others don't require me to select a division. Should I choose one of those instead?

Thanks,

Chris

On Fri, Sep 9, 2022 at 12:25 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Good afternoon Chris,

My apologies for the delay as my team discussed this internally. The recommended role for you to use would be FMG Read-only access.

Thanks,

Danielle

MACFin Tier 2 – Technical Support

[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)

833-879-6075

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Thursday, September 1, 2022 3:23 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
---

Hi,

I'm an analyst with MACPAC and have recently been granted access to MACFin. I'm at the step upon the first log-on where I am asked to select a user type. MACPAC does not fit into any of the provided selections. We are not a state user, CMS group/office, or a contractor. On our DUA with CMS, we have been classified as an oversight agency. We do not need to enter or edit any information, but rather would like to generate reports using a variety of data such as the CMS-37, DSH audit, UPL demonstration, etc. Do you have a suggestion on what I should select?

Thanks,

Chris

--

Chris Park

Principal Analyst

Medicaid and CHIP Payment and Access Commission

1800 M Street, NW, Suite 650 South

Washington, DC 20036

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Robert Nelb, MPH

Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

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Robert Nelb, MPH

Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

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Pronouns: he/him/his

--

Robert Nelb, MPH  
Principal Analyst  
MACPAC - Medicaid and CHIP Payment and Access Commission  
Pronouns: he/him/his

Message

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**From:** Arnold, Charlie (CMS/CMCS) (b)(6)  
(b)(6)  
**Sent:** 4/24/2023 7:03:44 PM  
**To:** Wiley, Evelyn (CMS/CMCS) (b)(6)  
(b)(6) Goldstein, Stuart  
(CMS/CMCS) (b)(6)  
(b)(6) Thompson, Christopher  
(CMS/CMCS) (b)(6)  
(b)(6) Badaracco, Andrew  
(CMS/CMCS) (b)(6)  
(b)(6) Clark, Jennifer  
(CMS/CMCS) (b)(6)  
**CC:** Maccarroll, Amber (CMS/CMCS) (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS) (b)(6)  
(b)(6) Howe, Rory (CMS/CMCS)  
**Subject:** RE: RE: Touching base on financing and supplemental payments?

2:00-2:45 works for DFP.

Charlie Arnold  
Director  
CMCS/FMG/DFP  
(443) 962-2499

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

**From:** Wiley, Evelyn (CMS/CMCS) <Evelyn.Wiley@cms.hhs.gov>  
**Sent:** Monday, April 24, 2023 2:55 PM  
**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Thompson, Christopher (CMS/CMCS) <Christopher.Thompson@cms.hhs.gov>; Badaracco, Andrew (CMS/CMCS) <Andrew.Badaracco@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Subject:** Touching base on financing and supplemental payments?

Hi DRP and DFP.

I will provide the following times to Robert Nelb unless someone objects. We can schedule it for 45 minutes?

Tuesday, May 2<sup>nd</sup>

1:00 pm – 1:45 pm  
1:30 pm – 2:15 pm  
2:00 pm – 2:45 pm

*Evelyn Wiley*

Centers for Medicare & Medicaid Services (CMS)  
Center for Medicaid and CHIP Services (CMCS)  
Financial Management Group (FMG)  
410.786.8972 [evelyn.wiley@cms.hhs.gov](mailto:evelyn.wiley@cms.hhs.gov)  
7500 Security Blvd.  
Mail Stop, S3-14-28  
Baltimore, MD 21244-1850

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Monday, April 24, 2023 1:45 PM  
**To:** Wiley, Evelyn (CMS/CMCS) <[Evelyn.Wiley@cms.hhs.gov](mailto:Evelyn.Wiley@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Thompson, Christopher (CMS/CMCS) <[Christopher.Thompson@cms.hhs.gov](mailto:Christopher.Thompson@cms.hhs.gov)>; Badaracco, Andrew (CMS/CMCS) <[Andrew.Badaracco@cms.hhs.gov](mailto:Andrew.Badaracco@cms.hhs.gov)>  
**Subject:** FW: Touching base on financing and supplemental payments?

Hi Evelyn. Please include everyone on the "cc:" line on the appointment, recognizing that we should have sufficient coverage as long as we have one attendee from each of DFP and DRP. Thanks!

Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Monday, April 24, 2023 1:42 PM  
**To:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Cc:** Wiley, Evelyn (CMS/CMCS) <[Evelyn.Wiley@cms.hhs.gov](mailto:Evelyn.Wiley@cms.hhs.gov)>  
**Subject:** RE: Touching base on financing and supplemental payments?

Hi Rob,

Apologies for the delayed response. It is good to hear from you and I hope you are doing well, too. We are happy to talk. I've copied Evelyn Wiley to help with scheduling on our end. Also, FYI, I will loop in a few others from FMG to make sure you are getting all the information that you need. Looking forward to talking soon.

Rory

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Sent:** Monday, April 24, 2023 1:12 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** Re: Touching base on financing and supplemental payments?

Hi Rory -

I hope you had a good weekend. Just wanted to follow up on this request. Feel free to direct me to others on your team if needed.

Thanks,

~ Rob

On Mon, Apr 17, 2023 at 8:54 AM Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)> wrote:

Rory -

I hope you're doing well. At MACPAC, we're starting some new work on oversight of non-federal share financing, and our new ED, Kate Massey, mentioned that Dan suggested we reach out to you and your team to learn more about some of the current issues you're working on, including the recent hold harmless issues with local provider taxes.

Also, I just wanted to give you a heads up that we're continuing to run into issues accessing the new provider-level supplemental payments data, since we don't seem to have access to it in MACFin. We're open to other ways to get this data if the system isn't working. For example, we just worked with DEHPG to have them upload all of the directed payment pre-prints to our secure shared file site on Box.com.

Happy to set up time to chat about both of these issues whenever you're available. I recognize that different teams might be involved in each issue, so we can set up separate calls if that's easier. Also, feel free to give me a call at (b)(6) if it's easier to chat on the phone.

~ Rob

----- Forwarded message -----

From: **Robert Nelb** <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

Date: Tue, Apr 11, 2023 at 5:02 PM

Subject: Re: Request: CMS MACFin data

To: Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

Cc: Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>, Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>, Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>, Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>, Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>, Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>, Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

Thanks all for your continued help on this issue.

At this point, we are primarily interested in reviewing the hospital-specific data for inpatient and outpatient hospital supplemental payments that has been submitted under the new reporting requirements of the Consolidated Appropriations Act 2021. These data are needed to inform our larger analyses of hospital supplemental payments.

I recognize that you are continuing to have challenges making this data available through MACFin, but we are happy to receive the data in whatever format you can send it in. If it helps, we can provide an upload link to our file sharing site on Box.com. This is a process we have used in the past with other CMS divisions for large data files.

Happy to discuss further if you have any questions.

~ Rob

On Tue, Apr 11, 2023 at 4:46 PM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Rob,

We have not made the reports available for review because we are still working to transition to a new site. We will let you know once they are available. If you let us know the specific reports needed and we can work to provide them. I appreciate your patients as we work to improve MACFin.

Thanks,

Robert

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Sent:** Monday, April 10, 2023 2:03 PM

**To:** Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>

**Cc:** Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Hi all -

I just wanted to follow up to see if you had any more updates on getting us access to the UPL reports. The link in the MACfin system still does not work for me.

Thanks,

- Rob

On Wed, Mar 8, 2023 at 9:34 AM Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)> wrote:

I approved MACFIN accesses for Chris P. and Aaron Pervin

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 4:40 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

[Louie@cms.hhs.gov](mailto:Louie@cms.hhs.gov); Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob, just so that you have Aaron's email, I copied him on this chain

On Tue, Mar 7, 2023 at 10:06 AM Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)> wrote:

Yes, that works for me. Thanks

On Tue, Mar 7, 2023 at 9:47 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

I will send an appointment for 4-4:30pm to hold. Let me know if that works.

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 9:27 AM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob,

Rob Nelb and I are available from 3-5 pm today. If necessary, we could also meet over lunch from 11:30 - 1pm. If you can't meet at those times, then feel free to schedule something with Rob while I'm out.

Thanks,

Chris



On Tue, Mar 7, 2023 at 9:01 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

Can we schedule some time to discuss your request and what you need access too so that we can figure out how to give you access until we finish development? It would also be helpful for us to understand what you need access to as we build out our user management module. If we can't schedule today. Maybe we can work with Rob later this week or next week.

Thanks,

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, March 6, 2023 12:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Cc:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Robert,

The MACFin help desk had advised me to just select FMG read-only access, but that wasn't a clear option. My colleague Rob Nelb, who is copied on this email, just went through the process and selected FMG (not sure which division) and got approved. But none of the reports seem to generate data. Is there another CMS branch we could select until the system is built out? For example, I would guess that our use of the data will be similar to OACT.

We primarily want access to the UPL demonstration data and the CMS-37 reports at this point. However, we will likely want to get the most updated data as we go along, so we may have a lot of data requests, so it would be good to have access as soon as possible.

I'll be out of the office starting Wednesday, March 8 through the end of the month, but if you could work with Rob Nelb about getting the UPL data at this point that would be great.

Chris

On Mon, Mar 6, 2023 at 11:54 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

As Rory indicates below, we are still developing the user management for MACFin. It may take some time to build in the access for non-CMS Federal employees. If you have an immediate data need please let me and we will try to assist.

Thanks,

Robert

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Friday, March 3, 2023 3:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Subject:** RE: Request: CMS MACFin data

Rory,

Appreciate your patience. When MACPAC has a Commission meeting, our week is more hectic than usual.

Thank you for referring us to Robert. I'm moving us all to 'bcc' now and introducing Robert and Chris virtually so that they can partner together on next steps.

We are grateful for your responsiveness and partnership. Have a great weekend!

Kate

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Tuesday, February 28, 2023 4:50 PM  
**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>  
**Subject:** RE: Request: CMS MACFin data

Hi Kate,

Thanks for reaching out. I apologize that Chris is having some challenges obtaining MACFin access. As we continue to transition from MBES to MACFin, our process for providing MACFin access to external users is still under development. In the interim, we would be happy to connect with Chris to fulfill his current data needs directly and to get system access moving forward. I've looped in Robert Lane, the Director of the Division of Financial Operations East, who oversees the business aspects of MACFin. Robert and team are happy to work with Chris directly.

Please let me know if you have questions or need anything else.

Thanks,

Rory

Rory Howe

Director

Financial Management Group

CMS/CMCS

443-615-1277

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Tuesday, February 28, 2023 12:00 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** RE: Request: CMS MACFin data

Thanks so much, Lela. Moving you and Anne Marie to 'bcc' moving forward.

Hi Rory, MACPAC has been working to secure access to key Medicaid data that will inform our analytic work next year. In particular, Chris Park has been trying to secure access to certain MACFin modules but has been challenged throughout the process since our role isn't part of the preselected options flagged during registration.

Would you be able to help us navigate the approval process? Also, happy to jump on a brief call if that would help identify which data we need.

Let us know. Thanks!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: she/her/hers

1800 M Street, NW, Suite 650 South

Washington, DC 20036

Main Number: (202) 350-2000

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[www.macpac.gov](http://www.macpac.gov)

**From:** Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Sent:** Tuesday, February 28, 2023 10:46 AM  
**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** RE: Request: CMS MACFin data

Good Morning Kate,

Yes, I can place you in contact with Rory (copied here) for assistance.

Thank you,

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Monday, February 27, 2023 7:57 PM  
**To:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** Request: CMS MACFin data

Hi Anne Marie and Lela,

Sorry to bother you with this request since so much is going on. In good news, MACPAC was able to connect with Jen Bowdoin and secure the HCBS ARPA spending plans. However, we are still hoping to gain access to MACFin.

Is there any point of contact with whom we can partner? Because next year's work hinges on these data, we need to understand its availability and breadth.

Let us know. Thanks so much for your help.

Kate

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Wednesday, February 15, 2023 3:53 PM

**To:** 'Costello, Anne Marie (CMS/CMCS)' <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; 'Teal, Lela (CMS/CMCS)' <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Kirstin Blom <[kirstin.blom@macpac.gov](mailto:kirstin.blom@macpac.gov)>

**Subject:** Request: CMS data and HCBS ARPA state submissions

Hi Anne Marie and Lela,

MACPAC is in the process of gearing up for the analyses that we will present to the Commission during our next analytic cycle. As we have been working to build out the projects, there are several that would utilize Medicaid program data managed by CMS. For example, we are interested in accessing MACFin because the CMS-37 projected spending reports have been moved from MBES (which MACPAC has access to) to MACFin. We use the CMS-37 for the territories to help project what funding they may need in future years. Also, several things are being transitioned into MACFin, such as the UPL demonstrations and DSH audit data and these data will feed into next year's project work.

MACPAC doesn't fall neatly into the predetermined categories of users so our attempts to establish access have stalled. Chris Park is the primary analyst who has been working to secure access to the data. I've copied an email chain below so that you can see how he's been approaching the request. If there is anything that you can do to help us navigate the approval process or provide a point of contact, we'd greatly appreciate the help. Some of our projects will not be able to move forward without access to these new data.

Also, can you please provide any direction to secure access to HCBS spending plans (submitted quarterly) and spending narratives (submitted every other quarter)? We have committed to monitor the ARPA HCBS spending plans until the resources are expended. Thus far, we have been interviewing states and tracking publicly available data; however, the state submissions will help to fill out our monitoring activities.

Please let me know if you have any questions. Thanks in advance – as always – for your help!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

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Washington, DC 20036

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Direct Dial: (202) 350-2700

[www.macpac.gov](http://www.macpac.gov)

\*\*\*\*\*

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, December 5, 2022 10:37 AM

**To:** Kate Massey <[katherine.massey@macpac.gov](mailto:katherine.massey@macpac.gov)>; Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>

**Subject:** Fwd: Question on MACFin user type

----- Forwarded message -----

From: **Chris Park** <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

Date: Mon, Sep 19, 2022 at 10:52 AM

Subject: Re: Question on MACFin user type

To: MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)>

Cc: MACFinHDTier2 <[MACFinHDTier2@dcca.com](mailto:MACFinHDTier2@dcca.com)>

Hi all, just checking in on this question I had about selecting a user type for MACFin access.

Thanks,

Chris

On Fri, Sep 9, 2022 at 1:35 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Adding Tier 2

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Friday, September 9, 2022 1:28 PM

**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>

**Subject:** Re: Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
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Hi,

Thanks for the follow-up, but I'm not sure how to select FMG Read-only access. I can get to FMG by selecting a user type of CMS Federal and group/office of FMG, but then it requires me to select a division and possibly a branch. Which options should I choose under division and if necessary, branch.

Division: choices are Division of Financial Operations East, Division of Financial Operations West, Division of Financial Policy, Division of Reimbursement Policy, Front Office, and Division of Reimbursement Review.

Other options for division such as DSG, OFM, OACT, and Others don't require me to select a division. Should I choose one of those instead?

Thanks,

Chris



On Fri, Sep 9, 2022 at 12:25 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Good afternoon Chris,

My apologies for the delay as my team discussed this internally. The recommended role for you to use would be FMG Read-only access.

Thanks,

Danielle

MACFin Tier 2 – Technical Support

[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)

833-879-6075

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Thursday, September 1, 2022 3:23 PM

**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>

**Subject:** Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
---

Hi,

I'm an analyst with MACPAC and have recently been granted access to MACFin. I'm at the step upon the first log-on where I am asked to select a user type. MACPAC does not fit into any of the provided selections. We are

not a state user, CMS group/office, or a contractor. On our DUA with CMS, we have been classified as an oversight agency. We do not need to enter or edit any information, but rather would like to generate reports using a variety of data such as the CMS-37, DSH audit, UPL demonstration, etc. Do you have a suggestion on what I should select?

Thanks,

Chris

--

Chris Park

Principal Analyst

Medicaid and CHIP Payment and Access Commission

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Washington, DC 20036

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--

Robert Nelb, MPH

Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

--

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Principal Analyst  
MACPAC - Medicaid and CHIP Payment and Access Commission  
Pronouns: he/him/his

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Pronouns: he/him/his

--

Robert Nelb, MPH  
Principal Analyst  
MACPAC - Medicaid and CHIP Payment and Access Commission  
Pronouns: he/him/his

Message

**From:** Badaracco, Andrew (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 4/24/2023 7:01:29 PM  
**To:** Wiley, Evelyn (CMS/CMCS); (b)(6)  
(b)(6) Arnold, Charlie  
(CMS/CMCS); (b)(6)  
(b)(6) Goldstein, Stuart  
(CMS/CMCS); (b)(6)  
(b)(6) Thompson, Christopher  
(CMS/CMCS); (b)(6)  
(b)(6); Clark, Jennifer  
(CMS/CMCS); (b)(6)  
**CC:** Maccarroll, Amber (CMS/CMCS); (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS); (b)(6)  
(b)(6) Howe, Rory (CMS/CMCS)  
**Subject:** RE: RE: Touching base on financing and supplemental payments?

I can do all of those except 2-2:45pm

**From:** Wiley, Evelyn (CMS/CMCS) <Evelyn.Wiley@cms.hhs.gov>  
**Sent:** Monday, April 24, 2023 2:55 PM  
**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Thompson, Christopher (CMS/CMCS) <Christopher.Thompson@cms.hhs.gov>; Badaracco, Andrew (CMS/CMCS) <Andrew.Badaracco@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Subject:** Touching base on financing and supplemental payments?

Hi DRP and DFP.

I will provide the following times to Robert Nelb unless someone objects. We can schedule it for 45 minutes?

Tuesday, May 2<sup>nd</sup>

1:00 pm – 1:45 pm  
1:30 pm – 2:15 pm  
2:00 pm – 2:45 pm

*Evelyn Wiley*

Centers for Medicare & Medicaid Services (CMS)  
Center for Medicaid and CHIP Services (CMCS)  
Financial Management Group (FMG)  
410.786.8972 [evelyn.wiley@cms.hhs.gov](mailto:evelyn.wiley@cms.hhs.gov)  
7500 Security Blvd.  
Mail Stop, S3-14-28  
Baltimore, MD 21244-1850



**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Monday, April 24, 2023 1:45 PM  
**To:** Wiley, Evelyn (CMS/CMCS) <[Evelyn.Wiley@cms.hhs.gov](mailto:Evelyn.Wiley@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Thompson, Christopher (CMS/CMCS) <[Christopher.Thompson@cms.hhs.gov](mailto:Christopher.Thompson@cms.hhs.gov)>; Badaracco, Andrew (CMS/CMCS) <[Andrew.Badaracco@cms.hhs.gov](mailto:Andrew.Badaracco@cms.hhs.gov)>  
**Subject:** FW: Touching base on financing and supplemental payments?

Hi Evelyn. Please include everyone on the "cc:" line on the appointment, recognizing that we should have sufficient coverage as long as we have one attendee from each of DFP and DRP. Thanks!

Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Monday, April 24, 2023 1:42 PM  
**To:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Cc:** Wiley, Evelyn (CMS/CMCS) <[Evelyn.Wiley@cms.hhs.gov](mailto:Evelyn.Wiley@cms.hhs.gov)>  
**Subject:** RE: Touching base on financing and supplemental payments?

Hi Rob,

Apologies for the delayed response. It is good to hear from you and I hope you are doing well, too. We are happy to talk. I've copied Evelyn Wiley to help with scheduling on our end. Also, FYI, I will loop in a few others from FMG to make sure you are getting all the information that you need. Looking forward to talking soon.

Rory

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>  
**Sent:** Monday, April 24, 2023 1:12 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** Re: Touching base on financing and supplemental payments?

Hi Rory -

I hope you had a good weekend. Just wanted to follow up on this request. Feel free to direct me to others on your team if needed.

Thanks,

~ Rob

On Mon, Apr 17, 2023 at 8:54 AM Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)> wrote:

Rory -

I hope you're doing well. At MACPAC, we're starting some new work on oversight of non-federal share financing, and our new ED, Kate Massey, mentioned that Dan suggested we reach out to you and your team to learn more about some of the current issues you're working on, including the recent hold harmless issues with local provider taxes.

Also, I just wanted to give you a heads up that we're continuing to run into issues accessing the new provider-level supplemental payments data, since we don't seem to have access to it in MACFin. We're open to other ways to get this

data if the system isn't working. For example, we just worked with DEHPG to have them upload all of the directed payment pre-prints to our secure shared file site on Box.com.

Happy to set up time to chat about both of these issues whenever you're available. I recognize that different teams might be involved in each issue, so we can set up separate calls if that's easier. Also, feel free to give me a call at (b)(6) if it's easier to chat on the phone.

~ Rob

----- Forwarded message -----

From: **Robert Nelb** <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

Date: Tue, Apr 11, 2023 at 5:02 PM

Subject: Re: Request: CMS MACFin data

To: Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

Cc: Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>, Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>, Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>, Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>, Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>, Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>, Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

Thanks all for your continued help on this issue.

At this point, we are primarily interested in reviewing the hospital-specific data for inpatient and outpatient hospital supplemental payments that has been submitted under the new reporting requirements of the Consolidated Appropriations Act 2021. These data are needed to inform our larger analyses of hospital supplemental payments.

I recognize that you are continuing to have challenges making this data available through MACFin, but we are happy to receive the data in whatever format you can send it in. If it helps, we can provide an upload link to our file sharing site on Box.com. This is a process we have used in the past with other CMS divisions for large data files.

Happy to discuss further if you have any questions.

~ Rob

On Tue, Apr 11, 2023 at 4:46 PM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Rob,

We have not made the reports available for review because we are still working to transition to a new site. We will let you know once they are available. If you let us know the specific reports needed and we can work to provide them. I appreciate your patients as we work to improve MACFin.

Thanks,

Robert

**From:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Sent:** Monday, April 10, 2023 2:03 PM

**To:** Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>

**Cc:** Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kate Massey <[kate.massey@macpac.gov](mailto:kate.massey@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Hi all -

I just wanted to follow up to see if you had any more updates on getting us access to the UPL reports. The link in the MACfin system still does not work for me.

Thanks,

- Rob

On Wed, Mar 8, 2023 at 9:34 AM Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)> wrote:

I approved MACFIN accesses for Chris P. and Aaron Pervin

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 4:40 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>; Aaron Pervin <[aaron.pervin@macpac.gov](mailto:aaron.pervin@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob, just so that you have Aaron's email, I copied him on this chain

On Tue, Mar 7, 2023 at 10:06 AM Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)> wrote:

Yes, that works for me. Thanks

On Tue, Mar 7, 2023 at 9:47 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

I will send an appointment for 4-4:30pm to hold. Let me know if that works.

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Tuesday, March 7, 2023 9:27 AM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Cc:** Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>; Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Barraza, Leticia (CMS/CMCS) <[Leticia.Barraza@cms.hhs.gov](mailto:Leticia.Barraza@cms.hhs.gov)>; Holligan, Ricardo (CMS/CMCS) <[Ricardo.Holligan@cms.hhs.gov](mailto:Ricardo.Holligan@cms.hhs.gov)>; Kessler, Christopher (CMS/CMCS) <[Christopher.Kessler@cms.hhs.gov](mailto:Christopher.Kessler@cms.hhs.gov)>; Sam-Louie, Henrietta (CMS/CMCS) <[Henrietta.Sam-Louie@cms.hhs.gov](mailto:Henrietta.Sam-Louie@cms.hhs.gov)>

**Subject:** Re: Request: CMS MACFin data

Rob,

Rob Nelb and I are available from 3-5 pm today. If necessary, we could also meet over lunch from 11:30 - 1pm. If you can't meet at those times, then feel free to schedule something with Rob while I'm out.

Thanks,

Chris

On Tue, Mar 7, 2023 at 9:01 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

Can we schedule some time to discuss your request and what you need access too so that we can figure out how to give you access until we finish development? It would also be helpful for us to understand what you need access to as we build out our user management module. If we can't schedule today. Maybe we can work with Rob later this week or next week.

Thanks,

Robert

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Sent:** Monday, March 6, 2023 12:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Robert Nelb <[robert.nelb@macpac.gov](mailto:robert.nelb@macpac.gov)>

**Cc:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Subject:** Re: Request: CMS MACFin data

Robert,

The MACFin help desk had advised me to just select FMG read-only access, but that wasn't a clear option. My colleague Rob Nelb, who is copied on this email, just went through the process and selected FMG (not sure which division) and got approved. But none of the reports seem to generate data. Is there another CMS branch we could select until the system is built out? For example, I would guess that our use of the data will be similar to OACT.

We primarily want access to the UPL demonstration data and the CMS-37 reports at this point. However, we will likely want to get the most updated data as we go along, so we may have a lot of data requests, so it would be good to have access as soon as possible.

I'll be out of the office starting Wednesday, March 8 through the end of the month, but if you could work with Rob Nelb about getting the UPL data at this point that would be great.

Chris

On Mon, Mar 6, 2023 at 11:54 AM Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)> wrote:

Hi Chris,

As Rory indicates below, we are still developing the user management for MACFin. It may take some time to build in the access for non-CMS Federal employees. If you have an immediate data need please let me and we will try to assist.

Thanks,

Robert

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Sent:** Friday, March 3, 2023 3:07 PM

**To:** Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>; Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>

**Subject:** RE: Request: CMS MACFin data

Rory,

Appreciate your patience. When MACPAC has a Commission meeting, our week is more hectic than usual.

Thank you for referring us to Robert. I'm moving us all to 'bcc' now and introducing Robert and Chris virtually so that they can partner together on next steps.

We are grateful for your responsiveness and partnership. Have a great weekend!

Kate

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 4:50 PM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Lane, Robert (CMS/CMCS) <[Robert.Lane@cms.hhs.gov](mailto:Robert.Lane@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Hi Kate,

Thanks for reaching out. I apologize that Chris is having some challenges obtaining MACFin access. As we continue to transition from MBES to MACFin, our process for providing MACFin access to external users is still under development. In the interim, we would be happy to connect with Chris to fulfill his current data needs directly and to get system access moving forward. I've looped in Robert Lane, the Director of the Division of Financial Operations East, who oversees the business aspects of MACFin. Robert and team are happy to work with Chris directly.

Please let me know if you have questions or need anything else.

Thanks,

Rory

Rory Howe

Director

Financial Management Group

CMS/CMCS

443-615-1277

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Tuesday, February 28, 2023 12:00 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** RE: Request: CMS MACFin data

Thanks so much, Lela. Moving you and Anne Marie to 'bcc' moving forward.

Hi Rory, MACPAC has been working to secure access to key Medicaid data that will inform our analytic work next year. In particular, Chris Park has been trying to secure access to certain MACFin modules but has been challenged throughout the process since our role isn't part of the preselected options flagged during registration.

Would you be able to help us navigate the approval process? Also, happy to jump on a brief call if that would help identify which data we need.

Let us know. Thanks!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: she/her/hers

1800 M Street, NW, Suite 650 South

Washington, DC 20036

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Direct Dial: (202) 350-2700

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**From:** Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>

**Sent:** Tuesday, February 28, 2023 10:46 AM

**To:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>; Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>

**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: Request: CMS MACFin data

Good Morning Kate,



Yes, I can place you in contact with Rory (copied here) for assistance.

Thank you,

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Monday, February 27, 2023 7:57 PM  
**To:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Teal, Lela (CMS/CMCS) <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** Request: CMS MACFin data

Hi Anne Marie and Lela,

Sorry to bother you with this request since so much is going on. In good news, MACPAC was able to connect with Jen Bowdoin and secure the HCBS ARPA spending plans. However, we are still hoping to gain access to MACFin.

Is there any point of contact with whom we can partner? Because next year's work hinges on these data, we need to understand its availability and breadth.

Let us know. Thanks so much for your help.

Kate

**From:** Kate Massey <[Kate.Massey@macpac.gov](mailto:Kate.Massey@macpac.gov)>  
**Sent:** Wednesday, February 15, 2023 3:53 PM  
**To:** 'Costello, Anne Marie (CMS/CMCS)' <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; 'Teal, Lela (CMS/CMCS)' <[Lela.Teal@cms.hhs.gov](mailto:Lela.Teal@cms.hhs.gov)>  
**Cc:** Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>; Kirstin Blom <[kirstin.blom@macpac.gov](mailto:kirstin.blom@macpac.gov)>  
**Subject:** Request: CMS data and HCBS ARPA state submissions

Hi Anne Marie and Lela,

MACPAC is in the process of gearing up for the analyses that we will present to the Commission during our next analytic cycle. As we have been working to build out the projects, there are several that would utilize Medicaid program data managed by CMS. For example, we are interested in accessing MACFin because the CMS-37 projected spending reports have been moved from MBES (which MACPAC has access to) to MACFin. We use the CMS-37 for the territories to help project what funding they may need in future years. Also, several things are being transitioned into MACFin, such as the UPL demonstrations and DSH audit data and these data will feed into next year's project work.

MACPAC doesn't fall neatly into the predetermined categories of users so our attempts to establish access have stalled. Chris Park is the primary analyst who has been working to secure access to the data. I've copied an email chain below so that you can see how he's been approaching the request. If there is anything that you can do to help us navigate the approval process or provide a point of contact, we'd greatly appreciate the help. Some of our projects will not be able to move forward without access to these new data.

Also, can you please provide any direction to secure access to HCBS spending plans (submitted quarterly) and spending narratives (submitted every other quarter)? We have committed to monitor the ARPA HCBS spending plans until the resources are expended. Thus far, we have been interviewing states and tracking publicly available data; however, the state submissions will help to fill out our monitoring activities.

Please let me know if you have any questions. Thanks in advance – as always – for your help!

Kate

Kate Massey

Executive Director

MACPAC - Medicaid and CHIP Payment and Access Commission

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\*\*\*\*\*

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Monday, December 5, 2022 10:37 AM  
**To:** Kate Massey <[katherine.massey@macpac.gov](mailto:katherine.massey@macpac.gov)>; Moira Forbes <[moira.forbes@macpac.gov](mailto:moira.forbes@macpac.gov)>  
**Subject:** Fwd: Question on MACFin user type

----- Forwarded message -----

From: **Chris Park** <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
Date: Mon, Sep 19, 2022 at 10:52 AM  
Subject: Re: Question on MACFin user type  
To: MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)>  
Cc: MACFinHDTier2 <[MACFinHDTier2@dcca.com](mailto:MACFinHDTier2@dcca.com)>

Hi all, just checking in on this question I had about selecting a user type for MACFin access.

