

Message

From: Deboy, Alissa (CMS/CMCS); (b)(6)
(b)(6)
Sent: 12/21/2022 6:12:34 PM
To: Smith, Carrie (CMS/CMCS); (b)(6)
(b)(6) Giles, John (CMS/CMCS)
(b)(6)
Subject: FW: FW: NY Safety Net Coalition backgrounder
Attachments: NY Safety Net Coalition Summary Statistics (Dec 2022).docx

Noting I am unable to join. John – Feel free to bring others.

Alissa Mooney DeBoy
Director, Disabled and Elderly Health Programs Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
7500 Security Blvd
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From: Mann, Cindy <CMann@manatt.com>
Sent: Wednesday, December 21, 2022 1:04 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Cc: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Brown, LaRay <labrown@interfaithmedical.org>; Bernstein, William S. <WBernstein@manatt.com>; Cantrell, Christopher <CCantrell@manatt.com>
Subject: NY Safety Net Coalition backgrounder

Hello

We are looking forward to the meeting with you tomorrow and the NY Safety Net Coalition leaders. As background, attached are some key facts and figures about the Coalition members, the issues they are confronting relative to reimbursement rates and the intersection with some key issues CMS is grappling with.

Thanks in advance for taking the time to meet-

Cindy

Cindy Mann
Partner

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Note: 29 facilities in upstate and downstate New York meet the Coalition's definition of a safety net hospital, of which 20 facilities (across 7 systems) are formal members of our Coalition.ⁱ

New York Safety Net Hospitals Primarily Serve Low-Income Communities of Color

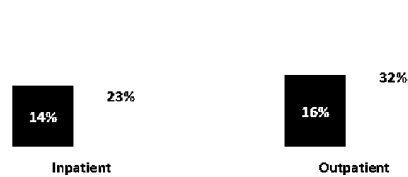
- More than half of safety net hospital patients on average are insured by Medicaid or uninsured, reinforcing our role as critical access points for low-income communities (see Figure 1).ⁱⁱ
- Relatively few commercially-insured patients seek care in our facilities, with most commercially-insured patients seeking care at wealthier institutions (see Figure 2).
 - An analysis of safety net hospitals in Brooklyn found that 72% of commercially insured patients and 49% of Medicare patients in the hospitals' service area receive inpatient care at other facilities in Brooklyn or Manhattan.ⁱⁱⁱ

Figure 1: Percent of Services Delivered to Medicaid and Uninsured Patients



Key: ■ Coalition Safety Net Hospitals (29)

Figure 2: Percent of Services Delivered to Commercial Patients