Thanks,

Chris

On Fri, Sep 9, 2022 at 1:35 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Adding Tier 2

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Friday, September 9, 2022 1:28 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Re: Question on MACFin user type

**External Email** - Please be cautious when opening links or attachments.

Hi,

Thanks for the follow-up, but I'm not sure how to select FMG Read-only access. I can get to FMG by selecting a user type of CMS Federal and group/office of FMG, but then it requires me to select a division and possibly a branch. Which options should I choose under division and if necessary, branch.

Division: choices are Division of Financial Operations East, Division of Financial Operations West, Division of Financial Policy, Division of Reimbursement Policy, Front Office, and Division of Reimbursement Review.

Other options for division such as DSG, OFM, OACT, and Others don't require me to select a division. Should I choose one of those instead?

Thanks,

Chris

On Fri, Sep 9, 2022 at 12:25 PM MACFin Helpdesk <[MACFinHelpdesk@dcca.com](mailto:MACFinHelpdesk@dcca.com)> wrote:

Good afternoon Chris,

My apologies for the delay as my team discussed this internally. The recommended role for you to use would be FMG Read-only access.

Thanks,

Danielle

MACFin Tier 2 – Technical Support

[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)

833-879-6075

**From:** Chris Park <[chris.park@macpac.gov](mailto:chris.park@macpac.gov)>  
**Sent:** Thursday, September 1, 2022 3:23 PM  
**To:** MACFin Helpdesk <[MACFinHelpdesk@DCCA.com](mailto:MACFinHelpdesk@DCCA.com)>  
**Subject:** Question on MACFin user type

<b>External Email</b> - Please be cautious when opening links or attachments.
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Hi,

I'm an analyst with MACPAC and have recently been granted access to MACFin. I'm at the step upon the first log-on where I am asked to select a user type. MACPAC does not fit into any of the provided selections. We are not a state user, CMS group/office, or a contractor. On our DUA with CMS, we have been classified as an oversight agency. We do not need to enter or edit any information, but rather would like to generate reports using a variety of data such as the CMS-37, DSH audit, UPL demonstration, etc. Do you have a suggestion on what I should select?

Thanks,

Chris

--

Chris Park

Principal Analyst

Medicaid and CHIP Payment and Access Commission

1800 M Street, NW, Suite 650 South

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Robert Nelb, MPH

Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

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Robert Nelb, MPH

Principal Analyst

MACPAC - Medicaid and CHIP Payment and Access Commission

Pronouns: he/him/his

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Robert Nelb, MPH  
Principal Analyst  
MACPAC - Medicaid and CHIP Payment and Access Commission  
Pronouns: he/him/his

Message

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**From:** Boston, Beverly (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 1/17/2023 1:46:30 PM  
**To:** Howe, Rory (CMS/CMCS); (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS); (b)(6)  
(b)(6)  
**CC:** Maccarroll, Amber (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** RORY/JEREMY IMMEDIATE ACTION:- OGC OL Passback: Status and Follow Up on Reactive Statement DUE COB  
TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning,

The CIB has not yet gone back to be cleared through IOS/OMB. Rory and Jeremy is the CIB and underlying docs good go?

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

*Beverly*

**From:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 4:40 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Done! And thank you for everything this week – I know it's been a wild one.... Hope you have a fabulous long weekend!

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 4:32 PM  
**To:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I'm fine if you want to add them (attached) 😊. I'm working on huge GAO CAPs report request on supplemental payments that will go to the Divs for update. Thank you!

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

**Beverly**

**From:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 4:25 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good catch Beverly. Sorry I missed those. Yes, they need to be added in. Do you have time or do you want me to add them?

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 4:23 PM

**To:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Amber. I do not see Tim Engelhardt's edits that he requested. Do they need to be added?

**Beverly**

**From:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 4:00 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Beverly –

I reviewed and provided a few minor (mainly formatting) edits. These are good to go by me, but I think Rory will likely want to review also before they go back.

Thanks, Amber

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:44 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon,

The FMG Front Office is up next to clear the CIB and underlying docs prior to moving them back to the OCD. Please make any additional edits. I will accept the changes and will provide OCD with both clean and redlined versions. I'll be online late if needed.

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

Thanks

**Beverly**

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:41 PM

**To:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Great. Thanks Jonathan, Kristin and team. I will clear the updates with the FMG Front Office and will move the items forward. So far, what I am hearing is that the CIB will not go through another round of CMS clearance, but will be moved forward to IOS/OMB/DPC.

Thank you!

**Beverly**

**From:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:33 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Beverly,

I believe Kristin and I have responded to all the comments and made of the edits that we feel are appropriate, including for the reactive statement. I don't think there is anything left for us to do. Please let us know if we can be of any further assistance. I will be glad to make any other changes anyone else suggests. Thank you.

Best,

Jonathan

Jonathan Endelman  
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**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>  
**Sent:** Thursday, January 12, 2023 2:26 PM  
**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon team – I am checking in on the status of the updated CIB. I understand from Rory that we are fine to reject the re-framing references proposed by OL. As the CIB is on a timeline for release by 1/23, can all edits/comments be wrapped up on the CIB/Q/As and Reactive Statement by COB today?

Hello, I am adding a SP link (below) for the reactive statement with OL comments/edits (attached) to be aligned with the updated CIB and Q/As. Will these changes impact the OA briefing paper? We normally wait until we have clearance comments before going to OA, but I understand we are on a somewhat tight timeline.

OC reconciled the comments. I did move the reconciled version of the CIB and Q/As to SharePoint (below). Please see attached with separate line edits/comments for full disclosure from OL and OGC. Please make edits in the reconciled version.

[HC Related Taxes CIB](#)

[Q/As Taxes CIB](#)

[Reactive Statement - Tax CIB](#)

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Monday, January 9, 2023 4:31 PM  
**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS)

<Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks, Beverly. I think some of the line edits are visible in the CIB, but many by OL are not visible. Is there a version with the line edits visible?

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Monday, January 9, 2023 3:34 PM

**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS)

<Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hello,

Please see attached with OL and OGC comments. Can you take a look and let me know **when you'll be able to turn around clean versions**? As a reminder, next step is R2 CMS and the OCD will concurrently send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 4:29 PM

**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS)

<Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Looks good. I will circle back if there are any questions. Thank you all.

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 4:08 PM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS)



<Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

My edits are in and this is good to go. Thanks, all!

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 2:47 PM

**To:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

Based on your comments would the below edits work? Please others review Kristin's comments in the attached and make edits here → reactive that was drafted by OC by COB today.

(b)(5)

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 2:19 PM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I made some suggestions.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 1:33 PM

**To:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

**Status update:** OCD confirmed we are still aiming for 1/23. OCD is awaiting OGC comments (if any) on the CIB. Once the CIB clears Comms, the OCD will send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

**In addition due COB today** - Here is the reactive that was drafted by OC for the CIB. **Please let me know if you have edits to the reactive statement developed by OC.**

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Sent:** Wednesday, January 4, 2023 9:45 AM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Beverly. I defer to others but don't think the edits are helpful for the CIB. It was carefully crafted language. I would not recommend accepting these changes.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Wednesday, January 4, 2023 8:46 AM

**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning and HNY! 🌸

Looping others. All Comms clearance comments on the CIB are due from commenters on 1/5. Please hold the attached FCHCO comments until all other comments on the CIB are received. **I will need clean and redlined comments once all comments are received.**

**In addition due 12pm tomorrow 1/5** - Here is the reactive that was drafted by OC for the CIB. Please let me know if you have edits to the reactive statement developed by OC.

Thank you

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Tuesday, January 3, 2023 3:57 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Cc:** Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi, Beverly and Lia. Would you mind making should make sure the attached track changes based on a few suggestions from Tim make it into the final version? Please let me know if you have any questions.

Thanks,  
Rory

**From:** Howe, Rory (CMS/CMCS)

**Sent:** Tuesday, January 3, 2023 3:49 PM

**To:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>

**Subject:** RE: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Tim,

Happy New Year. I appreciate you taking the time to review and to comment. Thanks for catching the typo and for highlighting where we could be more precise to avoid misinterpretations. We'll update the draft CIB to address the comments/edit. Thanks again.

Rory

**From:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>

**Sent:** Tuesday, January 3, 2023 3:16 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Rory –

I understand the CIB was FYI-only, but I feel compelled to share with you a few things in the attached. I was only reading it to try to learn the policy, but there is a place in the CIB where a reader could easily take away the wrong message. And a typo.

Tim Engelhardt (he/him)  
Medicare-Medicaid Coordination Office  
Centers for Medicare & Medicaid Services  
202.690.6277

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**From:** CMS CLEARANCES <[CLEARANCES@cms.hhs.gov](mailto:CLEARANCES@cms.hhs.gov)>

**Sent:** Tuesday, January 3, 2023 1:35 PM

**To:** Worstell, Megan (CMS/OFM) <[Megan.Worstell@cms.hhs.gov](mailto:Megan.Worstell@cms.hhs.gov)>; Czajkowski, John (CMS/OFM)

[<John.Czajkowski@cms.hhs.gov>](mailto:John.Czajkowski@cms.hhs.gov); Plater, Morris (CMS/OFM) [<Morris.Plater@cms.hhs.gov>](mailto:Morris.Plater@cms.hhs.gov); Stokes-Murray (He/Him), Heinz (CMS/OFM) [<KHeinz.Stokes-Murray@cms.hhs.gov>](mailto:KHeinz.Stokes-Murray@cms.hhs.gov); Tierney, Janet (CMS/OFM) [<Janet.Tierney@cms.hhs.gov>](mailto:Janet.Tierney@cms.hhs.gov); Kelsey, Ashley (CMS/OFM) [<Ashley.Kelsey@cms.hhs.gov>](mailto:Ashley.Kelsey@cms.hhs.gov); Carmichael, Wanda (CMS/OFM) [<Wanda.Carmichael@cms.hhs.gov>](mailto:Wanda.Carmichael@cms.hhs.gov); Benns, Antoinette (CMS/OFM) [<Antoinette.Benns@cms.hhs.gov>](mailto:Antoinette.Benns@cms.hhs.gov); Richter (she/her), Liz (CMS/CM) [<elizabeth.richter@cms.hhs.gov>](mailto:elizabeth.richter@cms.hhs.gov); Rice, Cheri (CMS/CM) [<Cheri.Rice@cms.hhs.gov>](mailto:Cheri.Rice@cms.hhs.gov); Ahern, Robert (CMS/CM) [<Robert.Ahern@cms.hhs.gov>](mailto:Robert.Ahern@cms.hhs.gov); Mays, Beth (CMS/CM) [<Beth.Mays@cms.hhs.gov>](mailto:Beth.Mays@cms.hhs.gov); 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**Subject:** FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

\*\*\*Please copy **Enrico Dinges** and on **ALL** responses pertaining to this item when replying to CMS Clearances.\*\*\*

Please see attached internal qas for review. The informational bulletin is FYI ONLY. Thank you.

**Comments Due: 1:00 PM ET Thursday, January 5, 2023**

**All: For your review and input. Concurrent HHS/CMS review.**

**Title:** Internal Q&As for CMCS informational bulletin on health care related taxes and hold harmless arrangements.

**Agency/Office:** CMCS

**Subject/Description:** CMS will release an informational bulletin on health care related taxes and hold harmless arrangements involving the redistribution of Medicaid payments. This informational bulletin responds in part to questions CMS has received regarding the statutory and regulatory requirements applicable to health care-related taxes, including in connection with proposals to implement or renew Medicaid managed care state directed payments (SDPs). There will be a reactive statement, listserv message, and internal questions-and-answers for this item.

**COMMs Materials for Rollout:** Internal Q&As

**Deadline for COMMS Clearance comments: Thursday, January 5 by 1:00 PM**

**Requested Release date:** 2/7/2023

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Message

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(b)(6)

**Sent:** 4/28/2023 3:45:30 PM

**To:** Pryor, Rachel (HHS/OS/IOS); (b)(6)  
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(OS/OCR); (b)(6)  
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**Subject:** CMS Calendar & Rollouts 4.28.23

Hi Team,

CMS' daily comms calendar and rollout updates are below.

***NOTE: This calendar/look ahead is close hold in nature and should not be forwarded/shared outside of this group of recipients.***

Friendly reminder that these are living documents and the dates are accurate as of the time it is sent - all dates are subject to change.

**Do not reply all to this message - If you are aware of any changes/updates to items on the calendar, please let OC know.**

#### **Rollouts Today**

- [TENTATIVE] Consumer Fact Sheet on Over-the-Counter (OTC) Testing for COVID-19 After the End of the Public Health Emergency (PHE)
- Organ Procurement Organization Annual Public Performance Data
- Transplant Eco-System-Role Of Data In CMS Oversight of Organ Procurement Organizations

#### **Comms Calendar**

# 2023 APRIL

CALENDAR  
YEAR

CALENDAR MONTH

SUNDAY  
FIRST DAY OF  
WEEK

Black - Holidays and Moments to Mark

Red - CBL External Speeches/ Events  
Purple – Rollouts/Announcements

Brown - Media/Interviews

	Monday	Tuesday	Wednesday	Thursday	Friday
23	24	25	26	27	28
National Infant Immunization Week (4/24-5/1)	Clarifying Eligibility for a Qualified Health Plan, Medicaid, CHIP and Basic Health Plan (CMS 9894-P)		House Committee on Energy and Commerce: Hearing on Transparency and Competition (CBL)  FAQs: CMS Waivers, Flexibilities, and the End of the COVID-19 PHE	NPRM: Ensuring Access to Medicaid Services (CMS 2442-P)  NPRM: Managed Care Access, Finance, and Quality (CMS-2439-P)	TENTATIVE: Consumer Fact Sheet on OTC Testing for COVID-19 After the End of the PHE  Organ Procurement Organization Annual Public Performance Data  Blog: The Transplant Eco-System: The Role Of Data In CMS Oversight Of The Organ Procurement Organizations

# 2023 MAY

CALENDAR  
YEAR

CALENDAR MONTH

SUNDAY  
FIRST DAY OF  
WEEK

Black - Holidays and Moments to Mark

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	Monday	Tuesday	Wednesday	Thursday	Friday
	01	02	03	04	05
High Blood Pressure Education Month	2023 CMS Quality Conference (CBL)	2023 CMS Quality Conference (Day 2)	2023 CMS Quality Conference (Day 3)	HHS Secretary's Mental Health Awareness Month Event (CBL)	TENTATIVE: Missouri Notice Letter
Mental Health Awareness Month	2023 CMS Quality Conference (Day 1)				CMS Roundup
National Cancer Research Month	TENTATIVE: QSO Memo - Guidance for the End of the COVID-19 Public Health Emergency (PHE) and Termination of 1135 Emergency Waivers				
Older American's Month	Medicaid Redeterminations Second Virtual Regional Pen-and-Pad				
	07	08	09	10	11
					12

National  
Nurses Week  
(5/6-12)

TENTATIVE:  
Organ  
Transplantation  
Affinity Group  
(OTAG) Public  
Launch  
  
Medicaid  
Redeterminations  
Third Virtual  
Regional Pen-  
and-Pad

End of PHE  
  
TENTATIVE: Health  
Equity Data Briefs  
  
TENTATIVE  
(Pending  
Submission): CMS  
Innovation Center  
Health Equity  
Update Blog

14	15	16	17	18	19
Mother's Day	Strategy Page Refresh & Health Equity Updates	TENTATIVE: NPRM: Drug Misclassification (CMS-2434-P)	Trip to Birmingham, AL and Atlanta, GA (CBL)  TENTATIVE (Close Hold): NPRM: Removal of Hyde Amendment Language in Public Health Service Act (PHSA) Regulations	TENTATIVE: School-based Services in Medicaid Super Guide	CMS Roundup
National Women's Health Week (5/14-20)					

Three-week look-ahead

#### **Friday, 4/28**

- **[TENTATIVE] Consumer Fact Sheet on Over-the-Counter (OTC) Testing for COVID-19 After the End of the Public Health Emergency (PHE)**  
CMS will release a consumer fact sheet that addresses insurance coverage of COVID-19 over-the-counter (OTC) tests after the end of the public health emergency (PHE). There will be a fact sheet, social media, graphics, and a listserv announcement for this item.
- **Organ Procurement Organization (OPO) Annual Public Performance Data**  
CMS will post the Organ Procurement Organization (OPO) specific performance outcomes report to the Quality, Safety, and Oversight Reports (QCOR) webpage. The requirement to make the measures publicly available was established in a 2020 final rule (85 FR 77898). Posting this data is critical to

holding OPOs accountable as a crucial step in reforming the organ donation system. The publication will provide transparency and demonstrate how OPOs compare to each other. Although these standards are not yet enforceable, publication of this information will allow OPOs to compare their organization's performance to other OPOs. There will be a fact sheet, blog (see item below), and data release for this item.

- **The Transplant Eco-System: The Role of Data in CMS Oversight of the Organ Procurement Organizations**

CMS recently released the Organ Transplantation Affinity Group (OTAG), draft recommendations which are geared toward effectively using data-driven approaches to improve organ donation, procurement, and transplantation system for patients, donors, and their families and caregivers as well as providers. In concert, the Health Resources Services Administration (HRSA) released their Organ Procurement and Transplantation Network Modernization Initiative. In this blog, CMS is outlining its strategy with respect to Organ Procurement Organization data. CMS is sharing information to improve the public trust of increasing transplantation of organs and implementing it in an equitable manner. There will be a blog for this item.

- **Speaking Engagement: Medical Device Manufacturers Association (MDMA) 2023 Annual Meeting**

CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality (CCSQ)) will participate in the Medical Device Manufacturers Association (MDMA) 2023 Annual Meeting. Dr. Fleisher will give a keynote on CMS updates and priorities.

#### **Saturday, 4/29**

- Nothing to report

#### **Sunday, 4/30**

- Nothing to report

#### **Monday, 5/1**

- **[TENTATIVE] Quality Safety Oversight (QSO) Memo: Guidance for the End of the COVID-19 Public Health Emergency (PHE) and Termination of 1135 Emergency Waivers**

CMS will post and release guidance for the end of the COVID-19 public health emergency (PHE) and termination of 1135 emergency waivers. This Quality, Safety & Oversight memorandum will guide key stakeholders on returning to a more normal delivery of quality health care for beneficiaries, provide additional guidance for regulations released during the PHE as Interim Final Rules with Comment, and give details such as dates and CMS expectations of compliance following the end of the PHE. There will be a reactive statement and internal questions and answers (QAs) for this item.

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CMS will host a virtual pen-and-pad with reporters from select states (Connecticut, Colorado, Kansas, Nebraska, Pennsylvania, Kentucky, Indiana, Utah, Ohio, Oklahoma, and Tennessee) to discuss Medicaid eligibility redeterminations as the continuous enrollment condition ends. This supports CMS' ongoing efforts to engage in national and regional media education about Medicaid and Children's Health Insurance Program redeterminations.

- **2023 CMS Quality Conference**  
CMS will host the 2023 CMS Quality Conference. This conference convenes leaders across the health care spectrum to explore how patients, advocates, providers, researchers, and champions in health care quality improvement can develop and spread solutions to address America's most pervasive health system challenges. There will be a press release and social media and for this item.
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CMS Administrator Chiquita Brooks-LaSure will provide pre-recorded remarks for the 2023 CMS Quality Conference. This year's conference theme is "Building Resilient Communities - Having an Equitable Foundation for Equitable Health Care." There is no planned media for this item.
- **Jonathan Blum Visit to CMS Region 10 (Alaska)**  
CMS' Jonathan Blum (Principal Deputy Administrator and Chief Operating Officer) will participate in a four-day visit to Alaska to discuss challenges and opportunities around access to care. The trip includes the communities of Anchorage, Bethel, and Fairbanks. The aim is to 1) hold listening sessions with local health leaders and community members; 2) participate in a listening session and present during the National Indian Health Board's Tribal Health Conference; 3) meet with Alaska Department of Health leadership to discuss a range of issues including Medicaid; 4) meet with leadership and tour the Alaska Native Medical Center, Anchorage Neighborhood Health Clinic, Providence Medical Center, Yukon-Kuskokwim Hospital, Denali LTC, and Fairbanks Memorial Hospital; 5) visit two remote Native Villages inaccessible by ground transportation and discuss access issues; and 6) hold a working dinner with the Tanana Chiefs Conference. There will be social media for this item.
- **Speaking Engagement: 2023 National Medicaid, Medicare, and Children's Health Insurance Program (CHIP) Oral Health Symposium - Accelerating Oral Health for Medicaid, Medicare, and CHIP Beneficiaries**  
CMS' Dr. Natalia Chalmers (Chief Dental Officer) will give the keynote address at the 2023 National Medicaid, Medicare, and Children's Health Insurance Program (CHIP) Oral Health Symposium on accelerating oral health equity for Medicaid, Medicare, and CHIP beneficiaries. There is no planned media for this item.

## **Tuesday, 5/2**

- Nothing to report

## **Wednesday, 5/3**

- **Speaking Engagement: Blue Venture Fund Annual Meeting**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in the Blue Venture Fund Annual Meeting. This meeting is a gathering of healthcare industry professionals, investors, and startups to discuss trends and innovations in healthcare.

## **Thursday, 5/4**

- **HHS Secretary's Mental Health Awareness Month Event**  
CMS Administrator Chiquita Brooks-LaSure will participate in the HHS Mental Health Awareness Month event. the event will support Mental Health Awareness month with a focus on efforts related to

workforce, finding support, and other actions the administration has taken. The CMS Administrator will join a panel discussion titled "Let's talk about mental health."

- **Speaking Engagement: American College of Physicians (ACP) Performance Measurement Committee (PMC) Meeting**

CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality (CCSQ)) and Dr. Michelle Schreiber (Director, Quality Measurement and Value-Based Incentives Group, CCSQ) will participate in the American College of Physicians (ACP) Performance Measurement Committee (PMC) Meeting. Dr. Fleisher and Dr. Schreiber will discuss the CMS Universal Foundation Initiative.

- **Speaking Engagement: National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023**

CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will participate in the National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023. Dr. Seshamani will speak during the opening plenary session.

### **Friday, 5/5**

- **[TENTATIVE] Missouri Notice Letter**

CMS will release a Medicaid deferral letter to Missouri regarding longstanding concerns about federal Medicaid financing requirements, specifically FRA hospital taxes. This may represent a hold harmless arrangement, which is prohibited by statute and regulations. There will be a reactive statement for this item.

- **CMS Roundup for May 5, 2023**

CMS will release a Roundup highlighting agency initiatives and activities in a condensed, plain-language, reader-friendly narrative format with embedded links to information on the CMS website for reference. The Roundup is distributed twice a month to media and stakeholders.

- **Speaking Engagement: Institute for Healthcare Leadership Alliance Bi-annual Network Meeting**

CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality), Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) and Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare & Medicaid Innovation) will participate in a moderated town hall-style program to discuss how the Institute for Healthcare Alliance network could better help CMS to lead change. There is no planned media for this item.

- **Speaking Engagement: National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023**

CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in the National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023. Dr. Fowler will speak during a plenary session.

- **Speaking Engagement: Penn Leonard Davis Institute Drug Pricing After the Inflation Reduction Act**

CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will speak at the University of Pennsylvania's Drug Pricing After the Inflation Reduction Act Conference. Dr. Seshamani will discuss CMS' progress in implementing the Medicare drug provisions in the Inflation Reduction Act. There is no planned media for this item.

- **CMS/American Hospital Association (AHA) Stakeholder Call on Public Health Emergency (PHE)**  
CMS and the American Hospital Association will host a stakeholder call on the public health emergency (PHE) ending on May 11. Information will be shared and questions answered about Medicare waivers and flexibilities after the ending of the COVID-19 PHE.
- **Stakeholder Call on Access and Managed Care Notices of Proposed Rulemaking (NPRMs) with Provider Associations**  
CMS will host a series of stakeholder listening sessions on two notices of proposed rulemaking (NPRMs), Ensuring Access to Medicaid Services (Access NPRM) and Managed Care Access, Finance, and Quality (Managed Care NPRM). This session will include Administrator CBL, Dan Tsai, and a small number of provider associations.

#### **Saturday, 5/6**

- Nothing to report

#### **Sunday, 5/7**

- Nothing to report

#### **Monday, 5/8**

- **Speaking Engagement: Advent Health Executive Leadership Program**  
CMS' Dr. LaShawn McIver (Director, Office of Minority Health) will participate in the Advent Health Executive Leadership Program. The audience will include executives (director and above), CEOs, CFOs, and leaders from other operational disciplines. New and emerging leaders of Advent Health, one of the largest not-for-profit health care systems with more than 50 hospitals in 9 states (Florida, Georgia, Kentucky, North Carolina, Illinois, Wisconsin, Texas, Colorado, and Kansas). Our hospitals serve communities that range from Appalachia (Manchester, Kentucky) to urban centers (Orlando, Tampa, Kansas City) and the audience will consist of leaders of hospitals in these markets. Dr. McIver will discuss the administration's healthcare priorities, particularly in the areas of health equity and minority health issues such as maternal mortality, efforts to expand Medicaid and other programs to provide health care to underserved communities, and advice or guidance on career development.
- **Stakeholder Call on Access and Managed Care Notices of Proposed Rulemaking (NPRMs) with Civil Rights Groups**  
CMS will host a series of stakeholder listening sessions on two notices of proposed rulemaking (NPRMs), Ensuring Access to Medicaid Services (Access NPRM) and Managed Care Access, Finance, and Quality (Managed Care NPRM). This session will include Administrator CBL, Dan Tsai, and a small number of civil rights groups.
- **First Virtual Listening Session with CMS Leadership and Disability Advocates**  
CMS Administrator Chiquita Brooks-LaSure and Jonathan Blum (Principal Deputy Administrator and Chief Operating Officer) will host a virtual listening session with disability advocates. This session will provide an opportunity for the Administration to hear directly from a small group of advocates about their top policy priorities.

#### **Tuesday, 5/9**



- Nothing to report

### **Wednesday, 5/10**

- **[TENTATIVE] Organ Transplantation Affinity Group (OTAG) Public Launch**  
CMS and the Health Resources and Services Administration will announce the formation of their first collaborative Organ Transplantation Affinity Group. The launch will introduce five goals for organ transplantation system improvement. There will be a blog, patient journey map (illustrating the transplantation journey, challenges, and actions to take along the way), and News Roundup story for this item.
- **Medicaid Redeterminations Third Virtual Regional Pen-and-Pad**  
CMS will host a virtual pen-and-pad with reporters from select states to discuss Medicaid eligibility redeterminations as the continuous enrollment condition ends. This supports CMS' ongoing efforts to engage in national and regional media education about Medicaid and Children's Health Insurance Program redeterminations.
- **Second Virtual Listening Session with CMS Leadership and Disability Advocates**  
CMS Administrator Chiquita Brooks-LaSure and Jonathan Blum (Principal Deputy Administrator and Chief Operating Officer) will host a virtual listening session with disability advocates. This session will provide an opportunity for the Administration to hear directly from a small group of advocates about their top policy priorities.

### **Thursday, 5/11**

- **[TENTATIVE] Health Equity Data Briefs**  
CMS will release data briefs about characteristics of enrollees in Medicaid and CHIP. There are four total briefs on race and ethnicity, rural data, language data, and enrollees who qualify for Medicaid based on disability. There will be a blog, listserv announcement, News Roundup story, and internal questions-and-answers for this item.

### **Friday, 5/12**

- Nothing to report

### **Saturday, 5/13**

- Nothing to report

### **Sunday, 5/14**

- Nothing to report

### **Monday, 5/15**

- **Strategy Page Refresh & Health Equity Updates**  
The Office of Communications (OC), in coordination with the Office of the Administrator (OA), will release the refreshed Strategy website that includes Health Equity fact sheet updates and adding in the

new Dental Cross-Cutting Initiative (CCI). A new fact sheet will also be added to the CCI: Integrating the Three M's, Medicare, Medicaid, and Marketplace.

- **Speaking Engagement: National Association of Medicaid Directors Meeting**  
CMS' Dr. Ellen Montz (Deputy Administrator & Director, Center for Consumer Information & Insurance Oversight) will participate in the National Association of Medicaid Directors (NAMd) Meeting.

## **Tuesday, 5/16**

- **[TENTATIVE] Notice of Proposed Rulemaking (NPRM): Medicaid Drug Misclassification, Beneficiary Access Protection, and Drugs Program Administration**  
CMS will release the Medicaid Drug Misclassification, Beneficiary Access Protection, & Drugs Program Administration notice of proposed rulemaking (NPRM). This NPRM proposes new regulatory definitions for single-source drug, innovator multiple-source drug, and potentially non-innovator multiple source drugs. Additionally, the NPRM will propose the imposition of Civil Money Penalty on manufacturers that report incorrect price or product information, or knowingly misclassify/submit incorrect drug product information. It also will propose states recover unpaid rebate payments, and that the Secretary may exclude a manufacturer from participation in any federal health care program if they knowingly misclassifies a drug and fail to correct such misclassification, or if they knowingly provide false drug pricing or product info. There will be a fact sheet, social media, listserv message, internal questions-and-answers, and embargoed interview for this item.
- **Speaking Engagement: American Hospital Association Accelerating Health Equity Conference**  
CMS' Dr. LaShawn McIver (Director, Office of Minority Health) will participate in the American Hospital Association Accelerating Health Equity Conference. Dr. McIver will outline how the Stakeholder Engagement Plan guides our work, highlight efforts to implement the community's feedback, and discuss how feedback is used to improve initiatives and develop the CMS Framework for Health Equity. Additionally, Dr. McIver will highlight programs like the Health Equity Technical Assistance Program, which offers personalized coaching to healthcare organizations looking to tackle health disparities, putting community resources back into the hands of the stakeholders.
- **Conversation with CMS Leadership on Implementing the Inflation Reduction Act (IRA)**  
CMS will host a Conversation with CMS Leadership on implementing the Inflation Reduction Act (IRA). This session will take place virtually and will allow for the Administrator and Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) to meet with patient groups and hear from them about drug price negotiation and other important IRA topics.

## **Wednesday, 5/17**

- **[CLOSE HOLD] [TENTATIVE] Notice of Proposed Rulemaking (NPRM)--Removal of Hyde Amendment Language in Public Health Service Act (PHSA) Regulations**  
CMS will issue a notice of proposed rulemaking (NPRM) to remove outdated Hyde Amendment abortion regulations in Medicaid and Public Health Service Act (PHSA) regulations. PHSA regulations apply to the Title X grant program, which supports the delivery of family planning services for low-income and uninsured populations. These regulations are based on previous iterations of the Hyde Amendment and have not been updated to reflect changes in appropriations law since 1979 and 1987. The Medicaid regulations, in particular, are more restrictive than current Hyde Amendment language in that they do not allow for federal reimbursement even in cases of rape and incest. This rulemaking would remove outdated Hyde Amendment abortion regulations. A similar NPRM is also planned for

release by the Indian Health Service. There will be a reactive statement for this item. Additional planned media remains subject to ongoing discussions.

- **Speaking Engagement: Duke-Margolis Annual Health Policy Conference**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in a panel at the Duke-Margolis Health Policy Conference entitled "Looking Ahead for Value-Based Care: What's Working, What's Not, What's Next?"
- **Speaking Engagement: Duke-Margolis Annual Health Policy Conference**  
CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will participate in a panel at the Duke-Margolis Health Policy Conference entitled "Drug Pricing, Value, and Access." This panel session will focus on continued challenges in patient access to drugs and biologics, including updates on implementation of drug pricing provisions included in the Inflation Reduction Act and other public and private sector efforts to address costs, coverage, and patient needs.

#### **Thursday, 5/18**

- **School-based Services in Medicaid Super Guide**  
CMS will release the School-based Services (SBS) in Medicaid Super Guide. SBSs – which help address preventive care, behavioral health, physical and occupational therapy, and disease management – have a proven track record for boosting health and academic outcomes. The new guide consolidates hundreds of opportunities to improve connections to care through Medicaid, which covers nearly half of America's children, in classrooms – a key but often overlooked setting that improves access to care and health equity. This guide was required by the Safer Communities Act. There will be a press release, fact sheet, social media, listserv message, and internal questions-and-answers for this item. Additional planned media remains subject to ongoing discussions.
- **Speaking Engagement: PRIMARYCARE23**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in Primary Care for America's PRIMARYCARE23: See the Possibilities event. Dr. Clive Fields (VillageMD) will interview Dr. Fowler to discuss innovations in primary care.
- **Speaking Engagement: American Dental Association Practice Institute**  
CMS' Dr. Natalia Chalmers (Chief Dental Officer) will participate in an event at the American Dental Association Practice Institute. Dr. Chalmers will give a virtual presentation on the interoperability of dental data.

#### **Friday, 5/19**

- **CMS Roundup for May 19, 2023**  
CMS will release a Roundup highlighting agency initiatives and activities in a condensed, plain-language, reader-friendly narrative format with embedded links to information on the CMS website for reference. The Roundup is distributed twice a month to media and stakeholders.

# # #

#### ***INFORMATION NOT RELEASABLE TO THE PUBLIC UNLESS AUTHORIZED BY LAW:***

*This information has not been publicly disclosed and may be privileged and confidential. It is for internal government use only and must not be disseminated, distributed, or copied to persons not authorized to receive*

*the information. Unauthorized disclosure may result in disciplinary action or prosecution to the full extent of the law.*

Message

**From:** Sokol, Lisa (CMS/OC) (b)(6)  
(b)(6)

**Sent:** 5/1/2023 3:12:28 PM

**To:** Pryor, Rachel (HHS/OS/IOS) (b)(6)  
(b)(6) Rainer, Melanie Fontes  
(OS/OCR) (b)(6)  
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(HHS/ASPE) (b)(6)  
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(OS/IOS/) (b)(6)  
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**CC:** Richardson (she/her), Erin (CMS/OA) (b)(6)  
(b)(6) Alexander, Bruce  
(CMS/OC) (b)(6)

(b)(6)	Aldana, Karen (CMS/OC)
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(b)(6)	Thomas, Jasmine
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(CMS/OSPR) (b)(6)	Jones, Karmin
(CMS/CM) (b)(6)	Brown, Anastasia
(CMS/OSPR) (b)(6)	Perez-Rivera, Diana
(CMS/OC) (b)(6)	Joy-Bush, Keya
(b)(6)	Wagner, Rachel
(CMS/OC) (b)(6)	Bradley, Tasha
(b)(6)	Howden, Catherine
(CMS/OC) (b)(6)	Kaiser, Alyssa (CMS/OL)
(b)(6)	Tesfaye, Eden (CMS/OA)
(b)(6)	Lonardo, Sara
(CMS/OC) (b)(6)	Sokol, Lisa (CMS/OC)
(b)(6)	

**Subject:** CMS Calendar & Rollouts 5.1.23

Hi Team,

CMS' daily comms calendar and rollout updates are below.

***NOTE: This calendar/look ahead is close hold in nature and should not be forwarded/shared outside of this group of recipients.***

Friendly reminder that these are living documents and the dates are accurate as of the time it is sent - all dates are subject to change.

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#### **Rollouts Today**

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CALENDAR CALENDAR MONTH  
YEAR

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FIRST DAY OF  
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CMS03527cv1712

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21	22	23	24	25	26
	TENTATIVE (Close Hold): Transitional Coverage for Emerging Technologies Procedural Notice				
	Medicaid Redeterminations Fourth Virtual Regional Pen-and-Pad				

Three-week look-ahead



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## **Tuesday, 5/2**

- Nothing to report

## **Wednesday, 5/3**

- **Speaking Engagement: Blue Venture Fund Annual Meeting**  
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## **Thursday, 5/4**

- **HHS Secretary's Mental Health Awareness Month Event**  
CMS Administrator Chiquita Brooks-LaSure will participate in the HHS Mental Health Awareness Month event. The event will support Mental Health Awareness month with a focus on efforts related to workforce, finding support, and other actions the administration has taken. The CMS Administrator will join a panel discussion titled "Let's talk about mental health."
- **Speaking Engagement: American College of Physicians (ACP) Performance Measurement Committee (PMC) Meeting**  
CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality (CCSQ)) and Dr. Michelle Schreiber (Director, Quality Measurement and Value-Based Incentives Group, CCSQ) will participate in the American College of Physicians (ACP) Performance Measurement Committee (PMC) Meeting. Dr. Fleisher and Dr. Schreiber will discuss the CMS Universal Foundation Initiative.
- **Speaking Engagement: National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023**  
CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will participate in the National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023. Dr. Seshamani will speak during the opening plenary session.

## **Friday, 5/5**

- **[TENTATIVE] Missouri Notice Letter**  
CMS will release a Medicaid deferral letter to Missouri regarding longstanding concerns about federal Medicaid financing requirements, specifically FRA hospital taxes. This may represent a hold harmless arrangement, which is prohibited by statute and regulations. There will be a reactive statement for this item.
- **CMS Roundup for May 5, 2023**  
CMS will release a Roundup highlighting agency initiatives and activities in a condensed, plain-language, reader-friendly narrative format with embedded links to information on the CMS website for reference. The Roundup is distributed twice a month to media and stakeholders.
- **Speaking Engagement: Institute for Healthcare Leadership Alliance Bi-annual Network Meeting**

CMS' Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality), Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) and Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare & Medicaid Innovation) will participate in a moderated town hall-style program to discuss how the Institute for Healthcare Alliance network could better help CMS to lead change. There is no planned media for this item.

- **Speaking Engagement: National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in the National Association of Accountable Care Organizations (NAACOS) Spring Conference 2023. Dr. Fowler will speak during a plenary session.
- **Speaking Engagement: Penn Leonard Davis Institute Drug Pricing After the Inflation Reduction Act**  
CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will speak at the University of Pennsylvania's Drug Pricing After the Inflation Reduction Act Conference. Dr. Seshamani will discuss CMS' progress in implementing the Medicare drug provisions in the Inflation Reduction Act. There is no planned media for this item.
- **CMS/American Hospital Association (AHA) Stakeholder Call on Public Health Emergency (PHE)**  
CMS and the American Hospital Association will host a stakeholder call on the public health emergency (PHE) ending on May 11. Information will be shared and questions answered about Medicare waivers and flexibilities after the ending of the COVID-19 PHE.
- **Stakeholder Call on Access and Managed Care Notices of Proposed Rulemaking (NPRMs) with Provider Associations**  
CMS will host a series of stakeholder listening sessions on two notices of proposed rulemaking (NPRMs), Ensuring Access to Medicaid Services (Access NPRM) and Managed Care Access, Finance, and Quality (Managed Care NPRM). This session will include Administrator CBL, Dan Tsai, and a small number of provider associations.

#### **Saturday, 5/6**

- Nothing to report

#### **Sunday, 5/7**

- Nothing to report

#### **Monday, 5/8**

- **Speaking Engagement: Advent Health Executive Leadership Program**  
CMS' Dr. LaShawn McIver (Director, Office of Minority Health) will participate in the Advent Health Executive Leadership Program. The audience will include executives (director and above), CEOs, CFOs, and leaders from other operational disciplines. New and emerging leaders of Advent Health, one of the largest not-for-profit health care systems with more than 50 hospitals in 9 states (Florida, Georgia, Kentucky, North Carolina, Illinois, Wisconsin, Texas, Colorado, and Kansas). Our hospitals serve communities that range from Appalachia (Manchester, Kentucky) to urban centers (Orlando, Tampa, Kansas City) and the audience will consist of leaders of hospitals in these markets. Dr. McIver will

discuss the administration's healthcare priorities, particularly in the areas of health equity and minority health issues such as maternal mortality, efforts to expand Medicaid and other programs to provide health care to underserved communities, and advice or guidance on career development.

- **Stakeholder Call on Access and Managed Care Notices of Proposed Rulemaking (NPRMs) with Civil Rights Groups**  
CMS will host a series of stakeholder listening sessions on two notices of proposed rulemaking (NPRMs), Ensuring Access to Medicaid Services (Access NPRM) and Managed Care Access, Finance, and Quality (Managed Care NPRM). This session will include Administrator CBL, Dan Tsai, and a small number of civil rights groups.
- **First Virtual Listening Session with CMS Leadership and Disability Advocates**  
CMS Administrator Chiquita Brooks-LaSure and Jonathan Blum (Principal Deputy Administrator and Chief Operating Officer) will host a virtual listening session with disability advocates. This session will provide an opportunity for the Administration to hear directly from a small group of advocates about their top policy priorities.

#### **Tuesday, 5/9**

- **Stakeholder Call on Access and Managed Care Notice of Proposed Rulemaking (NPRM) with Patient and Consumer Groups**  
CMS will host a series of stakeholder listening sessions on two notices of proposed rulemaking (NPRMs), Ensuring Access to Medicaid Services (Access NPRM) and Managed Care Access, Finance, and Quality (Managed Care NPRM). CMS' Dan Tsai (Deputy Administrator and Director, Center for Medicaid and Children's Health Insurance Program Services) and Hannah Katch (Senior Advisor, Office of the Administrator) will participate in this session with a small number of patient/consumer groups.

#### **Wednesday, 5/10**

- **[TENTATIVE] Organ Transplantation Affinity Group (OTAG) Public Launch**  
CMS and the Health Resources and Services Administration will announce the formation of their first collaborative Organ Transplantation Affinity Group. The launch will introduce five goals for organ transplantation system improvement. There will be a blog, patient journey map (illustrating the transplantation journey, challenges, and actions to take along the way), and News Roundup story for this item.
- **Medicaid Redeterminations Third Virtual Regional Pen-and-Pad**  
CMS will host a virtual pen-and-pad with reporters from select states to discuss Medicaid eligibility redeterminations as the continuous enrollment condition ends. This supports CMS' ongoing efforts to engage in national and regional media education about Medicaid and Children's Health Insurance Program redeterminations.
- **Second Virtual Listening Session with CMS Leadership and Disability Advocates**  
CMS Administrator Chiquita Brooks-LaSure and Jonathan Blum (Principal Deputy Administrator and Chief Operating Officer) will host a virtual listening session with disability advocates. This session will provide an opportunity for the Administration to hear directly from a small group of advocates about their top policy priorities.

#### **Thursday, 5/11**

- **[TENTATIVE] Health Equity Data Briefs**

CMS will release data briefs about characteristics of enrollees in Medicaid and CHIP. There are four total briefs on race and ethnicity, rural data, language data, and enrollees who qualify for Medicaid based on disability. There will be a blog, listserv announcement, News Roundup story, and internal questions-and-answers for this item.

- **Stakeholder Call on Access and Managed Care Notice of Proposed Rulemaking (NPRM) with Health Plans**

CMS will host a series of stakeholder listening sessions on two notices of proposed rulemaking (NPRMs), Ensuring Access to Medicaid Services (Access NPRM) and Managed Care Access, Finance, and Quality (Managed Care NPRM). CMS' Dan Tsai (Deputy Administrator and Director, Center for Medicaid and Children's Health Insurance Program Services) and Hannah Katch (Senior Advisor, Office of the Administrator) will participate in this session with a small number of health plans.

#### **Friday, 5/12**

- Nothing to report

#### **Saturday, 5/13**

- Nothing to report

#### **Sunday, 5/14**

- Nothing to report

#### **Monday, 5/15**

- **Strategy Page Refresh & Health Equity Updates**

The Office of Communications (OC), in coordination with the Office of the Administrator (OA), will release the refreshed Strategy website that includes Health Equity fact sheet updates and adding in the new Dental Cross-Cutting Initiative (CCI). A new fact sheet will also be added to the CCI: Integrating the Three M's, Medicare, Medicaid, and Marketplace.

- **Speaking Engagement: National Association of Medicaid Directors Meeting**

CMS' Dr. Ellen Montz (Deputy Administrator & Director, Center for Consumer Information & Insurance Oversight) will participate in the National Association of Medicaid Directors (NAMD) Meeting.

#### **Tuesday, 5/16**

- **[TENTATIVE] Notice of Proposed Rulemaking (NPRM): Medicaid Drug Misclassification, Beneficiary Access Protection, and Drugs Program Administration**

CMS will release the Medicaid Drug Misclassification, Beneficiary Access Protection, & Drugs Program Administration notice of proposed rulemaking (NPRM). This NPRM proposes new regulatory definitions for single-source drug, innovator multiple-source drug, and potentially non-innovator multiple source drugs. Additionally, the NPRM will propose the imposition of Civil Money Penalty on manufacturers that report incorrect price or product information, or knowingly misclassify/submit incorrect drug product information. It also will propose states recover unpaid rebate payments, and that the Secretary may exclude a manufacture from participation in any federal health care program if they

knowingly misclassifies a drug and fail to correct such misclassification, or if they knowingly provide false drug pricing or product info. There will be a fact sheet, social media, listserv message, internal questions-and-answers, and embargoed interview for this item.

- **Speaking Engagement: American Hospital Association Accelerating Health Equity Conference**  
CMS' Dr. LaShawn McIver (Director, Office of Minority Health) will participate in the American Hospital Association Accelerating Health Equity Conference. Dr. McIver will outline how the Stakeholder Engagement Plan guides our work, highlight efforts to implement the community's feedback, and discuss how feedback is used to improve initiatives and develop the CMS Framework for Health Equity. Additionally, Dr. McIver will highlight programs like the Health Equity Technical Assistance Program, which offers personalized coaching to healthcare organizations looking to tackle health disparities, putting community resources back into the hands of the stakeholders.
- **Conversation with CMS Leadership on Implementing the Inflation Reduction Act (IRA)**  
CMS will host a Conversation with CMS Leadership on implementing the Inflation Reduction Act (IRA). This session will take place virtually and will allow for the Administrator and Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) to meet with patient groups and hear from them about drug price negotiation and other important IRA topics.

### **Wednesday, 5/17**

- **[CLOSE HOLD] [TENTATIVE] Notice of Proposed Rulemaking (NPRM)--Removal of Hyde Amendment Language in Public Health Service Act (PHSA) Regulations**  
CMS will issue a notice of proposed rulemaking (NPRM) to remove outdated Hyde Amendment abortion regulations in Medicaid and Public Health Service Act (PHSA) regulations. PHSA regulations apply to the Title X grant program, which supports the delivery of family planning services for low-income and uninsured populations. These regulations are based on previous iterations of the Hyde Amendment and have not been updated to reflect changes in appropriations law since 1979 and 1987. The Medicaid regulations, in particular, are more restrictive than current Hyde Amendment language in that they do not allow for federal reimbursement even in cases of rape and incest. This rulemaking would remove outdated Hyde Amendment abortion regulations. A similar NPRM is also planned for release by the Indian Health Service. There will be a reactive statement for this item. Additional planned media remains subject to ongoing discussions.
- **Speaking Engagement: Duke-Margolis Annual Health Policy Conference**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in a panel at the Duke-Margolis Health Policy Conference entitled "Looking Ahead for Value-Based Care: What's Working, What's Not, What's Next?"
- **Speaking Engagement: Duke-Margolis Annual Health Policy Conference**  
CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will participate in a panel at the Duke-Margolis Health Policy Conference entitled "Drug Pricing, Value, and Access." This panel session will focus on continued challenges in patient access to drugs and biologics, including updates on implementation of drug pricing provisions included in the Inflation Reduction Act and other public and private sector efforts to address costs, coverage, and patient needs.

### **Thursday, 5/18**

- **School-based Services in Medicaid Super Guide**

CMS will release the School-based Services (SBS) in Medicaid Super Guide. SBSs – which help address preventive care, behavioral health, physical and occupational therapy, and disease management – have a proven track record for boosting health and academic outcomes. The new guide consolidates hundreds of opportunities to improve connections to care through Medicaid, which covers nearly half of America’s children, in classrooms – a key but often overlooked setting that improves access to care and health equity. This guide was required by the Safer Communities Act. There will be a press release, fact sheet, social media, listserv message, and internal questions-and-answers for this item. Additional planned media remains subject to ongoing discussions.

- **Speaking Engagement: PRIMARYCARE23**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in Primary Care for America's PRIMARYCARE23: See the Possibilities event. Dr. Clive Fields (VillageMD) will interview Dr. Fowler to discuss innovations in primary care.
- **Speaking Engagement: American Dental Association Practice Institute**  
CMS' Dr. Natalia Chalmers (Chief Dental Officer) will participate in an event at the American Dental Association Practice Institute. Dr. Chalmers will give a virtual presentation on the interoperability of dental data.

#### **Friday, 5/19**

- **CMS Roundup for May 19, 2023**  
CMS will release a Roundup highlighting agency initiatives and activities in a condensed, plain-language, reader-friendly narrative format with embedded links to information on the CMS website for reference. The Roundup is distributed twice a month to media and stakeholders.

#### **Saturday, 5/20**

- Nothing to report

#### **Sunday, 5/21**

- Nothing to report

#### **Monday, 5/22**

- **[CLOSE HOLD] [TENTATIVE] Transitional Coverage for Emerging Technologies (TCET) Procedural Notice**  
CMS will publish a procedural notice, open a pilot National Coverage Determination (NCD), publish guidance documents, announce a Medicare Evidence Development & Coverage Advisory Committee (MEDCAC), and publish a blog describing the overall Transitional Coverage for Emerging Technologies (TCET) vision as the agency continues to work on coverage with evidence development regulations. The procedural notice will include an opportunity for public comment and describes the pathway in detail, including eligibility, pathway requirements, process, timing, duration of transitional coverage, and conversion to durable coverage. Additional planned media remains subject to ongoing discussions.
- **Medicaid Redeterminations Fourth Virtual Regional Pen-and-Pad**  
CMS will host a virtual pen-and-pad with reporters from select states to discuss Medicaid eligibility redeterminations as the continuous enrollment condition ends. This supports CMS' ongoing efforts to

engage in national and regional media education about Medicaid and Children's Health Insurance Program redeterminations. There is no planned media for this item.

# # #

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Message

From: Sokol, Lisa (CMS/OC) (b)(6)  
(b)(6)

Sent: 3/31/2023 2:21:30 PM

To: Pryor, Rachel (HHS/OS/IOS) (b)(6)

(b)(6) Rainer, Melanie Fontes  
(OS/OCR) (b)(6)  
(b)(6) Sommers, Benjamin  
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(b)(6) Zuniga, Ilse (HHS/ASPA)  
(b)(6) Mellette, Kelsey  
(HHS/ASL) (b)(6)  
(b)(6) Emanuel, Noah (HHS/ASL)  
(b)(6) Graf, Alex (HHS/ASL)  
(b)(6) Moore, Jonathan  
(OS/IOS/) (b)(6)  
(b)(6) Satchell, Samantha  
(OS/IOS/) (b)(6)  
(b)(6)

CC: Richardson (she/her), Erin (CMS/OA) (b)(6)  
 (b)(6) Alexander, Bruce  
 (CMS/OC) (b)(6)  
 (b)(6) Aldana, Karen (CMS/OC)  
 (CMS/OC) (b)(6) Shorter, Kimberly  
 (b)(6) Thomas, Jasmine  
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 (b)(6) Brown, Anastasia  
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 (b)(6) Joy-Bush, Keya  
 (CMS/OC) (b)(6)  
 (b)(6) Wagner, Rachel  
 (CMS/OC) (b)(6)  
 (b)(6) Bradley, Tasha  
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 (b)(6) Kaiser, Alyssa (CMS/OL)  
 (b)(6) Tesfaye, Eden (CMS/OA)  
 (b)(6) Lonardo, Sara  
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 (b)(6) Sokol, Lisa (CMS/OC)

Subject: Daily Comms/Rollouts Update 3.31.23


Hi Team,

Daily comms calendar and rollout update are below.

**NOTE: This calendar/look-ahead is close hold in nature and should not be forwarded/shared outside of this group of recipients.**

Friendly reminder that these are living documents and the dates are accurate as of the time it is sent - all dates are subject to change.

Please visit the **OC Rollouts Dashboard** for color-coded status updates and clearance deadlines for your upcoming rollouts.

- Green is on track
- Yellow has potential challenges
-  are at risk.

If an upcoming Tier 1 or 2 rollout is missing please alert your OC strategic comms lead to add it to SharePoint immediately.

Rollouts Today:

- Spring 2023 Medicare Trustees Report
- 2024 Medicare Advantage and Part D Rate Announcement
- Fiscal Year (FY) 2024 Hospice Wage Index and Payment Rate Update CMS-1787-P

Comms Calendar

2023 APRIL

CALENDAR CALENDAR MONTH  
YEAR

SUNDAY  
FIRST DAY OF  
WEEK

Black - Holidays and Moments to Mark

Red - CBL External Speeches/ Events  
Purple – Rollouts/Announcements

Brown - Media/Interviews

	Monday	Tuesday	Wednesday	Thursday	Friday
	National PACE Association’s Spring Policy Forum (CBL)	CMS PHE MS	CLOSE HOLD: Naloxone OTC Decision  Joint Press Release from CDC for JAMA Psychiatry Manuscript on the Receipt of Opioid Use Disorder-Related Telehealth Services	National Doctors Day  New Jersey FamilyCare Section 1115 Demonstration Extension  Connecting Kids to Coverage AI and AN Grants  CLOSE HOLD: Medicare Statement	Trans Day of Visibility  2024 Medicare Advantage and Part D Rate Announcement  FY 2024 Hospice (CMS-1787-P)  Spring 2023 Medicare Trustees Report

	02		03		04		05		06		07
	National Minority Health Month (NMHM)	TENTATIVE: FY 2024 IRF PPS (CMS-1781-P)	FY 2024 Psych PPS (CMS-1783-P)		HerStory Podcast Release (CBL)		TENTATIVE: FY 2024 IPPS (CMS-1785-P)		CMS Roundup		
	National Public Health Week (4/3-9)		TENTATIVE: ACF/CMS Blog: Medicaid Redetermination		Virtual Regional Pen & Pad (Medicaid Redetermination - Dan, CCSQ)		TENTATIVE: FY 2024 SNF PPS (CMS-1779-P)				
	Patient Access Week (4/3-9)		TENTATIVE (Pending Publication): NEJM Catalyst - CMS Response to Bates-Berwick Articles		CY 2024 Medicare Advantage and Part D Final Rule (CMS-4201-F)		TENTATIVE: Home Health Agency and Hospice Ownership Data Release				
					Value-Based Insurance Design Model Extension Details		TENTATIVE: FAQs: CMS Waivers, Flexibilities, and the End of the COVID-19 PHE				
							SSA Blog (#1) : CMS Administrator Guest Social Security Blog on Medicare Enrollment				
	09		10		11		12		13		14
	Black Maternal Health Week (BMHW) (4/11-17)	TENTATIVE: Illinois/New Mexico Free Care SPA	BMHW Event with Howard University - Men's Basketball Team (CBL)		TENTATIVE: VH1/BET On Camera - Health Equity Interview (CBL)		TENTATIVE: SMDL: Inmate Transitions Guidance to States		TENTATIVE (Close Hold): NPRM: Removal of Hyde Amendment		
			TENTATIVE (Pending Submission) CMS Innovation Center Health Equity Update Blog				SSA Blog (#2): CMS Administrator Guest Social Security Blog on Medicare Enrollment		Language in Public Health Service Act (PHSA) Regulations		
									TENTATIVE: Missouri Notice Letter		
	16		17		18		19		20		21
		TENTATIVE: BMHW - Congressman Evans - Black Maternal Health Panel (CBL)					TENTATIVE: Rural Emergency Hospitals Milestone Announcement		CMS Roundup		
		TENTATIVE: Final 2024 Notice of Benefit and Payment Parameters (NBPP) (CMS-9899-F)									

Three-week look-ahead

**Friday, 3/31**

- 2024 Medicare Advantage and Part D Rate Announcement**  
 CMS will release the 2024 Medicare Advantage (MA) and Part D Rate Announcement that finalizes policies for the payment year. CMS proposes changes to the MA and Part D payment methodologies for each calendar year after consideration of public comment through an annual advance notice. The advanced notice and rate announcement are annual policymaking vehicles for the Part C and D programs are closely monitored by stakeholders. The comment period closes on Friday, March 3, 2023. Comments will be reviewed and policies will be finalized for the next calendar year. There will be a press release, fact sheet, and internal questions and answers (QAs) for this item.
- Fiscal Year (FY) 2024 Hospice Wage Index and Payment Rate Update CMS-1787-P**  
 CMS' Fiscal Year (FY) 2024 Hospice Wage Index and Payment Rate Update Proposed Rule will display at the Federal Register (3/31/23) with a 60-day comment period. This rule will set routine updates to hospice payments for FY 2024, in accordance with existing statutory and regulatory requirements. There will be a fact sheet and internal questions and answers (QAs) for this item.
- Spring 2023 Medicare Trustees Report**  
 The Medicare Boards of Trustees will release their annual report to Congress on the financial operations and actuarial status of the program. The report contains a substantial amount of information on the past and estimated future financial operations of the Hospital Insurance (Medicare Part A) and Supplementary Medical Insurance (Medicare Part B and Prescription Drug Coverage) Trust Funds. There will be a Department of the Treasury press release and fact sheet, and CMS internal questions and answers (QAs) for this item.
- Speaking Engagement: The Cancer at the Crossroads Summit**  
 CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in Meyer Consulting LLC's The Cancer at the Crossroads Summit (CCX) 2023. CCS is a one-day international event, convening thought leaders representing stakeholders - academic medical centers, health plans, pharma, health systems/providers, genomics, PBMs, advocacy, government, and the media. Senior executives from oncology and the broader healthcare ecosystem come together to discuss the challenges in moving forward and opportunities/innovation in cancer care.

#### **Saturday, 4/1**

- Nothing to report

#### **Sunday, 4/2**

- Nothing to report

#### **Monday, 4/3**

- [TENTATIVE] FY 2024 Inpatient Rehabilitation Facilities Prospective Payment System Proposed Rule - CMS-1781-P**  
 CMS will issue a proposed rule to update Medicare payment policies and rates under the Inpatient Rehabilitation Facility (IRF) Prospective Payment System (PPS) and the IRF Quality Reporting Program (QRP) for fiscal year (FY) 2024. CMS is publishing this proposed rule in accordance with the legal requirements to update Medicare payment policies for IRFs on an annual basis. There will be a fact sheet and social media for this item.

## Tuesday, 4/4

- **Fiscal Year (FY) 2024 Inpatient Psychiatric Facility (IPF) Prospective Payment System (PPS) Proposed Rule - CMS - 1783-P**

CMS will issue the Fiscal Year (FY) 2024 Inpatient Psychiatric Facility (IPF) Prospective Payment System (PPS) proposed rule for inpatient hospital services provided by inpatient psychiatric facilities. This proposed rule outlines policy and payment changes will display at the Federal Register by April 3, 2023 with a 60-day comment period, and the final rule will display by August 1, 2023. There will be a fact sheet and internal questions and answers (QAs) for this item.

## Wednesday, 4/5

- **Contract Year (CY) 2024 Medicare Advantage (MA) and Part D Final Rule (CMS -4201-F)**

CMS will issue the Contract Year 2024 Medicare Advantage and Part D Final Rule (CMS-4201-F). This rule will amend the regulations for the Medicare Advantage (MA)/Part C, Part D, and Program of All-Inclusive Care for the Elderly (PACE) programs. The final rule will implement several new policies that will strengthen and improve the MA, Prescription Drug Plan, and PACE programs and codify existing sub-regulatory guidance and program updates. There will be a press release, fact sheet, listserv message, and internal questions-and-answers for this item.

- **Value-Based Insurance Design Model Extension Details**

CMS will announce policy details of the extension of the Medicare Advantage Value-Based Insurance Design (VBID) Model. CMS previously announced the model would be extended through 2025-2030. The model tests support for social determinants of health for Medicare Advantage beneficiaries. There will be some changes to the model, including requiring plans to include VBID-specific benefits to address at least two of three priority areas: food, transportation, and housing insecurity/living environment. There will be a fact sheet and internal questions and answers (QAs) for this item.

- **Speaking Engagement: HerStory Podcast Release**

CMS Administrator Chiquita Brooks-LaSure's episode of the HerStory Podcast will be released by Think Medium. Her Story is a podcast series developed by women, for women, to share stories that expand their vision of what is possible as healthcare leaders. The Administrator's episode is hosted by Ceci Connolly, President and CEO of the Alliance of Community Health Plans.

- **Medicaid Redeterminations Virtual Regional Pen-and-Pad**

CMS will host a virtual pen-and-pad with reporters from select states (Arizona, Hawaii, Maryland, New Hampshire, New Jersey, New Mexico, Rhode Island, South Carolina, Virginia, Washington state, West Virginia, and Wisconsin) to discuss Medicaid eligibility redeterminations as the continuous enrollment condition ends. This supports CMS' ongoing efforts to engage in national and regional media education about Medicaid and Children's Health Insurance Program redeterminations.

## Thursday, 4/6

- **[TENTATIVE] Fiscal Year (FY) 2024 Inpatient Prospective Payment System Proposed Rule (CMS-1785-P)**

CMS will issue the fiscal year (FY) 2024 Inpatient Prospective Payment System (IPPS) and Long-Term Care Hospital (LTCH) Prospective Payment System (PPS) Proposed Rule with a 60-day comment period. Medicare makes payments under the IPPS to approximately 3,500 hospital and to approximately 400

LTCHs under the LTCH PPS. There will be a press release, a general fact sheet, internal questions-and-answers, social media, and a listserv announcement for this item.

- **[TENTATIVE] Fiscal Year (FY) 2024 Skilled Nursing Facility (SNF) Proposed Payment Rule - CMS-1779-P**  
CMS will release the fiscal year (FY) 2024 Skilled Nursing Facility Prospective Payment System (SNF PPS) proposed rule. It will be displayed at the Federal Register with a 60-day comment period. There will be a fact sheet and internal questions and answers (QAs) planned for this item.
- **[TENTATIVE] Home Health Agency and Hospice Ownership Data Release**  
CMS will release Home Health Agency (HHA) and Hospice full ownership data. This is in continuation of previous data releases including Change of Ownership (CHOW) and Hospital and Skilled Nursing Facilities (SNF) full ownership last year to improve data transparency. There will social media, a listserv announcement, internal questions and answers (QAs).
- **[TENTATIVE] Frequently Asked Questions (FAQs): CMS Waivers, Flexibilities, and the End of the COVID-19 Public Health Emergency**  
CMS will publish a Frequently Asked Questions (FAQs) document addressing various issues related to the May 11, 2023, end of the COVID-19 Public Health Emergency (PHE) and its impact on various on waivers and flexibilities implemented to address the pandemic. This document will be periodically updated as new FAQs are raised by the public.
- **CMS Administrator Guest Social Security Blog on Medicare Enrollment (Part 1)**  
CMS Administrator Chiquita Brooks-LaSure will have a guest blog published for Social Security Matters. The Administrator will convey to over 400,000 Social Security Matters subscribers on the basics of Medicare -- when to apply, how to apply, tools and options to consider. There will be social media for this item.

#### **Friday, 4/7**

- **CMS Roundup for April 7, 2023**  
CMS will release a Roundup highlighting agency initiatives and activities in a condensed, plain-language, reader-friendly narrative format with embedded links to information on the CMS website for reference. The Roundup is distributed twice a month to media and stakeholders.

#### **Saturday, 4/8**

- Nothing to report

#### **Sunday, 4/9**

- Nothing to report

#### **Monday, 4/10**

- **[TENTATIVE] Illinois Free Care State Plan Amendment (SPA)**  
CMS will issue a Free Care State Plan Amendment (SPA) for Illinois. Free Care SPAs are based on CMS guidance that reversed the “free care rule.” This guidance means that states have the option provide physical and behavioral health care services to any student who is enrolled in Medicaid—and to get

federal Medicaid reimbursement for those services. There will be a press release, listserv message, social media, internal questions-and-answers, and possible event for this item.

- **[TENTATIVE] New Mexico Free Care State Plan Amendment (SPA)**  
CMS will approve a Free Care State Plan Amendment (SPA) for New Mexico. Free Care SPAs are based on CMS guidance that reversed the “free care rule.” This guidance means that states have the option provide physical and behavioral health care services to any student who is enrolled in Medicaid—and to get federal Medicaid reimbursement for those services. There will be a press release, listserv message, social media, internal questions-and-answers, and possible event for this item.
- **Speaking Engagement: Systems, Leadership, Integration, & Management Committee at Columbia University's Medical School**  
CMS' Dr. Liz Fowler (Deputy Administrator and Director, Center for Medicare and Medicaid Innovation (CMMI)) will participate in Columbia University Medical School's Systems, Leadership, Integration, & Management (SLIM) Committee. The committee aims to expose Columbia medical students to the global issues affecting effective and appropriate healthcare delivery, including access, quality, safety, cost, and payments.

#### **Tuesday, 4/11**

- **Black Maternal Health Week (BMHW) Event with Howard University**  
CMS Administrator Chiquita Brooks-LaSure will participate in a Black Maternal Health Week (BMHW) Event with Howard University - Men's Basketball Team.
- **Speaking Engagement: Virtual Medicare Advantage Summit**  
CMS' Dr. Meena Seshamani (Deputy Administrator and Director, Center for Medicare) will give a pre-recorded fireside chat about Medicare Advantage. Dr. Seshamani's session will air between April 11-14th.

#### **Wednesday, 4/12**

- **Speaking Engagement: VH1/BET On-Camera - Health Equity Interview**  
CMS Administrator Chiquita Brooks-LaSure will participate in a VH1/BET on-camera interview on health equity.
- **Speaking Engagement: Qualified Health Plan (QHP) Issuer and State Virtual Event**  
CMS' Dr. Ellen Montz (Deputy Administrator & Director, Center for Consumer Information & Insurance Oversight (CCIIO)) will participate in a Qualified Health Plan (QHP) Issuer and State virtual event. This two-day event is applicable to issuers and states in Federally-facilitated Exchanges (FEEs), including States performing Plan Management functions, State-based Exchanges (SBEs), State-based Exchanges on the Federal platform (SBE-FPs) and Stand-alone Dental Plans (SADPs). It is not open to members of the press or media outlets.

#### **Thursday, 4/13**

- **[TENTATIVE] State Medicaid Director Letter on Inmate Transitions Guidance to States**  
CMS will issue a State Medicaid Director Letter (SMDL) to states that will provide them with information on a new Medicaid section 1115 demonstration for short term coverage of Medicaid services to individuals transitioning out of incarceration. This guidance is being issued as required by



section 5032 of the SUPPORT Act. There will be a press release, social media, listserv message, and internal questions-and-answers for this item.

- **CMS Administrator Guest Social Security Blog on Medicare Enrollment (Part 2)**  
CMS Administrator Chiquita Brooks-LaSure will have a guest blog published for Social Security Matters. The Administrator will convey to over 400,000 Social Security Matters subscribers on the basics of Medicare -- when to apply, how to apply, tools and options to consider. Included for awareness only.
- **Speaking Engagement: 4x24 Healthcare Group Dinner**  
CMS' Jonathan Blum (Principal Deputy Administrator and Chief Operating Officer) will join the 4x24 Executive Dinner Series. The 4x24 Healthcare Group Dinner provides an opportunity for like-minded leaders in the government contracting industry to network and collaborate with one another in a cooperative fashion. Each meeting has an outside speaker to discuss the latest related happenings in our market space.

#### **Friday, 4/14**

- **[CLOSE HOLD] [TENTATIVE] Notice of Proposed Rulemaking (NPRM): Removal of Hyde Amendment Language in Public Health Service Act (PHSA) Regulations**  
CMS will issue a notice of proposed rulemaking (NPRM) to remove outdated Hyde Amendment abortion regulations in Medicaid and Public Health Service Act (PHSA) regulations. PHSA regulations apply to the Title X grant program, which supports the delivery of family planning services for low-income and uninsured populations. These regulations are based on previous iterations of the Hyde Amendment and have not been updated to reflect changes in appropriations law since 1979 and 1987. The Medicaid regulations, in particular, are more restrictive than current Hyde Amendment language in that they do not allow for federal reimbursement even in cases of rape and incest. This rulemaking would remove outdated Hyde Amendment abortion regulations. A similar NPRM is also planned for release by the Indian Health Service. There will be a reactive statement for this item. Additional planned media remains subject to ongoing discussions.
- **[TENTATIVE] Missouri Notice Letter**  
CMS will release a Medicaid deferral letter to Missouri regarding longstanding concerns about federal Medicaid financing requirements, specifically FRA hospital taxes. This may represent a hold harmless arrangement, which is prohibited by statute and regulations. There will be a reactive statement for this item.

#### **Saturday, 4/15**

- Nothing to report

#### **Sunday, 4/16**

- Nothing to report

#### **Monday, 4/17**

- **Final 2024 Notice of Benefit and Payment Parameters (NBPP)**  
CMS will release the Final 2024 Notice of Benefit and Payment Parameters (NBPP). CMS is finalizing some of the standards in the proposed rule for states, Exchanges, and issuers in the individual and

small-group markets. This final proposed rule will publish in the Federal Register. There will be a press release, fact sheet, social media, listserv announcement, and internal questions and answers (QAs) for this item.

## **Tuesday, 4/18**

- **Speaking Engagement: Healthcare Information and Management Systems Society (HIMSS) 23 Conference and Exhibition**  
CMS' Jonathan Blum (Principal Deputy Administrator and Chief Operating Officer) will speak at the Healthcare Information and Management Systems Society (HIMSS) 23 Conference. HIMSS is a global, nonprofit advisor and thought leader supporting the transformation of the health ecosystem through information and technology. HIMSS' vision is to realize the full health potential of every human everywhere.
- **Speaking Engagement: End-Stage Renal Disease (ESRD) Network Webinar**  
CMS' Dr. Natalia Chalmers (Chief Dental Officer) will participate in an End-Stage Renal Disease (ESRD) Network Webinar. There are 18 end-stage kidney disease networks providing quality improvement and patient grievance support to dialysis providers and patients throughout the country, including Puerto Rico and the Virgin Islands. Dr. Chalmers will present to these networks, dialysis providers, dialysis/chronic kidney disease (CKD) patients, and kidney transplant patients.

## **Wednesday, 4/19**

- Nothing to report

## **Thursday, 4/20**

- **Rural Emergency Hospitals (REH) Milestone Announcement**  
On January 3, 2023, a new provider type, Rural Emergency Hospitals (REH), was implemented to support access to care in rural and underserved communities. Critical Access Hospitals (CAHs) and small rural hospitals can convert to REH, which may be a more sustainable option for rural hospitals facing closure. Behavioral health services may be provided at REH facilities. Planned media remains subject to ongoing discussions.
- **Advisory Panel on Outreach and Education (APOE)**  
CMS' Advisory Panel on Outreach and Education (APOE) will meet in person from 8:30 am to 4:00 pm ET to hear from CMS speakers on various topics. The APOE panel members will provide recommendations for CMS to consider as we work on outreach and education on these programs. The APOE panel is a Federal Advisory Committee Act (FACA) panel, and the website with more information is here: <https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE>.

## **Friday, 4/21**

- **CMS Roundup for April 21, 2023**  
CMS will release a Roundup highlighting agency initiatives and activities in a condensed, plain-language, reader-friendly narrative format with embedded links to information on the CMS website for reference. The Roundup is distributed twice a month to media and stakeholders.

###

**INFORMATION NOT RELEASABLE TO THE PUBLIC UNLESS AUTHORIZED BY LAW:**

*This information has not been publicly disclosed and may be privileged and confidential. It is for internal government use only and must not be disseminated, distributed, or copied to persons not authorized to receive the information. Unauthorized disclosure may result in disciplinary action or prosecution to the full extent of the law.*

Message

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**From:** Maccarroll, Amber (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 5/1/2023 4:15:27 PM  
**To:** Kirchgraber, Kate (CMS/OL); (b)(6)  
(b)(6) Howe, Rory  
(CMS/CMCS); (b)(6)  
(b)(6)  
**CC:** Costello, Anne Marie (CMS/CMCS); (b)(6)  
(b)(6) Martino, Maria  
(CMS/OL); (b)(6)  
(b)(6) Arnold, Charlie  
(CMS/CMCS); (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS); (b)(6)  
(b)(6) Wiley, Evelyn  
(b)(6)  
**Subject:** RE: RE: more hold harmless requests

Hi Kate –

Looping in Evelyn who can assist with scheduling on our end.

Evelyn – see the below request – can you provide Kate with some 30-minute blocks of time that would work. (Will need 4 total). Let me know if you have trouble.

Thanks, Amber

**From:** Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>  
**Sent:** Monday, May 1, 2023 11:31 AM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Cc:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Martino, Maria (CMS/OL) <Maria.Martino@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** more hold harmless requests

Hi Rory –

We're continuing to get incoming on the hold harmless CIB, including a new letter from FL Republican members that we received this morning. We've also had requests for calls from a number of Democratic Hill offices. Interest is primarily coming from TX and FL, although we've also had a request from Democratic Senate staff from VA and NV. We were initially going to try to handle these within OL, but given the volume and the potential for questions about what we're doing in each state, we're going to need your help.

We'd like to do 3 separate calls within the next 2 weeks – TX, FL, and a combined one for VA and NV.

Can you give us some times this week and next that you're available for these 3 calls and 1 prep session?

Thanks so much!

Kate

**Kate Kirchgraber** | Director | Low Income Programs Analysis Group | Office of Legislation | Centers for Medicare & Medicaid Services | [kate.kirchgraber@cms.hhs.gov](mailto:kate.kirchgraber@cms.hhs.gov) | 202.680.2481

Message

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**From:** Boston, Beverly (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 1/17/2023 3:00:13 PM  
**To:** Howe, Rory (CMS/CMCS); (b)(6)  
(b)(6)  
**CC:** Maccarroll, Amber (CMS/CMCS); (b)(6)  
(b)(6); Silanskis, Jeremy  
(CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** RE: RE: RORY/JEREMY IMMEDIATE ACTION:- OGC OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I'll take a look. OC supposedly combined all comments and edits from OGC, so not sure what happened there... I'll review.

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Tuesday, January 17, 2023 9:57 AM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: RORY/JEREMY IMMEDIATE ACTION:- OGC OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi, Beverly. The master version below does not have all the tracked changes in it. For example, all of OL's line edits are not tracked. Would it be possible to have a consolidated version showing all the tracked changes from the original version?

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Tuesday, January 17, 2023 8:47 AM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Subject:** RORY/JEREMY IMMEDIATE ACTION:- OGC OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning,

The CIB has not yet gone back to be cleared through IOS/OMB. Rory and Jeremy is the CIB and underlying docs good go?

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

*Beverly*

**From:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>  
**Sent:** Thursday, January 12, 2023 4:40 PM  
**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>  
**Cc:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Done! And thank you for everything this week – I know it's been a wild one.... Hope you have a fabulous long weekend!

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>  
**Sent:** Thursday, January 12, 2023 4:32 PM  
**To:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>  
**Cc:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I'm fine if you want to add them (attached) 😊. I'm working on huge GAO CAPs report request on supplemental payments that will go to the Divs for update. Thank you!

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

*Beverly*

**From:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>  
**Sent:** Thursday, January 12, 2023 4:25 PM  
**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good catch Beverly. Sorry I missed those. Yes, they need to be added in. Do you have time or do you want me to add them?

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>  
**Sent:** Thursday, January 12, 2023 4:23 PM  
**To:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Amber. I do not see Tim Engelhardt's edits that he requested. Do they need to be added?

*Beverly*

**From:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 4:00 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Beverly –

I reviewed and provided a few minor (mainly formatting) edits. These are good to go by me, but I think Rory will likely want to review also before they go back.

Thanks, Amber

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 2:44 PM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon,

The FMG Front Office is up next to clear the CIB and underlying docs prior to moving them back to the OCD. Please make any additional edits. I will accept the changes and will provide OCD with both clean and redlined versions. I'll be online late if needed.

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 2:41 PM  
**To:** Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Great. Thanks Jonathan, Kristin and team. I will clear the updates with the FMG Front Office and will move the items forward. So far, what I am hearing is that the CIB will not go through another round of CMS clearance, but will be moved forward to IOS/OMB/DPC.



Thank you!

*Beverly*

**From:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:33 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Beverly,

I believe Kristin and I have responded to all the comments and made of the edits that we feel are appropriate, including for the reactive statement. I don't think there is anything left for us to do. Please let us know if we can be of any further assistance. I will be glad to make any other changes anyone else suggests. Thank you.

Best,

Jonathan

Jonathan Endelman

Social Science Research Analyst

Centers for Medicare & Medicaid Services (CMS)

Center for Medicaid and CHIP Services (CMCS)

Financial Management Group (FMG)

Division of Financial Policy (DFP)

410.786.4738

[jonathan.endelman@cms.hhs.gov](mailto:jonathan.endelman@cms.hhs.gov)

7500 Security Blvd.

Mail Stop, S3-14-28

Baltimore, MD 21244-1850

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:26 PM

**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon team – I am checking in on the status of the updated CIB. I understand from Rory that we are fine to reject the re-framing references proposed by OL. As the CIB is on a timeline for release by 1/23, can all edits/comments be wrapped up on the CIB/Q/As and Reactive Statement by COB today?

Hello, I am adding a SP link (below) for the reactive statement with OL comments/edits (attached) to be aligned with the updated CIB and Q/As. Will these changes impact the OA briefing paper? We normally wait until we have clearance comments before going to OA, but I understand we are on a somewhat tight timeline.

OC reconciled the comments. I did move the reconciled version of the CIB and Q/As to SharePoint (below). Please see attached with separate line edits/comments for full disclosure from OL and OGC. Please make edits in the reconciled version.

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

**Beverly**

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Monday, January 9, 2023 4:31 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks, Beverly. I think some of the line edits are visible in the CIB, but many by OL are not visible. Is there a version with the line edits visible?

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Monday, January 9, 2023 3:34 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hello,

Please see attached with OL and OGC comments. Can you take a look and let me know **when you'll be able to turn around clean versions**? As a reminder, next step is R2 CMS and the OCD will concurrently send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 4:29 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Looks good. I will circle back if there are any questions. Thank you all.

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 4:08 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

My edits are in and this is good to go. Thanks, all!

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 2:47 PM

**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

Based on your comments would the below edits work? Please others review Kristin's comments in the attached and make edits here → reactive that was drafted by OC by COB today.

(b)(5)

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 2:19 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I made some suggestions.

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 1:33 PM

**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

**Status update:** OCD confirmed we are still aiming for 1/23. OCD is awaiting OGC comments (if any) on the CIB. Once the CIB clears Comms, the OCD will send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

**In addition due COB today** - Here is the reactive that was drafted by OC for the CIB. **Please let me know if you have edits to the reactive statement developed by OC.**

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>

**Sent:** Wednesday, January 4, 2023 9:45 AM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart

(CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)  
<Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia  
(CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** RE: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Beverly. I defer to others but don't think the edits are helpful for the CIB. It was carefully crafted language. I would not recommend accepting these changes.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Wednesday, January 4, 2023 8:46 AM  
**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS)  
<Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard  
(CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)  
<Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia  
(CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning and HNY! 🍷

Looping others. All Comms clearance comments on the CIB are due from commenters on 1/5. Please hold the attached FCHCO comments until all other comments on the CIB are received. **I will need clean and redlined comments once all comments are received.**

**In addition due 12pm tomorrow 1/5** - Here is the reactive that was drafted by OC for the CIB. Please let me know if you have edits to the reactive statement developed by OC.

Thank you

***Beverly***

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Tuesday, January 3, 2023 3:57 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Cc:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)  
<Amber.MacCarroll@cms.hhs.gov>  
**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi, Beverly and Lia. Would you mind making should make sure the attached track changes based on a few suggestions from Tim make it into the final version? Please let me know if you have any questions.

Thanks,  
Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Tuesday, January 3, 2023 3:49 PM  
**To:** Engelhardt, Tim (CMS/FCHCO) <Tim.Engelhardt@cms.hhs.gov>  
**Subject:** RE: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Tim,

Happy New Year. I appreciate you taking the time to review and to comment. Thanks for catching the typo and for highlighting where we could be more precise to avoid misinterpretations. We'll update the draft CIB to address the comments/edit. Thanks again.

Rory

**From:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>

**Sent:** Tuesday, January 3, 2023 3:16 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Rory –

I understand the CIB was FYI-only, but I feel compelled to share with you a few things in the attached. I was only reading it to try to learn the policy, but there is a place in the CIB where a reader could easily take away the wrong message. And a typo.

Tim Engelhardt (he/him)  
Medicare-Medicaid Coordination Office  
Centers for Medicare & Medicaid Services  
202.690.6277

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**From:** CMS CLEARANCES <[CLEARANCES@cms.hhs.gov](mailto:CLEARANCES@cms.hhs.gov)>

**Sent:** Tuesday, January 3, 2023 1:35 PM

**To:** Worstell, Megan (CMS/OFM) <[Megan.Worstell@cms.hhs.gov](mailto:Megan.Worstell@cms.hhs.gov)>; Czajkowski, John (CMS/OFM) <[John.Czajkowski@cms.hhs.gov](mailto:John.Czajkowski@cms.hhs.gov)>; Plater, Morris (CMS/OFM) <[Morris.Plater@cms.hhs.gov](mailto:Morris.Plater@cms.hhs.gov)>; Stokes-Murray (He/Him), Heinz (CMS/OFM) <[KHeinz.Stokes-Murray@cms.hhs.gov](mailto:KHeinz.Stokes-Murray@cms.hhs.gov)>; Tierney, Janet (CMS/OFM) <[Janet.Tierney@cms.hhs.gov](mailto:Janet.Tierney@cms.hhs.gov)>; Kelsey, Ashley (CMS/OFM) <[Ashley.Kelsey@cms.hhs.gov](mailto:Ashley.Kelsey@cms.hhs.gov)>; Carmichael, Wanda (CMS/OFM) <[Wanda.Carmichael@cms.hhs.gov](mailto:Wanda.Carmichael@cms.hhs.gov)>; Benns, Antoinette (CMS/OFM) <[Antoinette.Benns@cms.hhs.gov](mailto:Antoinette.Benns@cms.hhs.gov)>; Richter (she/her), Liz (CMS/CM) <[elizabeth.richter@cms.hhs.gov](mailto:elizabeth.richter@cms.hhs.gov)>; Rice, Cheri (CMS/CM) <[Cheri.Rice@cms.hhs.gov](mailto:Cheri.Rice@cms.hhs.gov)>; Ahern, Robert (CMS/CM) <[Robert.Ahern@cms.hhs.gov](mailto:Robert.Ahern@cms.hhs.gov)>; Mays, Beth (CMS/CM) <[Beth.Mays@cms.hhs.gov](mailto:Beth.Mays@cms.hhs.gov)>; Blackford (she/her), Carol (CMS/CM) <[Carol.Blackford@cms.hhs.gov](mailto:Carol.Blackford@cms.hhs.gov)>; Pequigney, Susan (CMS/CM) <[Susan.Pequigney@cms.hhs.gov](mailto:Susan.Pequigney@cms.hhs.gov)>; Farran, Patti (CMS/CM) <[Patti.Farran@cms.hhs.gov](mailto:Patti.Farran@cms.hhs.gov)>; Beder, Victoria (CMS/CM) <[Victoria.Beder@cms.hhs.gov](mailto:Victoria.Beder@cms.hhs.gov)>; Feaster, Simone (CMS/CM) <[simone.feaster@cms.hhs.gov](mailto:simone.feaster@cms.hhs.gov)>; Uebersax, Julie (CMS/CM) <[Julie.Uebersax@cms.hhs.gov](mailto:Julie.Uebersax@cms.hhs.gov)>; Held, William (CMS/CM) <[William.Held@cms.hhs.gov](mailto:William.Held@cms.hhs.gov)>; OToole, Meghan (CMS/OA) <[Meghan.OToole1@cms.hhs.gov](mailto: Meghan.OToole1@cms.hhs.gov)>; Labonte, Christiane (CMS/CM) <[Christiane.Labonte@cms.hhs.gov](mailto:Christiane.Labonte@cms.hhs.gov)>; Martin, Kristi (CMS/CM) <[Kristina.Martin@cms.hhs.gov](mailto:Kristina.Martin@cms.hhs.gov)>; Turco, Molly (CMS/CM) <[Molly.Turco@cms.hhs.gov](mailto:Molly.Turco@cms.hhs.gov)>; Jacobs, Douglas (CMS/CM) <[Douglas.Jacobs@cms.hhs.gov](mailto:Douglas.Jacobs@cms.hhs.gov)>; Hunter, Leah (CMS/CM) <[Leah.Hunter@cms.hhs.gov](mailto:Leah.Hunter@cms.hhs.gov)>; CMS CPI Clearance Box <[CPI\\_Clearance\\_Box@cms.hhs.gov](mailto:CPI_Clearance_Box@cms.hhs.gov)>; Hart, Bradley (CMS/CPI); Lindstrom, Jennifer (CMS/CPI) <[Jennifer.Lindstrom@cms.hhs.gov](mailto:Jennifer.Lindstrom@cms.hhs.gov)>; Mills, George (CMS/CPI) <[george.mills@cms.hhs.gov](mailto:george.mills@cms.hhs.gov)>; Brentzel, Ingrid (CMS/CPI) <[Ingrid.Brentzel@cms.hhs.gov](mailto:Ingrid.Brentzel@cms.hhs.gov)>; Graham, John (CMS/CPI) <[John.Graham@cms.hhs.gov](mailto:John.Graham@cms.hhs.gov)>; Wilson-Coe, Tomiko (CMS/CPI) <[Tomiko.Wilson-Coe@cms.hhs.gov](mailto:Tomiko.Wilson-Coe@cms.hhs.gov)>; Allen, Nakia (CMS/CPI) <[nakia.allen-mcghee@cms.hhs.gov](mailto:nakia.allen-mcghee@cms.hhs.gov)>; Ahmad, Namirah (CMS/CPI) <[Namirah.Ahmad@cms.hhs.gov](mailto:Namirah.Ahmad@cms.hhs.gov)>; Barkai, Melissa (CMS/CPI) <[Melissa.Barkai@cms.hhs.gov](mailto:Melissa.Barkai@cms.hhs.gov)>; Coates, Nikita (CMS/CPI) <[Nikita.Coates@cms.hhs.gov](mailto:Nikita.Coates@cms.hhs.gov)>; Mitchell, Dashe (CMS/CPI) <[Dashe.Mitchell@cms.hhs.gov](mailto:Dashe.Mitchell@cms.hhs.gov)>; Tott, Karen (CMS/CPI) <[Karen.Tott@cms.hhs.gov](mailto:Karen.Tott@cms.hhs.gov)>; Stevenson, Bryant (CMS/CPI) <[bryant.stevenson@cms.hhs.gov](mailto:bryant.stevenson@cms.hhs.gov)>; Oelschlaeger, Allison (CMS/OEDA) <[Allison.Oelschlaeger@cms.hhs.gov](mailto:Allison.Oelschlaeger@cms.hhs.gov)>; Shatto, Andrew (CMS/OEDA) <[Andrew.Shatto@cms.hhs.gov](mailto:Andrew.Shatto@cms.hhs.gov)>; Hitchcock, Katherine (CMS/OEDA) <[Katherine.Hitchcock@cms.hhs.gov](mailto:Katherine.Hitchcock@cms.hhs.gov)>; Harper, Bernice (CMS/OEDA) <[Bernice.Harper@cms.hhs.gov](mailto:Bernice.Harper@cms.hhs.gov)>; CMS Front Office - CCIO Clearances <[FrontOffice-](mailto:FrontOffice-)

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**Cc:** CMS CLEARANCES <CLEARANCES@cms.hhs.gov>; Dinges, Enrico (CMS/OC) <Eric.Dinges@cms.hhs.gov>

**Subject:** FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements



\*\*\*Please copy Enrico Dinges and on ALL responses pertaining to this item when replying to CMS Clearances.\*\*\*

Please see attached internal qas for review. The informational bulletin is FYI ONLY. Thank you.

**Comments Due: 1:00 PM ET Thursday, January 5, 2023**

**All: For your review and input. Concurrent HHS/CMS review.**

**Title:** Internal Q&As for CMCS informational bulletin on health care related taxes and hold harmless arrangements.

**Agency/Office:** CMCS

**Subject/Description:** CMS will release an informational bulletin on health care related taxes and hold harmless arrangements involving the redistribution of Medicaid payments. This informational bulletin responds in part to questions CMS has received regarding the statutory and regulatory requirements applicable to health care-related taxes, including in connection with proposals to implement or renew Medicaid managed care state directed payments (SDPs). There will be a reactive statement, listserv message, and internal questions-and-answers for this item.

**COMMs Materials for Rollout:** Internal Q&As

**Deadline for COMMS Clearance comments: Thursday, January 5 by 1:00 PM**

**Requested Release date:** 2/7/2023

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Message

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**From:** Boston, Beverly (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 1/17/2023 3:02:02 PM  
**To:** Howe, Rory (CMS/CMCS); (b)(6)  
(b)(6)  
**CC:** Maccarroll, Amber (CMS/CMCS); (b)(6)  
(b)(6); Silanskis, Jeremy  
(CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** RE: RE: RORY/JEREMY IMMEDIATE ACTION:- OGC OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Also, it may that we decided to reject many of the OL edits and comments which would explain why those line edits are not showing.

*Beverly*

**From:** Boston, Beverly (CMS/CMCS)  
**Sent:** Tuesday, January 17, 2023 10:00 AM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: RORY/JEREMY IMMEDIATE ACTION:- OGC OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I'll take a look. OC supposedly combined all comments and edits from OGC, so not sure what happened there... I'll review.

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Tuesday, January 17, 2023 9:57 AM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: RORY/JEREMY IMMEDIATE ACTION:- OGC OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi, Beverly. The master version below does not have all the tracked changes in it. For example, all of OL's line edits are not tracked. Would it be possible to have a consolidated version showing all the tracked changes from the original version?

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Tuesday, January 17, 2023 8:47 AM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>  
**Subject:** RORY/JEREMY IMMEDIATE ACTION:- OGC OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning,

The CIB has not yet gone back to be cleared through IOS/OMB. Rory and Jeremy is the CIB and underlying docs good go?

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

*Beverly*

**From:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

**Sent:** Thursday, January 12, 2023 4:40 PM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Done! And thank you for everything this week – I know it's been a wild one.... Hope you have a fabulous long weekend!


**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Thursday, January 12, 2023 4:32 PM

**To:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I'm fine if you want to add them (attached) . I'm working on huge GAO CAPs report request on supplemental payments that will go to the Divs for update. Thank you!

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

*Beverly*

**From:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

**Sent:** Thursday, January 12, 2023 4:25 PM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good catch Beverly. Sorry I missed those. Yes, they need to be added in. Do you have time or do you want me to add them?

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 4:23 PM

**To:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Amber. I do not see Tim Engelhardt's edits that he requested. Do they need to be added?

*Beverly*

**From:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 4:00 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Beverly –

I reviewed and provided a few minor (mainly formatting) edits. These are good to go by me, but I think Rory will likely want to review also before they go back.

Thanks, Amber

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:44 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>

**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon,

The FMG Front Office is up next to clear the CIB and underlying docs prior to moving them back to the OCD. Please make any additional edits. I will accept the changes and will provide OCD with both clean and redlined versions. I'll be online late if needed.

HC Related Taxes CIB

Q/As Taxes CIB

Reactive Statement - Tax CIB

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:41 PM

**To:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Great. Thanks Jonathan, Kristin and team. I will clear the updates with the FMG Front Office and will move the items forward. So far, what I am hearing is that the CIB will not go through another round of CMS clearance, but will be moved forward to IOS/OMB/DPC.

Thank you!

*Beverly*

**From:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:33 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Beverly,

I believe Kristin and I have responded to all the comments and made of the edits that we feel are appropriate, including for the reactive statement. I don't think there is anything left for us to do. Please let us know if we can be of any further assistance. I will be glad to make any other changes anyone else suggests. Thank you.

Best,

Jonathan

Jonathan Endelman

Social Science Research Analyst

Centers for Medicare & Medicaid Services (CMS)

Center for Medicaid and CHIP Services (CMCS)

Financial Management Group (FMG)

Division of Financial Policy (DFP)

410.786.4738

[jonathan.endelman@cms.hhs.gov](mailto:jonathan.endelman@cms.hhs.gov)

7500 Security Blvd.

Mail Stop, S3-14-28

Baltimore, MD 21244-1850

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:26 PM

**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon team – I am checking in on the status of the updated CIB. I understand from Rory that we are fine to reject the re-framing references proposed by OL. As the CIB is on a timeline for release by 1/23, can all edits/comments be wrapped up on the CIB/Q/As and Reactive Statement by COB today?

Hello, I am adding a SP link (below) for the reactive statement with OL comments/edits (attached) to be aligned with the updated CIB and Q/As. Will these changes impact the OA briefing paper? We normally wait until we have clearance comments before going to OA, but I understand we are on a somewhat tight timeline.

OC reconciled the comments. I did move the reconciled version of the CIB and Q/As to SharePoint (below). Please see attached with separate line edits/comments for full disclosure from OL and OGC. Please make edits in the reconciled version.

[HC Related Taxes CIB](#)

[Q/As Taxes CIB](#)

[Reactive Statement - Tax CIB](#)

***Beverly***

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Monday, January 9, 2023 4:31 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks, Beverly. I think some of the line edits are visible in the CIB, but many by OL are not visible. Is there a version with the line edits visible?

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Monday, January 9, 2023 3:34 PM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold,

Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hello,

Please see attached with OL and OGC comments. Can you take a look and let me know **when you'll be able to turn around clean versions**? As a reminder, next step is R2 CMS and the OCD will concurrently send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Friday, January 6, 2023 4:29 PM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Looks good. I will circle back if there are any questions. Thank you all.

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Friday, January 6, 2023 4:08 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>  
**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

My edits are in and this is good to go. Thanks, all!

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>  
**Sent:** Friday, January 6, 2023 2:47 PM  
**To:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS)

<STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

Based on your comments would the below edits work? Please others review Kristin's comments in the attached and make edits here → reactive that was drafted by OC **by COB today**.

(b)(5)

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 2:19 PM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I made some suggestions.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 1:33 PM

**To:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>;

Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS)

<STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

**Status update:** OCD confirmed we are still aiming for 1/23. OCD is awaiting OGC comments (if any) on the CIB. Once the CIB clears Comms, the OCD will send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.



**In addition due COB today** - Here is the reactive that was drafted by OC for the CIB. **Please let me know if you have edits to the reactive statement developed by OC.**

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Sent:** Wednesday, January 4, 2023 9:45 AM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Beverly. I defer to others but don't think the edits are helpful for the CIB. It was carefully crafted language. I would not recommend accepting these changes.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Wednesday, January 4, 2023 8:46 AM

**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning and HNY! 🍷

Looping others. All Comms clearance comments on the CIB are due from commenters on 1/5. Please hold the attached FCHCO comments until all other comments on the CIB are received. **I will need clean and redlined comments once all comments are received.**

**In addition due 12pm tomorrow 1/5** - Here is the reactive that was drafted by OC for the CIB. Please let me know if you have edits to the reactive statement developed by OC.

Thank you

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

**Sent:** Tuesday, January 3, 2023 3:57 PM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Cc:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi, Beverly and Lia. Would you mind making should make sure the attached track changes based on a few suggestions from Tim make it into the final version? Please let me know if you have any questions.

Thanks,  
Rory

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Tuesday, January 3, 2023 3:49 PM  
**To:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>  
**Subject:** RE: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Tim,

Happy New Year. I appreciate you taking the time to review and to comment. Thanks for catching the typo and for highlighting where we could be more precise to avoid misinterpretations. We'll update the draft CIB to address the comments/edit. Thanks again.

Rory

**From:** Engelhardt, Tim (CMS/FCHCO) <[Tim.Engelhardt@cms.hhs.gov](mailto:Tim.Engelhardt@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 3:16 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Rory –

I understand the CIB was FYI-only, but I feel compelled to share with you a few things in the attached. I was only reading it to try to learn the policy, but there is a place in the CIB where a reader could easily take away the wrong message. And a typo.

Tim Engelhardt (he/him)  
Medicare-Medicaid Coordination Office  
Centers for Medicare & Medicaid Services  
202.690.6277

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**From:** CMS CLEARANCES <[CLEARANCES@cms.hhs.gov](mailto:CLEARANCES@cms.hhs.gov)>  
**Sent:** Tuesday, January 3, 2023 1:35 PM  
**To:** Worstell, Megan (CMS/OFM) <[Megan.Worstell@cms.hhs.gov](mailto:Megan.Worstell@cms.hhs.gov)>; Czajkowski, John (CMS/OFM) <[John.Czajkowski@cms.hhs.gov](mailto:John.Czajkowski@cms.hhs.gov)>; Plater, Morris (CMS/OFM) <[Morris.Plater@cms.hhs.gov](mailto:Morris.Plater@cms.hhs.gov)>; Stokes-Murray (He/Him), Heinz (CMS/OFM) <[KHeinz.Stokes-Murray@cms.hhs.gov](mailto:KHeinz.Stokes-Murray@cms.hhs.gov)>; Tierney, Janet (CMS/OFM) <[Janet.Tierney@cms.hhs.gov](mailto:Janet.Tierney@cms.hhs.gov)>; Kelsey, Ashley (CMS/OFM) <[Ashley.Kelsey@cms.hhs.gov](mailto:Ashley.Kelsey@cms.hhs.gov)>; Carmichael, Wanda (CMS/OFM) <[Wanda.Carmichael@cms.hhs.gov](mailto:Wanda.Carmichael@cms.hhs.gov)>; Bennis, Antoinette (CMS/OFM) <[Antoinette.Bennis@cms.hhs.gov](mailto:Antoinette.Bennis@cms.hhs.gov)>; Richter (she/her), Liz (CMS/CM) <[elizabeth.richter@cms.hhs.gov](mailto:elizabeth.richter@cms.hhs.gov)>; Rice, Cheri (CMS/CM) <[Cheri.Rice@cms.hhs.gov](mailto:Cheri.Rice@cms.hhs.gov)>; Ahern, Robert (CMS/CM) <[Robert.Ahern@cms.hhs.gov](mailto:Robert.Ahern@cms.hhs.gov)>; Mays, Beth (CMS/CM) <[Beth.Mays@cms.hhs.gov](mailto:Beth.Mays@cms.hhs.gov)>; Blackford (she/her), Carol (CMS/CM) <[Carol.Blackford@cms.hhs.gov](mailto:Carol.Blackford@cms.hhs.gov)>; Pequigney, Susan (CMS/CM) <[Susan.Pequigney@cms.hhs.gov](mailto:Susan.Pequigney@cms.hhs.gov)>; Farran, Patti (CMS/CM) <[Patti.Farran@cms.hhs.gov](mailto:Patti.Farran@cms.hhs.gov)>; Beder, Victoria (CMS/CM) <[Victoria.Beder@cms.hhs.gov](mailto:Victoria.Beder@cms.hhs.gov)>; Feaster, Simone (CMS/CM) <[simone.feaster@cms.hhs.gov](mailto:simone.feaster@cms.hhs.gov)>; Uebersax, Julie (CMS/CM) <[Julie.Uebersax@cms.hhs.gov](mailto:Julie.Uebersax@cms.hhs.gov)>; Held, William (CMS/CM) <[William.Held@cms.hhs.gov](mailto:William.Held@cms.hhs.gov)>; OToole, Meghan (CMS/OA) <[Meghan.OToole1@cms.hhs.gov](mailto:Meghan.OToole1@cms.hhs.gov)>; Labonte, Christiane (CMS/CM) <[Christiane.Labonte@cms.hhs.gov](mailto:Christiane.Labonte@cms.hhs.gov)>; Martin, Kristi

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**Cc:** CMS CLEARANCES <CLEARANCES@cms.hhs.gov>; Dinges, Enrico (CMS/OC) <Eric.Dinges@cms.hhs.gov>

**Subject:** FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

**\*\*\*Please copy Enrico Dinges and on ALL responses pertaining to this item when replying to CMS Clearances.\*\*\***

Please see attached internal qas for review. The informational bulletin is FYI ONLY. Thank you.

**Comments Due: 1:00 PM ET Thursday, January 5, 2023**

**All: For your review and input. Concurrent HHS/CMS review.**

**Title:** Internal Q&As for CMCS informational bulletin on health care related taxes and hold harmless arrangements.

**Agency/Office:** CMCS

**Subject/Description:** CMS will release an informational bulletin on health care related taxes and hold harmless arrangements involving the redistribution of Medicaid payments. This informational bulletin responds in part to questions CMS has received regarding the statutory and regulatory requirements applicable to health care-related taxes, including in connection with proposals to implement or renew Medicaid managed care state directed payments (SDPs). There will be a reactive statement, listserv message, and internal questions-and-answers for this item.

**COMMs Materials for Rollout:** Internal Q&As

**Deadline for COMMS Clearance comments: Thursday, January 5 by 1:00 PM**

**Requested Release date: 2/7/2023**

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Message

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**From:** Kirchgraber, Kate (CMS/OL); (b)(6)  
(b)(6)  
**Sent:** 5/2/2023 5:41:15 PM  
**To:** Howe, Rory (CMS/CMCS); (b)(6)  
(b)(6)  
**CC:** Costello, Anne Marie (CMS/CMCS); (b)(6)  
(b)(6) Martino, Maria  
(CMS/OL); (b)(6)  
(b)(6) Maccarroll, Amber  
(CMS/CMCS); (b)(6)  
(b)(6) Arnold, Charlie  
(CMS/CMCS); (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS); (b)(6)  
(b)(6) Wiley, Evelyn  
(b)(6)  
**Subject:** RE: RE: more hold harmless requests

Hi Evelyn –

Just looping back on this request. We just got another inquiry from TX, so we really need to get these briefings scheduled.

Thanks.

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Monday, May 1, 2023 12:17 PM  
**To:** Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>  
**Cc:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Martino, Maria (CMS/OL) <Maria.Martino@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Wiley, Evelyn (CMS/CMCS) <Evelyn.Wiley@cms.hhs.gov>  
**Subject:** RE: more hold harmless requests

Sorry for the duplicate email, all! I just noticed Amber's.

**From:** Howe, Rory (CMS/CMCS)  
**Sent:** Monday, May 1, 2023 12:16 PM  
**To:** Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>  
**Cc:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Martino, Maria (CMS/OL) <Maria.Martino@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: more hold harmless requests

Hi Kate,

I've looped in Evelyn Wiley, who can provide some times that FMG would be available. Thanks.

Rory

**From:** Kirchgraber, Kate (CMS/OL) <[Kate.Kirchgraber@cms.hhs.gov](mailto:Kate.Kirchgraber@cms.hhs.gov)>

**Sent:** Monday, May 1, 2023 11:31 AM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Martino, Maria (CMS/OL) <[Maria.Martino@cms.hhs.gov](mailto:Maria.Martino@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** more hold harmless requests

Hi Rory –

We're continuing to get incoming on the hold harmless CIB, including a new letter from FL Republican members that we received this morning. We've also had requests for calls from a number of Democratic Hill offices. Interest is primarily coming from TX and FL, although we've also had a request from Democratic Senate staff from VA and NV. We were initially going to try to handle these within OL, but given the volume and the potential for questions about what we're doing in each state, we're going to need your help.

We'd like to do 3 separate calls within the next 2 weeks – TX, FL, and a combined one for VA and NV.

Can you give us some times this week and next that you're available for these 3 calls and 1 prep session?

Thanks so much!

Kate

**Kate Kirchgraber** | Director | Low Income Programs Analysis Group | Office of Legislation | Centers for Medicare & Medicaid Services | [kate.kirchgraber@cms.hhs.gov](mailto:kate.kirchgraber@cms.hhs.gov) | 202.680.2481

Message

**From:** Wiley, Evelyn (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 5/2/2023 5:42:09 PM  
**To:** Kirchgraber, Kate (CMS/OL); (b)(6)  
(b)(6) Howe, Rory  
(CMS/CMCS); (b)(6)  
(b)(6)  
**CC:** Costello, Anne Marie (CMS/CMCS); (b)(6)  
(b)(6) Martino, Maria  
(CMS/OL); (b)(6)  
(b)(6) Maccarroll, Amber  
(CMS/CMCS); (b)(6)  
(b)(6) Arnold, Charlie  
(CMS/CMCS); (b)(6)  
(b)(6) Silanskis, Jeremy  
(b)(6)  
**Subject:** RE: RE: more hold harmless requests

Will do. Thank you.

*Evelyn Wiley*

Centers for Medicare & Medicaid Services (CMS)  
Center for Medicaid and CHIP Services (CMCS)  
Financial Management Group (FMG)  
410.786.8972 [evelyn.wiley@cms.hhs.gov](mailto:evelyn.wiley@cms.hhs.gov)  
7500 Security Blvd.  
Mail Stop, S3-14-28  
Baltimore, MD 21244-1850

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**Sent:** Tuesday, May 2, 2023 1:41 PM  
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**Cc:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Martino, Maria (CMS/OL) <Maria.Martino@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Wiley, Evelyn (CMS/CMCS) <Evelyn.Wiley@cms.hhs.gov>  
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Message

**From:** Wiley, Evelyn (CMS/CMCS) (b)(6)  
(b)(6)  
**Sent:** 5/2/2023 6:13:32 PM  
**To:** Kirchgraber, Kate (CMS/OL) (b)(6)  
(b)(6) Howe, Rory  
(CMS/CMCS) (b)(6)  
**CC:** Costello, Anne Marie (CMS/CMCS) (b)(6)  
(b)(6) Martino, Maria  
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Message

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**From:** Kirchgraber, Kate (CMS/OL); (b)(6)  
(b)(6)  
**Sent:** 5/2/2023 7:55:05 PM  
**To:** Wiley, Evelyn (CMS/CMCS); (b)(6)  
(b)(6) Howe, Rory  
(CMS/CMCS); (b)(6)  
**CC:** (b)(6)  
Costello, Anne Marie (CMS/CMCS); (b)(6)  
(b)(6) Martino, Maria  
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(b)(6) Maccarroll, Amber  
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(CMS/CMCS); (b)(6)  
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**To:** Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
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**Sent:** 5/2/2023 8:00:52 PM  
**To:** Kirchgraber, Kate (CMS/OL) (b)(6)  
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**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Martino, Maria (CMS/OL) <[Maria.Martino@cms.hhs.gov](mailto:Maria.Martino@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** RE: more hold harmless requests

Hi Kate,

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5/4 @ (3 pm – 3:30 pm)

5/8 @ (11 am – 11:30 am) (11:30 am – 12 pm) (1 pm – 1:30 pm)

5/9 @ (11 am – 11:30 am) (11:30 am – 12 pm) (1 pm – 1:30 pm) (1:30 pm – 2 pm) (3 pm – 3:30 pm) (3:30 pm – 4 pm)

5/10 @ (2 pm – 2:30 pm) (4 pm – 4:30)

*Evelyn Wiley*

Centers for Medicare & Medicaid Services (CMS)

Center for Medicaid and CHIP Services (CMCS)

Financial Management Group (FMG)

410.786.8972 [evelyn.wiley@cms.hhs.gov](mailto:evelyn.wiley@cms.hhs.gov)

7500 Security Blvd.

Mail Stop, S3-14-28

Baltimore, MD 21244-1850

**From:** Kirchgraber, Kate (CMS/OL) <[Kate.Kirchgraber@cms.hhs.gov](mailto:Kate.Kirchgraber@cms.hhs.gov)>

**Sent:** Tuesday, May 2, 2023 1:41 PM

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**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Martino, Maria (CMS/OL) <[Maria.Martino@cms.hhs.gov](mailto:Maria.Martino@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Wiley,

Evelyn (CMS/CMCS) <[Evelyn.Wiley@cms.hhs.gov](mailto:Evelyn.Wiley@cms.hhs.gov)>

**Subject:** RE: more hold harmless requests

Hi Evelyn –

Just looping back on this request. We just got another inquiry from TX, so we really need to get these briefings scheduled.

Thanks.

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Monday, May 1, 2023 12:17 PM

**To:** Kirchgraber, Kate (CMS/OL) <[Kate.Kirchgraber@cms.hhs.gov](mailto:Kate.Kirchgraber@cms.hhs.gov)>

**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Martino, Maria (CMS/OL) <[Maria.Martino@cms.hhs.gov](mailto:Maria.Martino@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; Wiley, Evelyn (CMS/CMCS) <[Evelyn.Wiley@cms.hhs.gov](mailto:Evelyn.Wiley@cms.hhs.gov)>

**Subject:** RE: more hold harmless requests

Sorry for the duplicate email, all! I just noticed Amber's.

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**Sent:** Monday, May 1, 2023 12:16 PM

**To:** Kirchgraber, Kate (CMS/OL) <[Kate.Kirchgraber@cms.hhs.gov](mailto:Kate.Kirchgraber@cms.hhs.gov)>

**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Martino, Maria (CMS/OL) <[Maria.Martino@cms.hhs.gov](mailto:Maria.Martino@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** RE: more hold harmless requests

Hi Kate,

I've looped in Evelyn Wiley, who can provide some times that FMG would be available. Thanks.

Rory

**From:** Kirchgraber, Kate (CMS/OL) <[Kate.Kirchgraber@cms.hhs.gov](mailto:Kate.Kirchgraber@cms.hhs.gov)>

**Sent:** Monday, May 1, 2023 11:31 AM

**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Cc:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Martino, Maria (CMS/OL) <[Maria.Martino@cms.hhs.gov](mailto:Maria.Martino@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>

**Subject:** more hold harmless requests

Hi Rory –

We're continuing to get incoming on the hold harmless CIB, including a new letter from FL Republican members that we received this morning. We've also had requests for calls from a number of Democratic Hill offices. Interest is primarily coming from TX and FL, although we've also had a request from Democratic Senate staff from VA and NV. We were initially going to try to handle these within OL, but given the volume and the potential for questions about what we're doing in each state, we're going to need your help.

We'd like to do 3 separate calls within the next 2 weeks – TX, FL, and a combined one for VA and NV.

Can you give us some times this week and next that you're available for these 3 calls and 1 prep session?

Thanks so much!

Kate

**Kate Kirchgraber** | Director | Low Income Programs Analysis Group | Office of Legislation | Centers for Medicare & Medicaid Services | [kate.kirchgraber@cms.hhs.gov](mailto:kate.kirchgraber@cms.hhs.gov) | 202.680.2481

Message

**From:** Martino, Maria (CMS/OL) (b)(6)  
(b)(6)  
**Sent:** 5/3/2023 7:34:30 PM  
**To:** Kirchgraber, Kate (CMS/OL) (b)(6)  
(b)(6) Wiley, Evelyn  
(CMS/CMCS) (b)(6)  
(b)(6) Howe, Rory  
(CMS/CMCS) (b)(6)  
**CC:** Costello, Anne Marie (CMS/CMCS) (b)(6)  
(b)(6) Maccarroll, Amber  
(CMS/CMCS) (b)(6)  
(b)(6) Arnold, Charlie  
(CMS/CMCS) (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS) (b)(6)  
(b)(6) Howell, Cherie (CMS/OL)  
(b)(6) Chadwick, Alpheus  
(CMS/OL) (b)(6)  
(b)(6) Loverde, Maria  
**Subject:** RE: RE: more hold harmless requests

Thanks Evelyn and CMCS! Can we save Monday, 5/8 at 11AM for the internal CMS prep with OL?

Thanks!

**From:** Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>  
**Sent:** Tuesday, May 2, 2023 3:55 PM  
**To:** Wiley, Evelyn (CMS/CMCS) <Evelyn.Wiley@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Cc:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Martino, Maria (CMS/OL) <Maria.Martino@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: more hold harmless requests

Thanks, Evelyn. We'll loop back as quickly as we can.

**From:** Wiley, Evelyn (CMS/CMCS) <Evelyn.Wiley@cms.hhs.gov>  
**Sent:** Tuesday, May 2, 2023 2:14 PM  
**To:** Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Cc:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Martino, Maria (CMS/OL) <Maria.Martino@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>  
**Subject:** RE: more hold harmless requests

Correction

Hi Kate,

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5/10 @ (2 pm – 2:30 pm) (4 pm – 4:30)

*Evelyn*

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**Sent:** Tuesday, May 2, 2023 2:03 PM

**To:** Kirchgraber, Kate (CMS/OL) <[Kate.Kirchgraber@cms.hhs.gov](mailto:Kate.Kirchgraber@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

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**Kate Kirchgraber** | Director | Low Income Programs Analysis Group | Office of Legislation | Centers for Medicare & Medicaid Services | [kate.kirchgraber@cms.hhs.gov](mailto:kate.kirchgraber@cms.hhs.gov) | 202.680.2481

Message

**From:** Boston, Beverly (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 1/17/2023 6:48:13 PM  
**To:** Endelman (he/him), Jonathan (CMS/CMCS); (b)(6)  
(b)(6) Fan, Kristin  
(CMS/CMCS); (b)(6)  
(b)(6) Arnold, Charlie  
(CMS/CMCS); (b)(6)  
(b)(6) Clark, Jennifer  
(CMS/CMCS); (b)(6)  
(b)(6) Goldstein, Stuart  
(CMS/CMCS); (b)(6)  
**CC:** (b)(6)  
Maccarroll, Amber (CMS/CMCS); (b)(6)  
(b)(6) Silanskis, Jeremy  
(CMS/CMCS); (b)(6)  
(b)(6) Howe, Rory (CMS/CMCS)  
**Subject:** RE-DO REQUESTED: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning,

**HUGE APOLOGY IN ADVANCE...** really hate to do this but it appears that the version I posted to SP with your updates is what we got back from OC as "reconciled" and it's **not the version with actual OGC/OL line edits**. Unfortunately, the previous version reconciled version looks like we've formally accepted OL/OGC comments when we may not necessarily agree indicated by comment bubble. In order to **ensure a comprehensive view of ALL LINE EDITS/COMMENTS**, we will need DRP and Kristin to re-do/ re-apply all edits and comments to the version in the link. So sorry again, hopefully it won't take long.

<https://share.cms.gov/>; (b)(6)

(b)(6)

thank you

*Beverly*

**From:** Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>  
**Sent:** Thursday, January 12, 2023 2:33 PM  
**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Howe, Rory (CMS/CMCS)



<Rory.Howe@cms.hhs.gov>

**Subject:** RE: DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Beverly,

I believe Kristin and I have responded to all the comments and made of the edits that we feel are appropriate, including for the reactive statement. I don't think there is anything left for us to do. Please let us know if we can be of any further assistance. I will be glad to make any other changes anyone else suggests. Thank you.

Best,

Jonathan

Jonathan Endelman  
Social Science Research Analyst  
Centers for Medicare & Medicaid Services (CMS)  
Center for Medicaid and CHIP Services (CMCS)  
Financial Management Group (FMG)  
Division of Financial Policy (DFP)  
410.786.4738  
[jonathan.endelman@cms.hhs.gov](mailto:jonathan.endelman@cms.hhs.gov)  
7500 Security Blvd.  
Mail Stop, S3-14-28  
Baltimore, MD 21244-1850

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Thursday, January 12, 2023 2:26 PM

**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>; Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Subject:** DUE COB TODAY: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Good afternoon team – I am checking in on the status of the updated CIB. I understand from Rory that we are fine to reject the re-framing references proposed by OL. As the CIB is on a timeline for release by 1/23, can all edits/comments be wrapped up on the CIB/Q/As and Reactive Statement by COB today?

Hello, I am adding a SP link (below) for the reactive statement with OL comments/edits (attached) to be to aligned with the updated CIB and Q/As. Will these changes impact the OA briefing paper? We normally wait until we have clearance comments before going to OA, but I understand we are on a somewhat tight timeline.

OC reconciled the comments. I did move the reconciled version of the CIB and Q/As to SharePoint (below). Please see attached with separate line edits/comments for full disclosure from OL and OGC. Please make edits in the reconciled version.

HC Related Taxes CIB

Q/As Taxes CIB

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Monday, January 9, 2023 4:31 PM  
**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>  
**Subject:** RE: OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks, Beverly. I think some of the line edits are visible in the CIB, but many by OL are not visible. Is there a version with the line edits visible?

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>  
**Sent:** Monday, January 9, 2023 3:34 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>  
**Subject:** OGC-OL Passback: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Hello,

Please see attached with OL and OGC comments. Can you take a look and let me know **when you'll be able to turn around clean versions**? As a reminder, next step is R2 CMS and the OCD will concurrently send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

Thanks

*Beverly*

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>  
**Sent:** Friday, January 6, 2023 4:29 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>  
**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Looks good. I will circle back if there are any questions. Thank you all.

**Beverly**

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 4:08 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

My edits are in and this is good to go. Thanks, all!

**From:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 2:47 PM

**To:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Cuno, Richard (CMS/CMCS) <[Richard.Cuno@cms.hhs.gov](mailto:Richard.Cuno@cms.hhs.gov)>

**Cc:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Silanskis, Jeremy (CMS/CMCS) <[Jeremy.Silanskis@cms.hhs.gov](mailto:Jeremy.Silanskis@cms.hhs.gov)>; adams, lia (CMS/CMCS) <[Lia.Adams@cms.hhs.gov](mailto:Lia.Adams@cms.hhs.gov)>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

Based on your comments would the below edits work? Please others review Kristin's comments in the attached and make edits here → reactive that was drafted by OC by COB today.

(b)(5)

Thanks

**Beverly**

**From:** Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>

**Sent:** Friday, January 6, 2023 2:19 PM

**To:** Boston, Beverly (CMS/CMCS) <[Beverly.Boston@cms.hhs.gov](mailto:Beverly.Boston@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>; Clark, Jennifer (CMS/CMCS) <[Jennifer.Clark@cms.hhs.gov](mailto:Jennifer.Clark@cms.hhs.gov)>; Goldstein, Stuart

(CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)  
<Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia  
(CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

I made some suggestions.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Friday, January 6, 2023 1:33 PM

**To:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>

**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** Status and Follow Up on Reactive Statement DUE COB TODAY: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Kristin,

**Status update:** OCD confirmed we are still aiming for 1/23. OCD is awaiting OGC comments (if any) on the CIB. Once the CIB clears Comms, the OCD will send it directly to Rachel in IOS, Sara Sills in OMB (Rory I did mention to Perrie that we shared and advanced copy with OMB), and Jessica Schubel in DPC to review.

**In addition due COB today** - Here is the reactive that was drafted by OC for the CIB. **Please let me know if you have edits to the reactive statement developed by OC.**

Thanks

*Beverly*

**From:** Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

**Sent:** Wednesday, January 4, 2023 9:45 AM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** RE: CIB Health Care Related Taxes and Hold Harmless Arrangements

Thanks Beverly. I defer to others but don't think the edits are helpful for the CIB. It was carefully crafted language. I would not recommend accepting these changes.

**From:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

**Sent:** Wednesday, January 4, 2023 8:46 AM

**To:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>  
**Cc:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Subject:** CIB Health Care Related Taxes and Hold Harmless Arrangements

Good morning and HNY! 🍷

Looping others. All Comms clearance comments on the CIB are due from commenters on 1/5. Please hold the attached FCHCO comments until all other comments on the CIB are received. **I will need clean and redlined comments once all comments are received.**

**In addition due 12pm tomorrow 1/5** - Here is the reactive that was drafted by OC for the CIB. Please let me know if you have edits to the reactive statement developed by OC.

Thank you

*Beverly*

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

**Sent:** Tuesday, January 3, 2023 3:57 PM

**To:** Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

**Cc:** Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>

**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi, Beverly and Lia. Would you mind making should make sure the attached track changes based on a few suggestions from Tim make it into the final version? Please let me know if you have any questions.

Thanks,  
Rory

**From:** Howe, Rory (CMS/CMCS)

**Sent:** Tuesday, January 3, 2023 3:49 PM

**To:** Engelhardt, Tim (CMS/FCHCO) <Tim.Engelhardt@cms.hhs.gov>

**Subject:** RE: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Hi Tim,

Happy New Year. I appreciate you taking the time to review and to comment. Thanks for catching the typo and for highlighting where we could be more precise to avoid misinterpretations. We'll update the draft CIB to address the comments/edit. Thanks again.

Rory

**From:** Engelhardt, Tim (CMS/FCHCO) <Tim.Engelhardt@cms.hhs.gov>

**Sent:** Tuesday, January 3, 2023 3:16 PM

**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

**Subject:** FW: FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

Rory –

I understand the CIB was FYI-only, but I feel compelled to share with you a few things in the attached. I was only reading it to try to learn the policy, but there is a place in the CIB where a reader could easily take away the wrong message. And a typo.

Tim Engelhardt (he/him)  
Medicare-Medicaid Coordination Office  
Centers for Medicare & Medicaid Services  
202.690.6277

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**From:** CMS CLEARANCES <[CLEARANCES@cms.hhs.gov](mailto:CLEARANCES@cms.hhs.gov)>

**Sent:** Tuesday, January 3, 2023 1:35 PM

**To:** Worstell, Megan (CMS/OFM) <[Megan.Worstell@cms.hhs.gov](mailto:Megan.Worstell@cms.hhs.gov)>; Czajkowski, John (CMS/OFM) <[John.Czajkowski@cms.hhs.gov](mailto:John.Czajkowski@cms.hhs.gov)>; Plater, Morris (CMS/OFM) <[Morris.Plater@cms.hhs.gov](mailto:Morris.Plater@cms.hhs.gov)>; Stokes-Murray (He/Him), Heinz (CMS/OFM) <[KHeinz.Stokes-Murray@cms.hhs.gov](mailto:KHeinz.Stokes-Murray@cms.hhs.gov)>; Tierney, Janet (CMS/OFM) <[Janet.Tierney@cms.hhs.gov](mailto:Janet.Tierney@cms.hhs.gov)>; Kelsey, Ashley (CMS/OFM) <[Ashley.Kelsey@cms.hhs.gov](mailto:Ashley.Kelsey@cms.hhs.gov)>; Carmichael, Wanda (CMS/OFM) <[Wanda.Carmichael@cms.hhs.gov](mailto:Wanda.Carmichael@cms.hhs.gov)>; Benns, Antoinette (CMS/OFM) <[Antoinette.Benns@cms.hhs.gov](mailto:Antoinette.Benns@cms.hhs.gov)>; Richter (she/her), Liz (CMS/CM) <[elizabeth.richter@cms.hhs.gov](mailto:elizabeth.richter@cms.hhs.gov)>; Rice, Cheri (CMS/CM) <[Cheri.Rice@cms.hhs.gov](mailto:Cheri.Rice@cms.hhs.gov)>; Ahern, Robert (CMS/CM) <[Robert.Ahern@cms.hhs.gov](mailto:Robert.Ahern@cms.hhs.gov)>; Mays, Beth (CMS/CM) <[Beth.Mays@cms.hhs.gov](mailto:Beth.Mays@cms.hhs.gov)>; Blackford (she/her), Carol (CMS/CM) <[Carol.Blackford@cms.hhs.gov](mailto:Carol.Blackford@cms.hhs.gov)>; Pequigney, Susan (CMS/CM) <[Susan.Pequigney@cms.hhs.gov](mailto:Susan.Pequigney@cms.hhs.gov)>; Farran, Patti (CMS/CM) <[Patti.Farran@cms.hhs.gov](mailto:Patti.Farran@cms.hhs.gov)>; Beder, Victoria (CMS/CM) <[Victoria.Beder@cms.hhs.gov](mailto:Victoria.Beder@cms.hhs.gov)>; Feaster, Simone (CMS/CM) <[simone.feaster@cms.hhs.gov](mailto:simone.feaster@cms.hhs.gov)>; Uebersax, Julie (CMS/CM) <[Julie.Uebersax@cms.hhs.gov](mailto:Julie.Uebersax@cms.hhs.gov)>; Held, William (CMS/CM) <[William.Held@cms.hhs.gov](mailto:William.Held@cms.hhs.gov)>; OToole, Meghan (CMS/OA) <[Meghan.OToole1@cms.hhs.gov](mailto: Meghan.OToole1@cms.hhs.gov)>; Labonte, Christiane (CMS/CM) <[Christiane.Labonte@cms.hhs.gov](mailto:Christiane.Labonte@cms.hhs.gov)>; Martin, Kristi (CMS/CM) <[Kristina.Martin@cms.hhs.gov](mailto:Kristina.Martin@cms.hhs.gov)>; Turco, Molly (CMS/CM) <[Molly.Turco@cms.hhs.gov](mailto:Molly.Turco@cms.hhs.gov)>; Jacobs, Douglas (CMS/CM) <[Douglas.Jacobs@cms.hhs.gov](mailto:Douglas.Jacobs@cms.hhs.gov)>; Hunter, Leah (CMS/CM) <[Leah.Hunter@cms.hhs.gov](mailto:Leah.Hunter@cms.hhs.gov)>; CMS CPI Clearance Box <[CPI\\_Clearance\\_Box@cms.hhs.gov](mailto:CPI_Clearance_Box@cms.hhs.gov)>; Hart, Bradley (CMS/CPI); Lindstrom, Jennifer (CMS/CPI) <[Jennifer.Lindstrom@cms.hhs.gov](mailto:Jennifer.Lindstrom@cms.hhs.gov)>; Mills, George (CMS/CPI) <[george.mills@cms.hhs.gov](mailto:george.mills@cms.hhs.gov)>; Brentzel, Ingrid (CMS/CPI) <[Ingrid.Brentzel@cms.hhs.gov](mailto:Ingrid.Brentzel@cms.hhs.gov)>; Graham, John (CMS/CPI) <[John.Graham@cms.hhs.gov](mailto:John.Graham@cms.hhs.gov)>; Wilson-Coe, Tomiko (CMS/CPI) <[Tomiko.Wilson-Coe@cms.hhs.gov](mailto:Tomiko.Wilson-Coe@cms.hhs.gov)>; Allen, Nakia (CMS/CPI) <[nakia.allen-mcgee@cms.hhs.gov](mailto:nakia.allen-mcgee@cms.hhs.gov)>; Ahmad, Namirah (CMS/CPI) <[Namirah.Ahmad@cms.hhs.gov](mailto:Namirah.Ahmad@cms.hhs.gov)>; Barkai, Melissa (CMS/CPI) <[Melissa.Barkai@cms.hhs.gov](mailto:Melissa.Barkai@cms.hhs.gov)>; Coates, Nikita (CMS/CPI) <[Nikita.Coates@cms.hhs.gov](mailto:Nikita.Coates@cms.hhs.gov)>; Mitchell, Dashe (CMS/CPI) <[Dashe.Mitchell@cms.hhs.gov](mailto:Dashe.Mitchell@cms.hhs.gov)>; Tott, Karen (CMS/CPI) <[Karen.Tott@cms.hhs.gov](mailto:Karen.Tott@cms.hhs.gov)>; Stevenson, Bryant (CMS/CPI) <[bryant.stevenson@cms.hhs.gov](mailto:bryant.stevenson@cms.hhs.gov)>; Oelschlaeger, Allison (CMS/OEDA) <[Allison.Oelschlaeger@cms.hhs.gov](mailto:Allison.Oelschlaeger@cms.hhs.gov)>; Shatto, Andrew (CMS/OEDA) <[Andrew.Shatto@cms.hhs.gov](mailto:Andrew.Shatto@cms.hhs.gov)>; Hitchcock, Katherine (CMS/OEDA) <[Katherine.Hitchcock@cms.hhs.gov](mailto:Katherine.Hitchcock@cms.hhs.gov)>; Harper, Bernice (CMS/OEDA) <[Bernice.Harper@cms.hhs.gov](mailto:Bernice.Harper@cms.hhs.gov)>; CMS Front Office - CCIO Clearances <[FrontOffice-CCIOClearances@cms.hhs.gov](mailto:FrontOffice-CCIOClearances@cms.hhs.gov)>; Wu (he/him), Jeff (CMS/CCIO) <[Jeff.Wu@cms.hhs.gov](mailto:Jeff.Wu@cms.hhs.gov)>; Wilson, Lisa (CMS/CCIO) <[lisa.wilson@cms.hhs.gov](mailto:lisa.wilson@cms.hhs.gov)>; Oconnor, Nancy (CMS/OPOLE) <[Nancy.OConnor@cms.hhs.gov](mailto:Nancy.OConnor@cms.hhs.gov)>; Rosta (she/her), Sara (CMS/CCIO) <[Sara.Rosta@cms.hhs.gov](mailto:Sara.Rosta@cms.hhs.gov)>; Arapi, Leslie (CMS/OPOLE) <[Leslie.Arapi@cms.hhs.gov](mailto:Leslie.Arapi@cms.hhs.gov)>; Frimpong, Janny (CMS/CCIO) <[Janny.Frimpong@cms.hhs.gov](mailto:Janny.Frimpong@cms.hhs.gov)>; Brooks, Kiahana (CMS/CCIO) <[Kiahana.Brooks@cms.hhs.gov](mailto:Kiahana.Brooks@cms.hhs.gov)>; Cantwell, Kathleen (CMS/OSORA) <[Kathleen.Cantwell@cms.hhs.gov](mailto:Kathleen.Cantwell@cms.hhs.gov)>; Garcia, Vanessa (CMS/OSORA) <[Vanessa.Garcia@cms.hhs.gov](mailto:Vanessa.Garcia@cms.hhs.gov)>; Jackson, Marilyn (CMS/OSORA) <[Marilyn.Jackson@cms.hhs.gov](mailto:Marilyn.Jackson@cms.hhs.gov)>; Barnett Sherrill (She/Her), Alexis (CMS/OSORA) <[Alexis.Sherrill@cms.hhs.gov](mailto:Alexis.Sherrill@cms.hhs.gov)>; Taylor, Isabel (CMS/OSORA) <[Isabel.Taylor@cms.hhs.gov](mailto:Isabel.Taylor@cms.hhs.gov)>; 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**Cc:** CMS CLEARANCES <CLEARANCES@cms.hhs.gov>; Dinges, Enrico (CMS/OC) <Eric.Dinges@cms.hhs.gov>

**Subject:** FOR CLEARANCE: Internal Q&As for CIB Health Care Related Taxes and Hold Harmless Arrangements

\*\*\*Please copy **Enrico Dinges** and on **ALL** responses pertaining to this item when replying to CMS Clearances.\*\*\*

Please see attached internal gas for review. The informational bulletin is FYI ONLY. Thank you.

**Comments Due: 1:00 PM ET Thursday, January 5, 2023**

**All: For your review and input. Concurrent HHS/CMS review.**

**Title:** Internal Q&As for CMCS informational bulletin on health care related taxes and hold harmless arrangements.

**Agency/Office:** CMCS

**Subject/Description:** CMS will release an informational bulletin on health care related taxes and hold harmless arrangements involving the redistribution of Medicaid payments. This informational bulletin responds in part to questions CMS has received regarding the statutory and regulatory requirements applicable to health care-related taxes,



including in connection with proposals to implement or renew Medicaid managed care state directed payments (SDPs). There will be a reactive statement, listserv message, and internal questions-and-answers for this item.

**COMMs Materials for Rollout:** Internal Q&As

**Deadline for COMMS Clearance comments: Thursday, January 5 by 1:00 PM**

**Requested Release date: 2/7/2023**

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Message

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**From:** Giles, John (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 3/20/2023 5:04:11 PM  
**To:** Shannon Attanasio [sattanasio@mhpa.org]  
**Subject:** RE: RE: MHPA/CMCS meeting

Perfect – I am working on a SME for the PHE discussion.

On the Hold Harmless Bulletin – I am definitely happy to talk about it, particularly as it relates to state directed payments. FMG will be the enforcement arm, but they likely won't be on the call (which I think is fine). So, we can be ready to offer some advice and talk about the issues. But, we will also be clear that FMG owns enforcement of the guidance. Does that work?

John Giles, MPA  
Director, Division of Managed Care Policy  
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**From:** Shannon Attanasio <sattanasio@mhpa.org>  
**Sent:** Monday, March 20, 2023 10:46 AM  
**To:** Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>  
**Cc:** Shannon Attanasio <sattanasio@mhpa.org>  
**Subject:** RE: MHPA/CMCS meeting

Thank you, John. I will send over a more formal agenda later today.

For the post PHE/waiver conversations, the plans are asking if you (or someone else from CMCS/CMS) can shed light on any guidance that is being worked on for the unwinding of 1115s, temporary SPAs, Appendix K waivers, etc. They're also asking if any states have already submitted requests for changes to these waivers. Not sure how much you can share at this point, so let me know. Would be great if someone from the waiver team could join Thursday's call.

Also, for the February CMCS Hold Harmless Bulletin, Nick Wilhelm from the MHPA team (he is our new Regulatory Affairs Director) will lead this agenda item. We'd like to learn more about the intention of this guidance, as well as possible enforcement mechanisms.

Thank you,

Shannon

**Shannon Attanasio**  
***Vice President, Government Relations and Advocacy***  
**Medicaid Health Plans of America**  
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**From:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Sent:** Thursday, March 16, 2023 2:57 PM  
**To:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Cc:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** RE: MHPA/CMCS meeting

Thank you! I think this agenda is good. We will make ILOS the last item, just in case we don't have time. Thank you so much!!

John Giles, MPA  
Director, Division of Managed Care Policy  
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**From:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Sent:** Thursday, March 16, 2023 2:56 PM  
**To:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** RE: MHPA/CMCS meeting

Yes, the Bulletin. That sounds good to me. If you think the agenda is too long, we can probably drop ILOS. I still haven't received any questions or concerns about that one.

**From:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Sent:** Thursday, March 16, 2023 2:52 PM  
**To:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Subject:** RE: MHPA/CMCS meeting

I assume this is the guidance (attached)? I can add this to the agenda... depending on the question, we might have to go back and get answers from our tax experts. Does that sound ok?

John Giles, MPA  
Director, Division of Managed Care Policy  
Disabled and Elderly Health Programs Group  
Center for Medicaid and CHIP Services  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Phone: 410-786-5545  
E-mail: [John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)

**From:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Sent:** Thursday, March 16, 2023 2:46 PM  
**To:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** Re: MHPA/CMCS meeting

Yes, thank you. We're also getting a few questions on the hold harmless guidance. Can we also add that to the agenda?

Sent from my iPhone

On Mar 16, 2023, at 2:43 PM, Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)> wrote:

Hi Shannon –

Does this agenda still work for you? Thank you!

**Agenda Items**

MHPA Letter on Access  
Risk Mitigation Comment Opportunity  
PHE unwinding/waivers/COVID treatment and testing  
SDOH/ILOS Guidance

John Giles, MPA  
Director, Division of Managed Care Policy  
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**From:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Sent:** Monday, March 13, 2023 1:48 PM  
**To:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** RE: MHPA/CMCS meeting

Yes, that works. Thank you! Please update the calendar invite.

Appreciate you!

**Shannon Attanasio**  
***Vice President, Government Relations and Advocacy***  
**Medicaid Health Plans of America**  
1575 Eye Street, NW  
Ste 300  
Washington, DC 20005  
[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)

**From:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Sent:** Friday, March 10, 2023 4:16 PM  
**To:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Cc:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** RE: MHPA/CMCS meeting

Hi Shannon – apologies for my delay. I was able to move some scheduling around, and I could accommodate March 23<sup>rd</sup> at 3pm, if that still works for you and the plans. Let me know, and I will update the appointment.

Thank you!

John Giles, MPA  
Director, Division of Managed Care Policy  
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**From:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Sent:** Monday, March 6, 2023 5:02 PM  
**To:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** MHPA/CMCS meeting

Hi John,

I hope you had a nice weekend. Writing to see if we can schedule an MHPA/CMCS Q1 touch base in March. Do you have any availability on a Thursday afternoon in March? Any chance Thursday, March 23<sup>rd</sup> at 3pm would work?

Thank you!

Shannon

**Shannon Attanasio**  
***Vice President, Government Relations and Advocacy***  
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1575 Eye Street, NW  
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Washington, DC 20005  
[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)

Message

---

**From:** Giles, John (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 3/21/2023 9:03:49 PM  
**To:** Shannon Attanasio [sattanasio@mhpa.org]  
**Subject:** RE: RE: MHPA/CMCS meeting

Thanks Shannon – this looks good to me. Thank you!

John Giles, MPA  
Director, Division of Managed Care Policy  
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Department of Health and Human Services  
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E-mail: [John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)

**From:** Shannon Attanasio <sattanasio@mhpa.org>  
**Sent:** Tuesday, March 21, 2023 1:54 PM  
**To:** Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>  
**Cc:** Shannon Attanasio <sattanasio@mhpa.org>  
**Subject:** RE: MHPA/CMCS meeting

Hi John,

One small change to the agenda for Thursday's meeting. Amy from Elevance is asking if she can kick off the discussion on PHE/unwinding, and then turn to you (updated run of show attached). Any concerns from your end? Her remarks will be brief.

Thank you,

Shannon

**Shannon Attanasio**  
***Vice President, Government Relations and Advocacy***  
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1575 Eye Street, NW  
Ste 300  
Washington, DC 20005  
[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)

**From:** Shannon Attanasio  
**Sent:** Monday, March 20, 2023 1:33 PM  
**To:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Cc:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Subject:** RE: MHPA/CMCS meeting

Thanks, John. This sound good. Attached is a run of show/agenda for the meeting. Let me know if you have any changes.

Thanks again,

Shannon

**Shannon Attanasio**  
***Vice President, Government Relations and Advocacy***  
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[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)

**From:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Sent:** Monday, March 20, 2023 1:04 PM  
**To:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Subject:** RE: MHPA/CMCS meeting

Perfect – I am working on a SME for the PHE discussion.

On the Hold Harmless Bulletin – I am definitely happy to talk about it, particularly as it relates to state directed payments. FMG will be the enforcement arm, but they likely won't be on the call (which I think is fine). So, we can be ready to offer some advice and talk about the issues. But, we will also be clear that FMG owns enforcement of the guidance. Does that work?

John Giles, MPA  
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E-mail: [John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)

**From:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Sent:** Monday, March 20, 2023 10:46 AM  
**To:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Cc:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Subject:** RE: MHPA/CMCS meeting

Thank you, John. I will send over a more formal agenda later today.

For the post PHE/waiver conversations, the plans are asking if you (or someone else from CMCS/CMS) can shed light on any guidance that is being worked on for the unwinding of 1115s, temporary SPAs, Appendix K waivers, etc. They're also asking if any states have already submitted requests for changes to these waivers. Not sure how much you can share at this point, so let me know. Would be great if someone from the waiver team could join Thursday's call.

Also, for the February CMCS Hold Harmless Bulletin, Nick Wilhelm from the MHPA team (he is our new Regulatory Affairs Director) will lead this agenda item. We'd like to learn more about the intention of this guidance, as well as possible enforcement mechanisms.

Thank you,

Shannon

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**From:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Sent:** Thursday, March 16, 2023 2:57 PM  
**To:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Cc:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** RE: MHPA/CMCS meeting

Thank you! I think this agenda is good. We will make ILOS the last item, just in case we don't have time. Thank you so much!!

John Giles, MPA  
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E-mail: [John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)

**From:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Sent:** Thursday, March 16, 2023 2:56 PM  
**To:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** RE: MHPA/CMCS meeting

Yes, the Bulletin. That sounds good to me. If you think the agenda is too long, we can probably drop ILOS. I still haven't received any questions or concerns about that one.

**From:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Sent:** Thursday, March 16, 2023 2:52 PM  
**To:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Subject:** RE: MHPA/CMCS meeting

I assume this is the guidance (attached)? I can add this to the agenda... depending on the question, we might have to go back and get answers from our tax experts. Does that sound ok?

John Giles, MPA  
Director, Division of Managed Care Policy  
Disabled and Elderly Health Programs Group  
Center for Medicaid and CHIP Services



Centers for Medicare and Medicaid Services  
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**Subject:** Re: MHPA/CMCS meeting

Yes, thank you. We're also getting a few questions on the hold harmless guidance. Can we also add that to the agenda?

Sent from my iPhone

On Mar 16, 2023, at 2:43 PM, Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)> wrote:

Hi Shannon –

Does this agenda still work for you? Thank you!

**Agenda Items**

MHPA Letter on Access  
Risk Mitigation Comment Opportunity  
PHE unwinding/waivers/COVID treatment and testing  
SDOH/ILOS Guidance

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**Subject:** RE: MHPA/CMCS meeting

Yes, that works. Thank you! Please update the calendar invite.

Appreciate you!

**Shannon Attanasio**  
***Vice President, Government Relations and Advocacy***  
**Medicaid Health Plans of America**  
1575 Eye Street, NW  
Ste 300  
Washington, DC 20005

[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)

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**Cc:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** RE: MHPA/CMCS meeting

Hi Shannon – apologies for my delay. I was able to move some scheduling around, and I could accommodate March 23<sup>rd</sup> at 3pm, if that still works for you and the plans. Let me know, and I will update the appointment.

Thank you!

John Giles, MPA  
Director, Division of Managed Care Policy  
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**From:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Sent:** Monday, March 6, 2023 5:02 PM  
**To:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** MHPA/CMCS meeting

Hi John,

I hope you had a nice weekend. Writing to see if we can schedule an MHPA/CMCS Q1 touch base in March. Do you have any availability on a Thursday afternoon in March? Any chance Thursday, March 23<sup>rd</sup> at 3pm would work?

Thank you!

Shannon

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1575 Eye Street, NW  
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[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)

Message

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**From:** Giles, John (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 3/7/2023 2:10:10 PM  
**To:** Snyder, Laura (CMS/CMCS); (b)(6)  
(b)(6)  
**CC:** Giles, John (CMS/CMCS); (b)(6)  
(b)(6)  
**Subject:** RE: RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Looks good. Thanks!

John Giles, MPA  
Director, Division of Managed Care Policy  
Disabled and Elderly Health Programs Group  
Center for Medicaid and CHIP Services  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Phone: 410-786-5545  
E-mail: [John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)

**From:** Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>  
**Sent:** Tuesday, March 7, 2023 8:38 AM  
**To:** Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>  
**Subject:** FW: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Hi John,

Here is my draft response; let me know if you are good with it.

Hi Jonathan,

Thank you for following up so quickly *on North Carolina* – we will begin moving that ahead to approval.

(b)(5)

**On the SOP at large,** I think that in the past, we have had success with states in adding conditional language to approval letters. We have employed this strategy around ACR analyses; when states have had challenges providing the ACR analysis at the provider class and service level that we request from state's today, we include conditional language like that below.

*"As part of the review process for state directed payments, CMS has required states to demonstrate that the state directed payments result in provider payment rates that are reasonable, appropriate, and attainable. To do this, CMS has required an analysis from states to understand the relative effect of the state directed payment(s) on reimbursement for each service type and each provider class receiving the state directed payment(s) using a standard measure such as Medicare, Medicaid state plan FFS rates, or Average Commercial Rate (ACR). CMS appreciates the information that New York provided in the preprint comparing reimbursement to estimated benefit expenses for residential services. CMS is able to approve this preprint with the condition that the state provide a more robust analysis should the state pursue this payment arrangement in a subsequent rating period. Please contact [statedirectedpayment@cms.hhs.gov](mailto:statedirectedpayment@cms.hhs.gov) if the state requires technical assistance."*

We pair that strategy with an offer for TA, which states generally take up. We now have monthly calls with LA, biweekly calls with NY and did so with MS in the lead up to their most recent submission; the strategy has been successful in getting better data from states.

It also is similar to a strategy we used with Rhode Island and New Hampshire in the past, both of which had long-standing issues with their provider taxes. After obtaining a commitment from the states, we approved the SDPs and issued companion letters that you all drafted outlining the concerns with the underlying taxes. I believe in both cases, the states have now resolved the underlying concerns with those financing sources.

(b)(5)

I know we have the SOP meeting now scheduled for March 20; we will prep up a document for that meeting that will lay this out that I think, once we have agreement at a staff level, we can raise up our respective chains for sign off.

Does that approach seem workable for you all?

Thanks,  
Laura

**From:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>  
**Sent:** Monday, March 6, 2023 8:24 AM  
**To:** Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Bonelli, Anna (CMS/CMCS) <[Anna.Bonelli@cms.hhs.gov](mailto:Anna.Bonelli@cms.hhs.gov)>; Maccarroll, Amber (CMS/CMCS) <[Amber.MacCarroll@cms.hhs.gov](mailto:Amber.MacCarroll@cms.hhs.gov)>; Fan, Kristin (CMS/CMCS) <[Kristin.Fan@cms.hhs.gov](mailto:Kristin.Fan@cms.hhs.gov)>  
**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Arnold, Charlie (CMS/CMCS) <[Charlie.Arnold@cms.hhs.gov](mailto:Charlie.Arnold@cms.hhs.gov)>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Laura,

Thank you for the summary and for your request. I am raising this issue up to my Division leadership.

(b)(5)

(b)(5)

Regarding North Carolina, we had a discussion with Rory on March 1, 2023 and he indicated, like you have in the past, that the current North Carolina pre-print that is on hold due to financing concerns is not the one about which we have possible hold harmless concerns. As you know, we are still working through questions on the North Carolina tax waiver. I would like to send the following attached questions to North Carolina on their tax waiver and I am waiting on clearance from Branch leadership and Division leadership to do so. These are questions that we need answers to before approving the tax waiver that North Carolina sent us.

(b)(5)

I am optimistic that the North Carolina issue can be resolved in somewhat shorter order, especially because the potential hold harmless issues do not appear to apply to this specific pre-print. (b)(5)

(b)(5)

I will raise the approach that you suggested to my branch and division leadership. If necessary, we will also raise to our group leadership. (b)(5)

(b)(5)

(b)(5)

These are hard issues, and we appreciate your continued support and partnership. I also look forward to working some of the details of these issues out in our SOP discussions.

Best,

Jonathan

Jonathan Endelman, PhD  
Social Science Research Analyst  
Centers for Medicare & Medicaid Services (CMS)  
Center for Medicaid and CHIP Services (CMCS)  
Financial Management Group (FMG)  
Division of Financial Policy (DFP)  
410.786.4738  
[jonathan.endelman@cms.hhs.gov](mailto:jonathan.endelman@cms.hhs.gov)  
7500 Security Blvd.  
Mail Stop, S3-14-28  
Baltimore, MD 21244-1850

**From:** Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>

**Sent:** Wednesday, March 1, 2023 4:35 PM

**To:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Bonelli, Anna (CMS/CMCS) <[Anna.Bonelli@cms.hhs.gov](mailto:Anna.Bonelli@cms.hhs.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Hi Jonathan,

Thank you for the discussion at the tax meeting today. In alignment with the discussion we had on Oregon, DMCP would prefer to move ahead with approval of this SDP. This is a long-standing SDP. It is a renewal that was submitted in April 2022. All other aspects of this review have concluded and it is otherwise ready for approval. From the discussions and the question sets, it is clear that there is significant work to do with the state on cleaning up their tax waivers. We appreciate and support your team's work to identify and correct the underlying issue with the state's tax waiver that was originally approved in 2012.

(b)(5)

DMCP will plan to move ahead with the proposed approach next week. Please let us know by **COB, 3/9** if you all have significant concerns with this approach.

Thanks,  
Laura

**From:** Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>  
**Sent:** Tuesday, February 28, 2023 4:28 PM  
**To:** Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>  
**Cc:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Bonelli, Anna (CMS/CMCS) <[Anna.Bonelli@cms.hhs.gov](mailto:Anna.Bonelli@cms.hhs.gov)>; Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Laura,

I think that the SDP approach you outlined is my understanding as well. I do not believe that we have received final confirmation from Rory on this point.

(b)(5)

(b)(5)

(b)(5)

I can forward you the appointment to our tax meeting if that would be helpful.

Best,

Jonathan

Jonathan Endelman, PhD  
Social Science Research Analyst  
Centers for Medicare & Medicaid Services (CMS)  
Center for Medicaid and CHIP Services (CMCS)  
Financial Management Group (FMG)  
Division of Financial Policy (DFP)  
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7500 Security Blvd.

Mail Stop, S3-14-28  
Baltimore, MD 21244-1850

**From:** Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>  
**Sent:** Tuesday, February 28, 2023 4:24 PM  
**To:** Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>  
**Cc:** CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Pulling off the state.

I wanted to check – I understand that there are concerns with the information collected and how it is captured in their tax waiver. My understanding that I wanted to check with you all since you are meeting on this tomorrow is that the

(b)(5)

Thanks,  
Laura

**From:** Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>  
**Sent:** Tuesday, February 28, 2023 4:04 PM  
**To:** Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Williams, Cecilia <cecilia.williams@dhhs.nc.gov>  
**Cc:** Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Sandoe, Emma <Emma.Sandoe@dhhs.nc.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Hello Ms. Staton,

This is Jonathan Endelman from the CMS tax team. We are reviewing the state's tax waiver. We have reviewed the information provided by North Carolina and we do have several questions for the state regarding its tax waiver. We will meet as a team tomorrow to finalize them and we should have something for you then. Thank you.

Best,

Jonathan

Jonathan Endelman, PhD  
Social Science Research Analyst  
Centers for Medicare & Medicaid Services (CMS)  
Center for Medicaid and CHIP Services (CMCS)  
Financial Management Group (FMG)  
Division of Financial Policy (DFP)  
410.786.4738

[jonathan.endelman@cms.hhs.gov](mailto:jonathan.endelman@cms.hhs.gov)

7500 Security Blvd.

Mail Stop, S3-14-28

Baltimore, MD 21244-1850

**From:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Sent:** Tuesday, February 28, 2023 3:10 PM

**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Bonelli, Anna (CMS/CMCS) <[Anna.Bonelli@cms.hhs.gov](mailto:Anna.Bonelli@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Lovie,

Are there any questions that CMS has for the state regarding the preprint?

Thanks,

**Betty J. Staton, MBA**

State Plan and Amendments Manager

NC Medicaid (Benefits and Services)

Mobile: (b)(6)

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**From:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Sent:** Thursday, February 2, 2023 12:11 PM

**To:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>; Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Bonelli, Anna (CMS/CMCS) <[Anna.Bonelli@cms.hhs.gov](mailto:Anna.Bonelli@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Good Afternoon Betty,



Thank you for your email. CMS acknowledges receipt of the state's responses and documentation. We will follow up with any additional questions after review.

Thank you,  
Lovie

**From:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Sent:** Thursday, February 2, 2023 11:34 AM

**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Bonelli, Anna (CMS/CMCS) <[Anna.Bonelli@cms.hhs.gov](mailto:Anna.Bonelli@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Lovie,

Please see attached the requested information. Thanks again for the extension.

**Betty J. Staton, MBA**

State Plan and Amendments Manager

NC Medicaid (Benefits and Services)

Mobile: (b)(6)

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**From:** Staton, Betty J

**Sent:** Monday, January 23, 2023 11:58 AM

**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Bonelli, Anna (CMS/CMCS) <[Anna.Bonelli@cms.hhs.gov](mailto:Anna.Bonelli@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Thanks so much Lovie.

**Betty Jenkins Staton, MBA**  
State Plan and Amendments Manager  
NC Medicaid (Benefits and Services)

Mobile: (b)(6)  
Office: 919-527-7093



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**From:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>  
**Sent:** Monday, January 23, 2023 11:56 AM  
**To:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>; Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>  
**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Bonelli, Anna (CMS/CMCS) <[Anna.Bonelli@cms.hhs.gov](mailto:Anna.Bonelli@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Betty,

Thank you for your email. An extension until February 3, 2023 is fine.

Thanks,  
Lovie

**From:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>  
**Sent:** Saturday, January 21, 2023 4:49 PM  
**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>  
**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Bonelli, Anna (CMS/CMCS) <[Anna.Bonelli@cms.hhs.gov](mailto:Anna.Bonelli@cms.hhs.gov)>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Lovie,

We are requesting extension until 2/3/23 as staff working on the answers will be out of office.

Thanks,

**Betty J. Staton, MBA**  
State Plan and Amendments Manager  
NC Medicaid (Benefits and Services)  
Mobile: (b)(6)

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**From:** Staton, Betty J

**Sent:** Wednesday, January 18, 2023 5:54 PM

**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Williams, Cecilia  
<[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>; Endelman (he/him), Jonathan (CMS/CMCS) <[Jonathan.Endelman@cms.hhs.gov](mailto:Jonathan.Endelman@cms.hhs.gov)>; Goldstein, Stuart (CMS/CMCS) <[STUART.GOLDSTEIN@cms.hhs.gov](mailto:STUART.GOLDSTEIN@cms.hhs.gov)>; Bonelli, Anna (CMS/CMCS) <[Anna.Bonelli@cms.hhs.gov](mailto:Anna.Bonelli@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Hi Lovie,

Acknowledging receipt.

Thanks,

**Betty J. Staton, MBA**  
State Plan and Amendments Manager  
NC Medicaid (Benefits and Services)  
Mobile: (b)(6)

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**From:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Sent:** Wednesday, January 18, 2023 4:41 PM

**To:** Williams, Cecilia <cecilia.williams@dhhs.nc.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>  
**Cc:** Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Sandoe, Emma <Emma.Sandoe@dhhs.nc.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Good Afternoon Cecilia and Betty,

Please find attached questions regarding North Carolina's tax statistical test and hold harmless arrangement. Please provide responses by January 30, 2023 if possible.

Thank you,  
Lovie

**From:** Williams, Cecilia <cecilia.williams@dhhs.nc.gov>  
**Sent:** Thursday, December 15, 2022 11:16 AM  
**To:** CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Staton, Betty J <Betty.J.Staton@dhhs.nc.gov>  
**Cc:** Graves, Donald (CMS/CMCS) <Donald.Graves@cms.hhs.gov>; Sandoe, Emma <Emma.Sandoe@dhhs.nc.gov>; Abbott, Sarah (CMS/CMCS) <Sarah.Abbott@cms.hhs.gov>; Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Thanks, Lovie!

This is update is appreciated.

**Cecilia Williams**  
State Plan and Amendments Coordinator  
NC Medicaid  
Division of Health Benefits  
NC Department of Health and Human Services



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Mobile: (b)(6)  
Office: (919) 527-7105

[Cecilia.Williams@dhhs.nc.gov](mailto:Cecilia.Williams@dhhs.nc.gov)

820 S. Boylan Ave., McBryde Building  
1950 Mail Service Center  
Raleigh, NC 27699-1950

[Twitter](#) | [Facebook](#) | [YouTube](#) | [LinkedIn](#)

**From:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Sent:** Thursday, December 15, 2022 11:13 AM

**To:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>; Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Cecilia,

Thank you for your email. Follow up questions regarding the preprint are being finalized and will be issued to the state. If you have any additional questions please let us know.

Thanks,  
Lovie

**From:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Sent:** Tuesday, December 13, 2022 1:28 PM

**To:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Lovie!

We hope all is well. Are there any updates on the Submission mentioned below or is there any additional information needed from the state at this time?

Thanks so much!

**Cecilia Williams**

State Plan and Amendments Coordinator

NC Medicaid

Division of Health Benefits

NC Department of Health and Human Services



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Office: (919) 527-7105

[Cecilia.Williams@dhhs.nc.gov](mailto:Cecilia.Williams@dhhs.nc.gov)

820 S. Boylan Ave., McBryde Building  
1950 Mail Service Center  
Raleigh, NC 27699-1950

[Twitter](#) | [Facebook](#) | [YouTube](#) | [LinkedIn](#)

**From:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Sent:** Monday, November 28, 2022 11:25 AM

**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Williams, Cecilia  
<[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Hi Lovie,

Thanks for the acknowledgment.

**Betty Jenkins Staton, MBA**

State Plan and Amendments Manager  
NC Medicaid (Benefits and Services)

Mobile: (b)(6)  
Office: 919-527-7093



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**From:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>  
**Sent:** Monday, November 28, 2022 11:23 AM  
**To:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>; Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>  
**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graeves@cms.hhs.gov](mailto:Donald.Graeves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Snyder, Laura (CMS/CMCS) <[Laura.Snyder1@cms.hhs.gov](mailto:Laura.Snyder1@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Betty,

Thank you for your email. The state's submission is being reviewed by the CMS Financial Management Group. We will check the status and follow up with the state.

Thank you,  
Lovie

**From:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>  
**Sent:** Tuesday, November 22, 2022 1:55 PM  
**To:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>  
**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graeves@cms.hhs.gov](mailto:Donald.Graeves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Davis, Lovie (CMS/CMCS) <[Lovie.Davis@cms.hhs.gov](mailto:Lovie.Davis@cms.hhs.gov)>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Good afternoon,

Does CMS need additional information regarding this submission?

Thanks,

**Betty J. Staton, MBA**  
State Plan and Amendments Manager  
NC Medicaid (Benefits and Services)  
Mobile: (b)(6)

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Find a vaccine location, get questions answered and more at [YourSpotYourShot.nc.gov](https://YourSpotYourShot.nc.gov).

**From:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>  
**Sent:** Thursday, October 6, 2022 7:22 AM

**To:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>  
**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; Davis, Lovie (CMS/CMCS) <[Lovie.Davis@cms.hhs.gov](mailto:Lovie.Davis@cms.hhs.gov)>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Good morning,

Attached are two submissions, recognizing different CMS areas of responsibility.

1. Standard submission to CMS for the Hospital Tax Waiver request. This is pursuant to CMS guidance in their communication on September 13, 2022 as part of this subject preprint. This submission should include:
  - a. Provider Tax Waiver Letter (pdf)
  - b. NC B1 / B2 Test (Excel)
  - c. NCGS 108a, Article 7B (pdf)
2. Secondly, the same three documents plus the response to the Round 4 Questions (Word) for the Preprint Team.

Thanks,

**Cecilia Williams**  
State Plan and Amendments Coordinator  
NC Medicaid  
Division of Health Benefits  
[NC Department of Health and Human Services](https://www.ncdhhs.gov)



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Office: (919) 527-7105

[Cecilia.Williams@dhhs.nc.gov](mailto:Cecilia.Williams@dhhs.nc.gov)

820 S. Boylan Ave., McBryde Building  
1950 Mail Service Center  
Raleigh, NC 27699-1950

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**From:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Sent:** Thursday, September 22, 2022 3:08 PM

**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Williams, Cecilia  
<[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush,



Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Thanks Lovie, we appreciate it.

**Betty J. Staton, MBA**

State Plan and Amendments Manager

NC Medicaid (Benefits and Services)

Mobile: (b)(6)

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**From:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Sent:** Thursday, September 22, 2022 2:33 PM

**To:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>; Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Good Afternoon Betty,

An extension until October 3, 2022 is granted.

Thank you,  
Lovie

**From:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Sent:** Thursday, September 22, 2022 12:59 PM

**To:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Dawson, Rick (CMS/CMCS) <[Rick.Dawson@cms.hhs.gov](mailto:Rick.Dawson@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Lovie,

We are requesting an extension until 10/3/22 to submit responses.

Thanks,

**Betty J. Staton, MBA**  
State Plan and Amendments Manager  
NC Medicaid (Benefits and Services)  
Mobile: (b)(6)

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**From:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Sent:** Tuesday, September 13, 2022 1:52 PM

**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Dawson, Rick (CMS/CMCS) <[Rick.Dawson@cms.hhs.gov](mailto:Rick.Dawson@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>

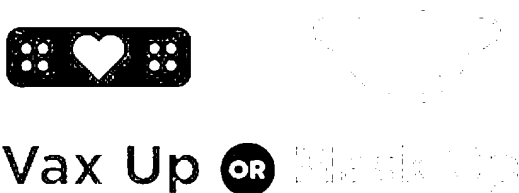
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Hi, Lovie!

This has been received and will be shared with the NC teams.

Thanks,

**Cecilia Williams**  
State Plan and Amendments Coordinator  
NC Medicaid  
Division of Health Benefits  
[NC Department of Health and Human Services](https://www.dhhs.nc.gov)



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Office: (919) 527-7105

[Cecilia.Williams@dhhs.nc.gov](mailto:Cecilia.Williams@dhhs.nc.gov)

820 S. Boylan Ave., McBryde Building

1950 Mail Service Center  
Raleigh, NC 27699-1950

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**From:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>  
**Sent:** Tuesday, September 13, 2022 1:49 PM  
**To:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>; Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>  
**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Dawson, Rick (CMS/CMCS) <[Rick.Dawson@cms.hhs.gov](mailto:Rick.Dawson@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Abbott, Sarah (CMS/CMCS) <[Sarah.Abbott@cms.hhs.gov](mailto:Sarah.Abbott@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Good Afternoon,

Please find attached CMS' Round 4 questions and corresponding documents regarding this preprint. Please provide responses by September 23, 2022 if possible. If you have any questions please let us know.

Thank you,  
Lovie

**From:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>  
**Sent:** Wednesday, August 31, 2022 1:13 PM  
**To:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>; Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>  
**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Dawson, Rick D.(CMS/CMCS) <[Rick.Dawson@cms.hhs.gov](mailto:Rick.Dawson@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Kahnowitz, Michael (CMS/CMCS) <[Michael.Kahnowitz@cms.hhs.gov](mailto:Michael.Kahnowitz@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Good Afternoon Cecelia,

CMS acknowledges receipt of the state's responses and corresponding document.

Thank you,  
Lovie

**From:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>  
**Sent:** Friday, August 26, 2022 10:48 AM  
**To:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Davis, Lovie (CMS/CMCS) <[Lovie.Davis@cms.hhs.gov](mailto:Lovie.Davis@cms.hhs.gov)>  
**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Dawson, Rick D.(CMS/CMCS) <[Rick.Dawson@cms.hhs.gov](mailto:Rick.Dawson@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Kahnowitz, Michael (CMS/CMCS) <[Michael.Kahnowitz@cms.hhs.gov](mailto:Michael.Kahnowitz@cms.hhs.gov)>  
**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Good morning, everyone!

Please see the attached from the state. Once again, thanks for the extension.

**Cecilia Williams**

State Plan and Amendments Coordinator

NC Medicaid

Division of Health Benefits

NC Department of Health and Human Services



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820 S. Boylan Ave., McBryde Building  
1950 Mail Service Center  
Raleigh, NC 27699-1950

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**From:** Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Sent:** Thursday, August 18, 2022 3:46 PM

**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Williams, Cecilia  
<[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Dawson, Rick D.(CMS/CMCS)  
<[Rick.Dawson@cms.hhs.gov](mailto:Rick.Dawson@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E  
<[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Kahnowitz, Michael (CMS/CMCS) <[Michael.Kahnowitz@cms.hhs.gov](mailto:Michael.Kahnowitz@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

Thanks Lovie.

**Betty J. Staton, MBA**

State Plan and Amendments Manager

NC Medicaid (Benefits and Services)

Mobile: (b)(6)

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**From:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Sent:** Thursday, August 18, 2022 3:41 PM

**To:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>; Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graeves@cms.hhs.gov](mailto:Donald.Graeves@cms.hhs.gov)>; Dawson, Rick D.(CMS/CMCS) <[Rick.Dawson@cms.hhs.gov](mailto:Rick.Dawson@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Kahnowitz, Michael (CMS/CMCS) <[Michael.Kahnowitz@cms.hhs.gov](mailto:Michael.Kahnowitz@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Cecilia,

Thank you for your email. An extension until 8/26 is fine.

Thank you,  
Lovie

**From:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Sent:** Thursday, August 18, 2022 2:33 PM

**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graeves@cms.hhs.gov](mailto:Donald.Graeves@cms.hhs.gov)>; Dawson, Rick D.(CMS/CMCS) <[Rick.Dawson@cms.hhs.gov](mailto:Rick.Dawson@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Kahnowitz, Michael (CMS/CMCS) <[Michael.Kahnowitz@cms.hhs.gov](mailto:Michael.Kahnowitz@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Lovie!

Our team need additional time to submit the questions mentioned below and would like to request an extension until 8/26.

Please advise if this is acceptable.

Thanks,

**Cecilia Williams**

State Plan and Amendments Coordinator

NC Medicaid

Division of Health Benefits

NC Department of Health and Human Services



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1950 Mail Service Center  
Raleigh, NC 27699-1950

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**From:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Sent:** Friday, August 12, 2022 11:31 AM

**To:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>; Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Dawson, Rick D.(CMS/CMCS) <[Rick.Dawson@cms.hhs.gov](mailto:Rick.Dawson@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Kahnowitz, Michael (CMS/CMCS) <[Michael.Kahnowitz@cms.hhs.gov](mailto:Michael.Kahnowitz@cms.hhs.gov)>; CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>

**Subject:** RE: [External] NC\_Fee\_OPH\_Renewal\_20220701-20230630

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Hi Cecilia,

Please find attached CMS' Round 3 questions and corresponding documents regarding this preprint. Please provide responses by August 22, 2022 if possible. If you have any questions please let us know.

Thank you,  
Lovie

**From:** Williams, Cecilia <[cecilia.williams@dhhs.nc.gov](mailto:cecilia.williams@dhhs.nc.gov)>

**Sent:** Monday, July 18, 2022 1:41 PM

**To:** CMS State Directed Payment <[StateDirectedPayment@cms.hhs.gov](mailto:StateDirectedPayment@cms.hhs.gov)>; Staton, Betty J <[Betty.J.Staton@dhhs.nc.gov](mailto:Betty.J.Staton@dhhs.nc.gov)>

**Cc:** Graves, Donald (CMS/CMCS) <[Donald.Graves@cms.hhs.gov](mailto:Donald.Graves@cms.hhs.gov)>; Dawson, Rick D.(CMS/CMCS) <[Rick.Dawson@cms.hhs.gov](mailto:Rick.Dawson@cms.hhs.gov)>; Sandoe, Emma <[Emma.Sandoe@dhhs.nc.gov](mailto:Emma.Sandoe@dhhs.nc.gov)>; Bush, Melanie E <[melanie.bush@dhhs.nc.gov](mailto:melanie.bush@dhhs.nc.gov)>; Kahnowitz, Michael (CMS/CMCS) <[Michael.Kahnowitz@cms.hhs.gov](mailto:Michael.Kahnowitz@cms.hhs.gov)>

**Subject:** RE: [External] RE: NC\_Fee\_OPH\_Renewal\_20220701-20230630

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CMS03630cv1712

Hi All,

Please find the attached from the NC team.

Thanks so much!

**Cecilia Williams**

State Plan and Amendments Coordinator

NC Medicaid

Division of Health Benefits

NC Department of Health and Human Services



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Message

**From:** Richardson (she/her), Erin (CMS/OA) (b)(6)  
(b)(6)  
**Sent:** 2/16/2023 11:04:05 PM  
**To:** Aldana, Karen (CMS/OC) (b)(6); Harris, Will (CMS/OA)  
(b)(6) Woronoff, Arielle  
(CMS/OL) (b)(6) Katch (she/her), Hannah  
(CMS/OA) (b)(6) OToole, Meghan  
(CMS/OA) (b)(6) Ellis (she/her), Kyla  
(CMS/OA) (b)(6) Yao, Kristiana (CMS/OA)  
(b)(6) Tesfaye, Eden (CMS/)  
**CC:** CMS OA Book (b)(6) Bellios, Toula (CMS/OSPR)  
(b)(6) Wallace, Mary (CMS/OC)  
(b)(6) Howden, Catherine  
(CMS/OC) (b)(6) Thomas, Jasmine  
(CMS/OC) (b)(6) Vandrie, Sarah  
(CMS/OC) (b)(6) Sokol, Lisa (CMS/OC)  
(b)(6) Shorter, Kimberly  
(CMS/OC) (b)(6) Cantwell, Kathleen  
(CMS/OSORA) (b)(6) Alexander, Bruce  
(CMS/OC) (b)(6) Walker, Chantel  
(CMS/OC) (b)(6) Bradley, Tasha  
(CMS/OC) (b)(6)  
**Subject:** RE: RE: Erin & Will - OA Approval – CMS NN 2.17.23

Thanks, Karen. I believe the letter in the second bullet is going on Tuesday

**From:** Aldana, Karen (CMS/OC) <Karen.Aldana@cms.hhs.gov>  
**Sent:** Thursday, February 16, 2023 5:03 PM  
**To:** Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Woronoff, Arielle (CMS/OL) <Arielle.Woronoff@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Tesfaye, Eden (CMS/) <eden.tesfaye@cms.hhs.gov>



**Cc:** CMS OA Book <OABook@cms.hhs.gov>; Bellios, Toulia (CMS/OSPR) <Toulia.Bellios@cms.hhs.gov>; Wallace, Mary (CMS/OC) <Mary.Wallace@cms.hhs.gov>; Howden, Catherine (CMS/OC) <Catherine.Howden@cms.hhs.gov>; Thomas, Jasmine (CMS/OC) <Jasmine.Thomas1@cms.hhs.gov>; Vandrie, Sarah (CMS/OC) <Sarah.Vandrie@cms.hhs.gov>; Sokol, Lisa (CMS/OC) <Lisa.Sokol@cms.hhs.gov>; Shorter, Kimberly (CMS/OC) <Kimberly.Shorter@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Alexander, Bruce (CMS/OC) <Bruce.Alexander@cms.hhs.gov>; Walker, Chantel (CMS/OC) <Chantel.Walker@cms.hhs.gov>; Bradley, Tasha (CMS/OC) <Tasha.Bradley1@cms.hhs.gov>

**Subject:** Erin & Will - OA Approval – CMS NN 2.17.23

Hi Erin & Will – CMS Night note for approval w/items highlighted for the ASPA Departmental report. We removed the **[TENTATIVE] The End of Public Health Emergency (PHE) An Overview Fact Sheet** because the paper is still with ASPA and we don't anticipate it being ready by tomorrow. Let me know if this looks good.

### Night Note for 2.17.23

- **Health Care-related Taxes and Hold Harmless Arrangements Involving Redistribution of Medicaid Payments Bulletin**  
Tomorrow, CMS will release an informational bulletin on Health Care-related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments. There will be a reactive statement, listserv message, and internal questions-and-answers for this item.
  - Tier 2
  - OA briefed
- **[CLOSE HOLD] Letter to Alzheimer's Association**  
Tomorrow, CMS will respond to a letter sent to the agency from the Alzheimer's Association. There will be a reactive statement and internal questions and answers (QAs) for this item.
  - Tier 2
  - OA briefed
- **Skilled Nursing Facility 3-day Waiver Use in Accountable Care Organizations (ACOs) 2012 to 2019**  
Tomorrow, CMS will post an analysis of trends and outcomes associated with the Skilled Nursing Facility 3-day waiver in Accountable Care Organizations (ACOs) on CMS.gov. There will be social media for this item.
  - Tier 3
  - OA not briefed
- **Medicaid and Children's Health Insurance Program (CHIP) Language Access Requirements Slide Deck**  
Tomorrow, CMS will issue the Medicaid and Children's Health Insurance Program (CHIP) Language Access Requirements slide deck. This slide deck provides information for states about current accessibility requirements in Medicaid and CHIP for individuals with limited English proficiency and disabilities. The deck also provides operational technical guidance for states to ensure their Medicaid and CHIP programs are accessible with a focus on unwinding. There is no planned media for this item.
  - Tier 3
  - OA not briefed
- **Family Caregivers Personal Care Services - Options Beyond the Public Health Emergency Slide Deck**

Tomorrow, CMS will release a short slide deck that explains options for state Medicaid agencies to continue the use of family members, including legally responsible individuals, as paid caregivers after the public health emergency and disaster flexibilities expire. The deck will be presented at a Center for Medicaid and Children's Health Insurance Program Services all-state call. There is no planned media for this item.

- Tier 3
- OA not briefed

- **California Medicare Advantage (MA) Plan Enrollment Data and Frequently Asked Questions (FAQ)**

Tomorrow, California Medicare Advantage (MA) plan enrollment data and frequently asked questions (FAQs) will become available. The data provides greater insight into which Medicare Advantage plans, including dually eligible special needs plans (D-SNPs), California's dually eligible beneficiaries are enrolled and provides data that allows analysis of different enrollment patterns across geographic regions. This information also provides insight into Medicare Advantage, specifically D-SNP enrollment among dually eligible beneficiaries aged 65 and older, and under age 65. Included for awareness only. There is no planned media for this item.

- Tier 3
- OA not briefed

- **Value-Based Insurance Design (VBID) Model Application Announcement**

Tomorrow, CMS will announce the 2024 application for Medicare Advantage Organizations to participate in the Value-Based Insurance Design (VBID) Model. The Request for Applications (RFAs) was released in December 2022 but did not include the application. CMS will notify potential applicants that the application is available via Health Plan Management System (HPMS) memo, email blast to participants and website update with the application materials. CMS will also hold two webinars regarding the application process and RFAs through emails and HPMS memos at a later date. There will be social media for this item.

- Tier 4
- OA not briefed

- **Marketplace Agent Broker Survey re Large Agency Survey**

Tomorrow, CMS' Center for Consumer Information and Insurance Oversight (CCIIO) will send a survey to a list of Marketplace registered agents brokers with a certain number of enrollments and associated user IDs to gain knowledge about the large agencies that operate in the Federally-facilitated Marketplace (FFM). This survey asks questions about large agency business operations, communication between agencies and their affiliated agents and brokers, and the demographics of large agency client bases. There will be a listserv announcement for this item.

- Tier 4
- OA not briefed

- **National Quality Strategy Slides**

Dr. Lee Fleisher (Chief Medical Officer and Director, Center for Clinical Standards & Quality) is scheduled speak at the Health Resources and Services Administration's (HRSA) Patient Safety Awareness Week Webinar. The theme is The Role of Technology in Patient Safety and Patient Engagement. Using a slide deck, Dr. Fleisher will give an overview of CMS' patient safety programs and share any related resources and an overview of the National Quality Strategy. Included for awareness only. There is no planned media for this item.

- Tier 4

- OA not briefed

- **Marketplace Agent and Broker Frequently Asked Questions on the Transitions in Coverage Unwinding Special Enrollment Period**

Tomorrow, CMS will release and post Marketplace Agent and Broker Frequently Asked Questions (FAQs) on the Transitions in Coverage Unwinding Special Enrollment Period (SEP) on CMS.gov. These FAQs provide information on the timeline and eligibility for the Unwinding SEP and how agents and brokers can assist consumers in applying for this SEP. There will be a listserv announcement for this item.

- Tier 4
- OA not briefed

Message

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**From:** Richardson (she/her), Erin (CMS/OA); (b)(6)  
(b)(6)  
**Sent:** 2/22/2023 2:55:36 PM  
**To:** Aldana, Karen (CMS/OC); (b)(6)  
(b)(6) OToole, Meghan  
(CMS/OA); (b)(6)  
**CC:** Alexander, Bruce (CMS/OC); (b)(6)  
(b)(6) Howden, Catherine  
(CMS/OC); (b)(6)  
(b)(6) Wagner, Rachel  
(CMS/OC); (b)(6)  
(b)(6); Shorter, Kimberly  
(CMS/OC); (b)(6)  
(b)(6) Thorn, Raymond  
(CMS/OC); (b)(6)  
(b)(6)  
**Subject:** RE: RE: ATTEN MEGHAN & ERIIN - ADVICE ON CBL SSA Blog - OK to Send to SSA? or 1 More Review by CBL? Please Advise

Thanks, Karen. I think it's fine to move forward (no need for CBL to see it again)

**From:** Aldana, Karen (CMS/OC) <Karen.Aldana@cms.hhs.gov>  
**Sent:** Wednesday, February 22, 2023 9:41 AM  
**To:** OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>  
**Cc:** Alexander, Bruce (CMS/OC) <Bruce.Alexander@cms.hhs.gov>; Howden, Catherine (CMS/OC) <Catherine.Howden@cms.hhs.gov>; Wagner, Rachel (CMS/OC) <Rachel.Wagner@cms.hhs.gov>; Shorter, Kimberly (CMS/OC) <Kimberly.Shorter@cms.hhs.gov>; Thorn, Raymond (CMS/OC) <Raymond.Thorn@cms.hhs.gov>  
**Subject:** ATTEN MEGHAN & ERIIN - ADVICE ON CBL SSA Blog - OK to Send to SSA? or 1 More Review by CBL? Please Advise

Reupping –in need of your guidance.

**From:** Aldana, Karen (CMS/OC)  
**Sent:** Tuesday, February 21, 2023 3:12 PM  
**To:** OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>  
**Cc:** Alexander, Bruce (CMS/OC) <Bruce.Alexander@cms.hhs.gov>; Howden, Catherine (CMS/OC) <Catherine.Howden@cms.hhs.gov>; Wagner, Rachel (CMS/OC) <Rachel.Wagner@cms.hhs.gov>; Shorter, Kimberly (CMS/OC) <Kimberly.Shorter@cms.hhs.gov>; Thorn, Raymond (CMS/OC) <Raymond.Thorn@cms.hhs.gov>  
**Subject:** CBL SSA Blog - OK to Send to SSA? or 1 More Review by CBL? Please Advise

Meghan & Erin - CBL's Social Security Matters blog is updated based on her feedback. The Administrator in her review had a question re: insulin DME pumps, Ray checked with CM and Meghan – and it's not a simple as it seems. Meghan concurred – see attached email – with the recommendation to accept the Administrator's edits and not get any further into MA.

Please let me know if this has the green light to SSA **OR** if you think CBL will want to see it one last time?

**From:** (b)(6), Administrator (CMS/OA) (b)(6)  
**Sent:** Monday, February 20, 2023 7:02 PM  
**Subject:** RE: DC Update for ACBL 2.17.2023 - Review Item for Tuesday

Thanks. Attached are edits to the blog.

On the US of Care speech – Jon or Erin if either wants to do it, if not, then Meena or Dan. Thanks.

**From:** Aldana, Karen (CMS/OC) <Karen.Aldana@cms.hhs.gov>  
**Sent:** Friday, February 17, 2023 10:12 PM  
**To:** (b)(6) Administrator (CMS/OA) (b)(6)  
**Subject:** DC Update for ACBL 2.17.2023 - Review Item for Tuesday

Hi Chiquita – Sharing today's update, which includes the latest SSA blog (it's same version Bruce sent you at 5 p.m.) Have a great weekend!

**ITEMS FOR YOUR ATTENTION:**

- **Speaking Requests:** Please accept/ decline by Tuesday February 21, 2023
- **SSA Blog (attached)**

**QUOTES FOR YOUR APPROVAL:**

- None

**KEY HIGHLIGHTS & FLAGS:**

**Your Hits for Today:**

***Quotes***

- 2/17/23: **McKnight's Home Care:** Provider groups, lawmakers weigh in on MA plan proposed rule "We want to ensure MA enrollees' access includes up to 100 days of skilled nursing care (when medically necessary) and coverage for all medically necessary, 30-day home health episodes, as is permitted under traditional Medicare," Nicole Fallon, LeadingAge vice president of health policy and integrated services, penned in a letter to CMS Administrator **Chiquita Brooks-LaSure**.
- 2/17/23: **HeadTopics:** Maker of Promising Alzheimer's Drug Leqembi Expects Full FDA Approval This Summer, Expanded Medicare Coverage More than 70 members of Congress this month called on Health Secretary Xavier Becerra and CMS Administrator **Chiquita Brooks-LaSure** to ease the coverage restrictions on Leqembi to ensure more access across America. Other big food businesses are busy raising prices with Coca-Cola saying it will raise the price of its fizzy drinks again this year, after increasing them by 11% in 2022. "Patients, families, and caregivers living in rural and underserved areas should have the same opportunity for access to treatment," "One of the things I would just emphasize is as you know, in this particular class, [we] really wanted to have more information as we learn what

these products are going to do," CMS Administrator **Brooks-LaSure** said Tuesday during a call with reporters."But we continue to be open to hearing new data from manufacturers and advocates.

- 2/17/23: **Marco Eagle**: 3 To Know: Chick-fil-A introduces cauliflower sandwich, more Medicare targets drug companies that raise prices above rate of inflation The federal law "lowers out-of-pocket drug costs for people with Medicare and improves the sustainability of the Medicare program for current and future generations," said **CMS Administrator Chiquita Brooks-LaSure**.

### **Mentions**

- 2/17/23: **InsiderNJ**: Pascrell, Peters, House Colleagues Demand Continued Test Coverage for Medicare Beneficiaries WASHINGTON, DC – U.S. Representatives Bill Pascrell, Jr. (D-NJ-09) and Scott H. Peters (D-CA-50) are leading a federal effort to protect Medicare recipients from new medical costs. Their letter signed by 32 House members urges the Centers for Medicare and Medicaid Services (CMS) to continue covering the costs of at-home COVID-19 tests for beneficiaries. Dear Administrator **Brooks-LaSure**: We commend the Centers for Medicare and Medicaid Services (CMS) for taking the important step of covering at-home COVID-19 diagnostic test at no-cost to beneficiaries through a demonstration program.
- 2/17/23: **News 7F**: Senators call for swift action to expand Medicare coverage of Alzheimer's drugs (NASDAQ: BIIB) "Unless CMS reconsiders the April 2022 NCD, access to lecanemab and other disease-modifying therapies for Alzheimer's disease will be extremely limited," said the group led by Senators Susan Collins (R-ME) and Shelley Moore Capito (R-WV) wrote in a letter to Health Secretary Xavier Becerra and **Chiquita Brooks-LaSure** and CMS administrator Chiquita Brooks-LaSure.
- 2/17/23: **Seeking Alpha**: Senators urge swift action to expand Medicare coverage for Alzheimer's therapies "Unless CMS reconsiders the April 2022 NCD, access to lecanemab and other disease-modifying therapies for Alzheimer's disease will be extremely limited," the group led by Senator Susan Collins (R-ME) and Shelley Moore Capito (R-WV) wrote in a letter to Health Secretary Xavier Becerra and **Chiquita Brooks-LaSure** and CMS administrator Chiquita Brooks-LaSure.
- 2/17/23: **Politico Pulse**: The Hill for PBMs to climb HOSPICE GROUPS MEET WITH **BROOKS-LASURE** — In a meeting with CMS Administrator **Chiquita Brooks-LaSure**, four hospice organizations brought concerns and policy recommendations to the agency.
- 2/17/23: **Benefits Pro**: Senator urges CMS to approve its proposed Medicare Advantage policy changes However, earlier this week, Senate Finance Committee Chair Ron Wyden, D-Ore., urged approval of the rule in a letter to CMS Administrator Chiquita Brooks-LaSure

### **CMS Announcements/Events:**

Today (Friday), 2/17

- Informational Bulletin: Health Care-related Taxes and Hold Harmless Arrangements Involving Redistribution of Medicaid Payments Bulletin

Monday, 2/20

- Federal Holiday: President's Day

Tuesday, 2/21

- [CLOSE HOLD] Letter to Alzheimer's Association
- Supporting Health Care Resiliency CMS PHE Termination of 1135 Waiver Fact Sheets

### **CMS Media Engagement:**

Today (Friday), 2/17

- Dr. Meena Seshamani Interview with Ahmed Aboulenein (Reuters) to discuss Medicare Prescription Drug Negotiation Program & Medicare Prescription Drug Rebate Program (Publication date is TBD.)

Monday, 2/20

- Federal Holiday: President's Day

### **NEWS**

#### **Noteworthy articles from the day:**

- 2/17/23: Bloomberg Law: [Hospital Price Caps Among State Ideas to Lower Health-Care Costs](#)
- 2/17/23: Bloomberg Law: [Private Medicare Plans See Scrutiny as 50% Enrollment Mark Nears](#)
- 2/16/23: Axios: [Insurers balk at proposed changes to MA marketing rules](#)
- 2/16/23: Health Affairs: [Health Care Affordability: Iron Triangle Or Iron Curtain?](#)
- 2/16/23 Forbes: [Testing A Hypothesis: Can We Promote Both Innovation And Affordability Of Drugs?](#)

#### **Coverage of Medicare Advantage "Mediscare"**

2/16/23: Bloomberg Law: [Insurers Put Millions in 'Mediscare' Ads to Save Advantage Rates](#)

- 2/17/23: Inside Helath Policy: [Becerra Lashes Out At Industry For 'Categorially False' Claims CMS Will Cut MA](#)
- 2/17/23: Bloomberg Law: [Private Medicare Plans See Scrutiny as 50% Enrollment Mark Nears \(1\)](#)
- 2/16/23: Becker's Payer Issue: [Proposed 2024 Medicare Advantage rates could cut member benefits by \\$540 a year](#)
- 2/16/23: Bloomberg Government: [What to Know in Washington: Biden Hits GOP, 'Mediscare' Ads Air](#)
- 2/16/23: Bloomberg Law: [Insurers Put Millions in 'Mediscare' Ads to Save Revenues \(1\)](#)
- 2/16/23: NPR: [How seniors could lose in the Medicare political wars](#)
- 2/14/23: Becker's Payer Issue: ['Mediscare': What proposed cuts to Medicare really mean](#)
- 2/14/23: Rama on Healthcare: ['Mediscare': What proposed cuts to Medicare really mean](#)
- 2/16/23: Protect Our Care.org: [FACT SHEET: Big Insurers and the GOP Are Spreading Falsehoods About the Biden Administration and Medicare](#)
- 2/16/23: AXIOS: [Health industry could be playing defense on Medicare](#)
- 2/16/23: The American Independent: [No, President Joe Biden is not cutting Medicare](#)

*Related*

- 2/15/23: Politico: [Biden's Medicare advantage](#)
- 2/15/23: Fierce Healthcare: [Better Medicare Alliance launches bid to get rid of potential Medicare Advantage pay cut](#)
- 2/13/23: Washington Post: [What does cutting Medicare actually mean?](#)
- 2/8/23: Politico: [GOP tries to flip the Medicare script](#)
- 2/10/23: Washington Post: [The Medicare finger-pointing is accelerating](#)
- 1/24/23: Bloomberg Law: [Progressives Take Aim at Insurers in Medicare Advantage Fight](#)

#### Quotes

- 2/16/23: **Becker's Payer Issue:** [Proposed 2024 Medicare Advantage rates could cut member benefits by \\$540 a year](#) "There is a lot of interest in the proposed increase in payments for Medicare Advantage insurance plans. CMS is proposing updates to pay insurers more accurately for the care of people with Medicare," CMS Administrator **Chiquita Brooks-LaSure** said in a [tweet](#) Feb. 16. Public comment on the proposed rule is open until March 3. Read the full report [here](#).

#### Coverage of Proposed Decision: Benefit Category Determination (BCD) and Medicare National Coverage Determination (NCD) for Seat Elevation Equipment on Power Wheelchairs

2/15/23: **CMS Newsroom:** [CMS Proposes Benefit Expansion for Mobility Devices, Advancing Health Equity for People with Disabilities](#)

- 2/16/23: HME Business: [CMS Proposes Power Seat Elevation Coverage](#)

#### Coverage of Top Healthcare News

- 2/17/23: Inside Health Policy: [Georgia Tells CMS It Will Switch To State Exchange By Nov. 1](#)
- 2/17/23: Inside Health Policy: [CMS Touts HCBS Unwind Strategy, But Bipartisan Cooperation Uncertain](#)
- 2/16/23: New York Times: [Supreme Court Cancels Arguments In Title 42 Immigration Case](#)
- 2/16/23: Bloomberg Law: [A Mysterious Adderall Shortage Frustrates Millions of Americans](#)
- 2/16/23: Bloomberg Law: [CVS, Walgreens Caught in Red-Blue Crossfire on Abortion Pill \(3\)](#)
- 2/16/23: Bloomberg Law: [Pharmacy Benefit Managers Face Renewed Scrutiny From Senators](#)
- 2/16/23: Insider: [Trump Joins Mitch McConnell In Bashing Rick Scott's Social Security And Medicare Plans, Telling Him To 'Be Careful': 'THERE WILL BE NO CUTS!'](#)
- 2/16/23: Arkansas Democrat Gazette: [Sanders Announces Proposed Work Requirement For Arkansas' Medicaid Expansion Program](#)



Message

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**From:** Giles, John (CMS/CMCS); (b)(6)  
(b)(6)  
**Sent:** 3/16/2023 6:52:16 PM  
**To:** Shannon Attanasio [sattanasio@mhpa.org]  
**Subject:** RE: RE: MHPA/CMCS meeting  
**Attachments:** Informational Bulletin: Health Care-Related Taxes and Hold Harmless Arrangements

I assume this is the guidance (attached)? I can add this to the agenda... depending on the question, we might have to go back and get answers from our tax experts. Does that sound ok?

John Giles, MPA  
Director, Division of Managed Care Policy  
Disabled and Elderly Health Programs Group  
Center for Medicaid and CHIP Services  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Phone: 410-786-5545  
E-mail: [John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)

**From:** Shannon Attanasio <sattanasio@mhpa.org>  
**Sent:** Thursday, March 16, 2023 2:46 PM  
**To:** Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>  
**Subject:** Re: MHPA/CMCS meeting

Yes, thank you. We're also getting a few questions on the hold harmless guidance. Can we also add that to the agenda?

Sent from my iPhone

On Mar 16, 2023, at 2:43 PM, Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)> wrote:

Hi Shannon –

Does this agenda still work for you? Thank you!

**Agenda Items**

MHPA Letter on Access  
Risk Mitigation Comment Opportunity  
PHE unwinding/waivers/COVID treatment and testing  
SDOH/ILOS Guidance

John Giles, MPA  
Director, Division of Managed Care Policy  
Disabled and Elderly Health Programs Group  
Center for Medicaid and CHIP Services  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Phone: 410-786-5545  
E-mail: [John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)

**From:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Sent:** Monday, March 13, 2023 1:48 PM  
**To:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** RE: MHPA/CMCS meeting

Yes, that works. Thank you! Please update the calendar invite.

Appreciate you!

**Shannon Attanasio**  
***Vice President, Government Relations and Advocacy***  
**Medicaid Health Plans of America**  
1575 Eye Street, NW  
Ste 300  
Washington, DC 20005  
[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)

**From:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Sent:** Friday, March 10, 2023 4:16 PM  
**To:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Cc:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** RE: MHPA/CMCS meeting

Hi Shannon – apologies for my delay. I was able to move some scheduling around, and I could accommodate March 23<sup>rd</sup> at 3pm, if that still works for you and the plans. Let me know, and I will update the appointment.

Thank you!

John Giles, MPA  
Director, Division of Managed Care Policy  
Disabled and Elderly Health Programs Group  
Center for Medicaid and CHIP Services  
Centers for Medicare and Medicaid Services  
Department of Health and Human Services  
Phone: 410-786-5545  
E-mail: [John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)

**From:** Shannon Attanasio <[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)>  
**Sent:** Monday, March 6, 2023 5:02 PM  
**To:** Giles, John (CMS/CMCS) <[John.Giles1@cms.hhs.gov](mailto:John.Giles1@cms.hhs.gov)>  
**Subject:** MHPA/CMCS meeting

Hi John,

I hope you had a nice weekend. Writing to see if we can schedule an MHPA/CMCS Q1 touch base in March. Do you have any availability on a Thursday afternoon in March? Any chance Thursday, March 23<sup>rd</sup> at 3pm would work?

Thank you!

Shannon

**Shannon Attanasio**  
***Vice President, Government Relations and Advocacy***  
**Medicaid Health Plans of America**  
1575 Eye Street, NW  
Ste 300  
Washington, DC 20005  
[sattanasio@mhpa.org](mailto:sattanasio@mhpa.org)

Message

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**From:** Center for Medicaid and CHIP Services (CMCS) [Medicaid.gov@subscriptions.cms.hhs.gov]  
**Sent:** 2/17/2023 8:26:31 PM  
**To:** Giles, John (CMS/CMCS); (b)(6)  
**Subject:** (b)(6)  
Informational Bulletin: Health Care-Related Taxes and Hold Harmless Arrangements

**View in browser** | Distributed by Center for Medicaid and CHIP Services (CMCS)

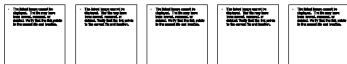


### Informational Bulletin: Health Care-Related Taxes and Hold Harmless Arrangements

Today, the Centers for Medicare & Medicaid Services (CMS) issued an informational bulletin to states reiterating certain federal requirements that pertain to health care-related taxes. Recently, CMS became aware that some health care-related tax programs appear to involve agreements among providers to redistribute their Medicaid payments to hold taxpayers harmless for the cost of the tax. The informational bulletin reminds states that such arrangements are prohibited by the statute and regulations and re-emphasizes our goal of assisting states in ensuring appropriate sources of non-federal share financing.

[Read the full Informational Bulletin.](#)

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This e-mail was sent to john.giles1@cms.hhs.gov using GovDelivery Communications Cloud on behalf of the Centers for Medicare & Medicaid Services (410-786-5473) · 7500 Security Boulevard · Baltimore MD 21244

Message

**From:** OToole, Meghan (CMS/OA) (b)(6)  
(b)(6)  
**Sent:** 3/23/2023 3:53:24 PM  
**To:** Harris, Will (CMS/OA) (b)(6)  
(b)(6) Ellis (she/her), Kyla  
(CMS/OA) (b)(6)  
(b)(6) Katch (she/her), Hannah  
(CMS/OA) (b)(6)  
(b)(6) Richardson (she/her),  
Erin (CMS/OA) (b)(6)  
(b)(6)  
Yao, Kristiana (CMS/OA)  
Tefaye, Eden (CMS/OA)  
, Kaiser, Alyssa (CMS/OL)  
**Subject:** RE: RE: OA Issues notes - week of 3/20

**CM Issues**

**Hospital price transparency**

- People have been saying that we are giving hospitals way too much leeway – they should know what the rules are by now
- We are also trying to set clearer parameters and get hospitals through the compliance process faster
- Only about 3% of hospitals haven't done anything to comply with the requirements
- There are some things we can do immediately (about enforcement), and some things we have to do regulatorily (through OPPS)
- We think the changes are highly responsive to interested parties requests

(b)(5)

**From:** OToole, Meghan (CMS/OA)

**Sent:** Wednesday, March 22, 2023 10:29 AM

**To:** Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Tefaye, Eden (CMS/OA) <eden.tefaye@cms.hhs.gov>; Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>

**Subject:** RE: OA Issues notes - week of 3/20

**CMMI Issues**

**MDPP**

- Working on ICIP amendment to extend and revise the model
- This will be included in PFS
- Issue is gap in virtual participation – gap between May 12 (after PHE ends) until December 31, when the PFS change would go into effect
  - Team is working with OGC on the options
- CMMI is working with OGC, OACT and OL on how to characterize the changes – this is new territory for us

(b)(5)

(b)(5)

- ACBL and Jon fine with moving forward as discussions continue on how to characterize these changes

#### **Maryland Model and AHEAD**

- Governor Moore of MD wants a discussion with ACBL – the state may be interested in jumping in on AHEAD
- ACBL is fine with that

**From:** Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

**Sent:** Tuesday, March 21, 2023 3:01 PM

**To:** Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; OToole, Meghan (CMS/OA) <Meghan.OTOole1@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Tesfaye, Eden (CMS/OA) <eden.tesfaye@cms.hhs.gov>; Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>

**Subject:** RE: OA Issues notes - week of 3/20

#### **CCSQ Issues 3/21**

##### **Microgrids**

Current regulations do not adopt the most current versions of life safety codes that allow the use of renewable energy for backup power systems. CCSQ plans to propose doing this in the emergency preparedness rule, which won't be proposed until 2024Q1. Until that proposal can be finalized, CCSQ is hoping to use a categorical waiver that allows systems to request to use a sustainable microgrid as long as they can show it's safe.

Nursing homes that use life support systems would not be able to get this waiver because their requirement is set in regulations. But other facility types would be able to get the waiver to use renewable energy microgrids for backup power.

This was approved. This is scheduled to go out on April 1.

##### **OPOs**

CCSQ briefed on coming OPO public reports. The 2021 data show that 24 of the 56 OPOs would fall into "Tier 3" of the new OPO rule's categories, which would mean that – if its enforcement mechanisms were in effect – they would face decertification. 15 were Tier 1, and 18 were Tier 2. Unfortunately, we've seen the number of OPOs in Tier 3 grow since 2019.

We've seen two mergers last year and one this year. We've also seen requests come in from hospitals to work with better performing OPOs. So, we are seeing an effect of this public reporting.

ACBL asked what measures go into the tiering of the OPOs. We use organ donations and organs transplanted to measure the organizations' success.

(b)(5)

(b)(5)

*Jon*: how can we make sure the public sees the results to help put pressure on the system? Everyone talked about the importance of public seeing the data. *Will* volunteered to work with CCSQ and OC to come up with something that is easy for real people to read.

**From:** Ellis (she/her), Kyla (CMS/OA) <[Kyla.Ellis@cms.hhs.gov](mailto:Kyla.Ellis@cms.hhs.gov)>

**Sent:** Monday, March 20, 2023 10:50 PM

**To:** Katch (she/her), Hannah (CMS/OA) <[Hannah.Katch@cms.hhs.gov](mailto:Hannah.Katch@cms.hhs.gov)>; OToole, Meghan (CMS/OA) <[Meghan.OToole1@cms.hhs.gov](mailto:Meghan.OToole1@cms.hhs.gov)>; Harris, Will (CMS/OA) <[William.Harris@cms.hhs.gov](mailto:William.Harris@cms.hhs.gov)>; Richardson (she/her), Erin (CMS/OA) <[Erin.Richardson@cms.hhs.gov](mailto:Erin.Richardson@cms.hhs.gov)>; Yao, Kristiana (CMS/OA) <[Kristiana.Yao1@cms.hhs.gov](mailto:Kristiana.Yao1@cms.hhs.gov)>; Tesfaye, Eden (CMS/OA) <[eden.tesfaye@cms.hhs.gov](mailto:eden.tesfaye@cms.hhs.gov)>; Kaiser, Alyssa (CMS/OL) <[Alyssa.Kaiser@cms.hhs.gov](mailto:Alyssa.Kaiser@cms.hhs.gov)>

**Subject:** RE: OA Issues notes - week of 3/20

Hi team,

### **3/20 CCIIO Issues Meeting**

- The user fee surplus could encourage SBMs; states can chose their SBM user fee/similar tax amount
- User fee analysis is typically straightforward: premium and enrollee assumptions
  - This year, there is uncertainty about the future of subsidies, unwinding transfers/pick-up, and states transitioning to SBMs
- Note: if enough states dropped out of the FFM it would cause instability for the FFM
- See slides for the recommended scenarios re: possible user fees: proposed 2.5%, 2.25% or 2.0% and associated projected surplus
- ACBL and Jon Blum concurred on 2.2% this year and indicate that we're watching the trends and may come back
  - Both want more information about projects to improve the consumer experience with the current user fee money; CCIIO will come back with strategic opportunities on brokers, navigators, etc.

**From:** Katch (she/her), Hannah (CMS/OA) <[Hannah.Katch@cms.hhs.gov](mailto:Hannah.Katch@cms.hhs.gov)>

**Sent:** Monday, March 20, 2023 10:57 AM

**To:** OToole, Meghan (CMS/OA) <[Meghan.OToole1@cms.hhs.gov](mailto:Meghan.OToole1@cms.hhs.gov)>; Harris, Will (CMS/OA) <[William.Harris@cms.hhs.gov](mailto:William.Harris@cms.hhs.gov)>; Ellis (she/her), Kyla (CMS/OA) <[Kyla.Ellis@cms.hhs.gov](mailto:Kyla.Ellis@cms.hhs.gov)>; Richardson (she/her), Erin (CMS/OA) <[Erin.Richardson@cms.hhs.gov](mailto:Erin.Richardson@cms.hhs.gov)>; Yao, Kristiana (CMS/OA) <[Kristiana.Yao1@cms.hhs.gov](mailto:Kristiana.Yao1@cms.hhs.gov)>; Tesfaye, Eden (CMS/OA) <[eden.tesfaye@cms.hhs.gov](mailto:eden.tesfaye@cms.hhs.gov)>; Kaiser, Alyssa (CMS/OL) <[Alyssa.Kaiser@cms.hhs.gov](mailto:Alyssa.Kaiser@cms.hhs.gov)>

**Subject:** OA Issues notes - week of 3/20

### **CMCS Issues – 3.20.23**

- **BHP – OR Issue**

(b)(5)

**(b)(5)**

- **Hub update (non-decisional)**
  - Reminder – the CSI service only available to states currently using it due to funding issues
  - MA, MT, RI – new ask to come in – because Equifax increased rates on their state contracts – additional states may come in with the same ask (in addition to HI and MD)
  - Current year funding unlikely to cover these states’ use of the Hub for CSI pings
- **MO disallowance**
  - State SDPs includes a “hold harmless” arrangement
  - In 2020 – CMS sent a letter to MO with a 2021 date to transition their payments to allowable financing sources
  - In 2022, MO told CMS they no longer intend to honor the arrangement
  - Next step – review of provider tax structure – outlined in July 2022 letter from CMS to MO
  - Review final this week; \$236M deferral for impermissible provider tax arrangement – amount calculated based on statutory requirements (per quarter)
    - Regulatory deadline – March 31
    - CMCS will call Medicaid director prior to the communication
  - **ACBL concurrence – she would like to call the Governor prior to the 3/31 letter (with Dan)**
    - Need OC and OL reactives



Message

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**From:** OToole, Meghan (CMS/OA) (b)(6)  
(b)(6)  
**Sent:** 2/2/2023 5:28:43 PM  
**To:** Kaiser, Alyssa (CMS/OL) (b)(6)  
(b)(6) Richardson (she/her),  
Erin (CMS/OA) (b)(6)  
(b)(6) Ellis (she/her), Kyla  
(CMS/OA) (b)(6)  
(b)(6) Tesfaye, Eden (CMS/)  
(b)(6) Yao, Kristiana  
(CMS/OA) (b)(6)  
(b)(6) Harris, Will (CMS/OA)  
(b)(6) Katch (she/her), Hannah  
(CMS/OA) (b)(6)  
(b)(6)  
**Subject:** RE: RE: Issues Meetings Notes - week of 1/30

**CM Issues, 2/2**

Data on supplemental benefits

- Payments for supp benefits have doubled over last 5 years
- MAOs are required to submit certain utilization and cost data now, but there are limitations to current data
- New data collection would need to go through a PRA process
- Data would begin to be submitted in 2025 (data collection would begin in 2024)
- We have taken steps on improving encounter data – there are challenges so we plan to issue technical guidance and exploring systems changes
  - This would not be part of the PRA
  - Encounter data – what is being utilized (as opposed to what is being offered—in the plan benefit package)
- We have taken steps on MLR reporting too – finalized last year.
  - This data will be available late 2024 – can have early analysis in early 2025
- New efforts for supp benefits data collection
  - Collect more detailed data on plan and beneficiary expenditures (allowing cost per utilization or out-of-pocket expenses analyses)
  - Will allow CMS to validate MA encounter data submissions
  - Will provide data on benefit categories difficult to identify through encounter data, e.g. additional inpatient hospital days
- Comms: we should roll this out – this is all part of what we are doing with the MA program
- We don't think plans will be hostile to this data collection
- Any plan for detail on dental services – prevention vs restorative?
  - In the guidance we are working on, want to talk about dental codes to get more detail
- Pre-paid debit cards—these are increasing in prevalence (food, etc): will we be able to know how those are utilized?
  - We may have to think more about these cards – it will be hard to get at exactly how plans are used
  - VBIID folks may have some thinking here too

C/D Final Rule

- Comment period still open
- Because of NPRM timing, late, we need a strategy for final rule
- We really need to get 2025 NPRM out by October, not December

(b)(5)

- We also need to strategize to make sure we aren't in the same position next year
- Medication therapy management – rec F2 – we feel strongly about this, but it is complicated and the industry feels strongly. And OMB threw a curveball and made us do a comment solicitation and data analysis.
  - Industry is against this, because it will cost them more because we are expanding eligibility.
  - The OMB ask was about the Cancer Moonshot – but we need to figure out which cancers should be included
  - Patients: like this because they want more patients to be included
- Star Ratings: some in F2.
  - Critical one is modifying the hold harmless (significant saver to the government)
- Changes to an approved formulary – interchangeable biologics.
  - People want us to finalize, but it isn't very impactful – just lets people do something 30 days earlier. And it is too much reg text – too hard for this rule.
- We could potentially get a curveball in the comments when they are all in – might need to make some changes to the list of which policies are in which rule.
- (b)(5)
  - (b)(5)
  - (b)(5)
  - (b)(5)
  - (b)(5)
- ACBL will think about Star Ratings more, but in general, everything else is fine.
- Meena has already flagged MTM and Star Ratings for EOP

**From:** OToole, Meghan (CMS/OA)

**Sent:** Wednesday, February 1, 2023 1:31 PM

**To:** Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Tesfaye, Eden (CMS/) <eden.tesfaye@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

**Subject:** RE: Issues Meetings Notes - week of 1/30

#### **CMMI Small Group, 2/1**

- AHC: model had no impact on HSRN resolution – what does that mean?
  - Those that did use community services did find them useful, but only about half were connected.

#### **CHART**

- Reminder: participating states had no participating hospitals and one lead organization withdrew (Alabama).
- Updates: we talked with states about modifications – providing more upfront funding and reducing risk in the model. Those were taken well but they thought there still needed to be higher reimbursement.
  - We reached consensus that rural hospitals need a guarantee that the model would be better for them – said they need at least 110% FFS
  - SD also withdrew. So only TX and WA left.
- Rec: terminate the model and go back to the drawing board.
  - We do think we have gained a lot of good intel – what else could we try? (rural emergency transport?)
  - Would wind down with two states left – is AHEAD a good option for them?
  - Do a lot of robust stakeholder engagement and come back to OA with options in the spring
- Reactions of TX and WA?
  - May be mixed – they are still interested in a model. WA may be interested in AHEAD.

- We want it to be a warm handoff.
- ACBL thinks this makes sense. They should build some travel in – go to some rural places.

(b)(5)

IBH

- Modifications in design to reflect feedback from federal partners
- Proposed updates to no longer offer a diluted alternative to CCBHCs, and focus on physical health integration more
- CMCS is very supportive of the new direction
- New required screening, assessment, treatment, and referral for bh and physical health needs
- ACBL (b)(5)
  - (b)(5)
- How does payment work for Medicaid managed care?
  - Payment model is our next focus – we don't have details on this yet
  - For CCBHCs, some states do the payment model, for other states, it is PPS and the payment model varies by states
    - Is it carved out of managed care? CMCS will follow up.
  - We can use lessons from CCBHCs to help with designing the payment model
- People are very excited about the health IT infrastructure foundational activity
  - Working with ONC on this
  - Will help address a Sen. Whitehouse priority/law too
- Some of the changes will help recruit smaller and rural providers.
- Timeline: Q4 2023, pushed out from Q3, for announcement. Launch summer 2024
- ACBL concurrence with update

**From:** OToole, Meghan (CMS/OA)

**Sent:** Wednesday, February 1, 2023 11:30 AM

**To:** Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Tesfaye, Eden (CMS/) <eden.tesfaye@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

**Subject:** RE: Issues Meetings Notes - week of 1/30

### IRA Exec Session 2/1

Started on slide 41 of the deck

- We could negotiate a single MFP per drug per month, or negotiate each dosage form and strength of the drug separately.
- Statute refers to a single MFP per drug, but other wording means discretion in the interpretation.
- What do plans do now? How do they tend to negotiate?
  - They do negotiate at dosage form and strength level (option 1), but they are also negotiating across a portfolio of drugs
  - And they are negotiating on rebates and formulary placement, whereas we are negotiating on prices
- Negotiating for each DF&S would be a lot more work
- ACBL agrees with option 1, and likes it is consistent with commercial market. It makes intuitive sense.

**From:** Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>

**Sent:** Tuesday, January 31, 2023 10:53 AM

**To:** OToole, Meghan (CMS/OA) <Meghan.OTOole1@cms.hhs.gov>; Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Tesfaye, Eden (CMS/) <eden.tesfaye@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Harris, Will (CMS/OA)

**Subject:** RE: Issues Meetings Notes - week of 1/30

**SNF Rule Briefing: 1/31/2023**

Payment:

- Between the proposed and final rules last year (FY 2023), the main difference was phasing in the parity adjustment rather than the full adjustment (the market basket percentage went up due to inflation and we phased in the parity adjustment)
- This year, between proposed and final rules, the market basket update could change slightly, the productivity adjustment could change, the forecast error would not change (its based on previous data), and the parity adjustment is already finalized.
- Staffing mandates impacts: Not captured in payments - would require statute change to update the base year (1995 rates updated for inflation)
  - OACT would need to weigh in on any impact to the market basket impacts
  - SNF wage index is in relation to the hospital wage index (which is a geographic adjustment relative to others across the country)
  - MedPAC has noted that even with the adjustments, they believe SNFs are still overpaid (and suggest an even greater cut)
- Forecast error is unique to SNFs (we have separate authorities) – there are positive and negative adjustments over time, just in this instance, they are getting a bump
- **CBL Takeaway:** industry may be concerned if there is a staffing mandate because the payment does not incorporate the costs - *CBL wants to talk about options when we talk about staffing*

SNF Quality:

*Quality Reporting Program:* overall this year, proposals focus on increased outcomes, safety, and equity

- 16 measures, weighted equally (fail to report one measure, they fail the whole program)
- CoreQ will be the most watched measure (first all payer measure) – there is burden because SNFs would have to contract with a vendor: ~ \$5,000 per year
  - There was an RFI on this last year, and about half supported, half opposed or suggested something else
- Bottom line: proposing three new measures, eliminating three measures

*Value Based Purchasing:*

- Proposing to change the withhold to create an additional amount of money
- Proposing to add 4 new measures, in addition to the 4 measures last year
- Flagging the staffing turnover measure (high importance to EOP)
- Measures were “overwhelmingly approved”
- Dual Performers: Trying to reward excellent care in high dual, high performing SNFs – this may be a stepping stone to try to get at benefiting underserved benes (also an RFI on this)
- Staffing measures would be within VBP

Medicaid Institutional Payment Adequacy:

- This was discussed earlier for inclusion in the Medicaid Access rule, and then thoughts were that this would be best to discuss in the SNF rule (though this is consistent with what was proposed in that rule)
  - We need to have a good answer as to why this only applies to Medicaid and not others
    - Companion provision in HCBS workforce in terms of the reporting requirement
    - Focus on long term care workforce, which is predominately Medicaid
- Q: Do we have authority on the Medicare side to do this? A: We need to look at this (not for inclusion for this rule, but for future)
- Actual Proposal: transparency reporting requirement only (need more data) – this later could be used in future rules to set minimum thresholds – in nursing facilities and in intuitional services

**CBL Notes for Secretary briefing:** (b)(5)

**From:** OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>  
**Sent:** Tuesday, January 31, 2023 10:04 AM  
**To:** Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Tesfaye, Eden (CMS/) <eden.tesfaye@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Kaiser, Alyssa (CMS/OL) <Alyssa.Kaiser@cms.hhs.gov>  
**Subject:** RE: Issues Meetings Notes - week of 1/30

Adding Alyssa

**From:** Richardson (she/her), Erin (CMS/OA) <Erin.Richardson@cms.hhs.gov>  
**Sent:** Monday, January 30, 2023 6:33 PM  
**To:** Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Tesfaye, Eden (CMS/) <eden.tesfaye@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; OToole, Meghan (CMS/OA) <Meghan.OToole1@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>  
**Subject:** RE: Issues Meetings Notes - week of 1/30

Updating this to attach notes from the CCIIO team as well.

**From:** Richardson (she/her), Erin (CMS/OA)  
**Sent:** Monday, January 30, 2023 3:42 PM  
**To:** Kyla Ellis (CMS/) (kyla.ellis@cms.hhs.gov) <kyla.ellis@cms.hhs.gov>; Tesfaye, Eden (CMS/) <eden.tesfaye@cms.hhs.gov>; Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Meghan OToole (CMS/OA) (meghan.otoole1@cms.hhs.gov) <meghan.otoole1@cms.hhs.gov>; William Harris (CMS/OL) (William.Harris@cms.hhs.gov) <William.Harris@cms.hhs.gov>; Hannah Katch (CMS/OA) (hannah.katch@cms.hhs.gov) <hannah.katch@cms.hhs.gov>  
**Subject:** Issues Meetings Notes - week of 1/30

### CCIIO Issues 1/30

#### CO-OPs

- Three remaining CO-OPs (WI one; MT, ID, WY one; ME one) are financially stable but have low membership
- CCIIO recommended (b)(5)

(b)(5)

- (b)(5)
- Decision: ok to move forward with the recommendation

#### Executive Session – FACA

- CCIIO is working across the Administration on follow up on the FACA. Happy to provide more info if desired

**Erin Richardson** (she/her)  
Chief of Staff



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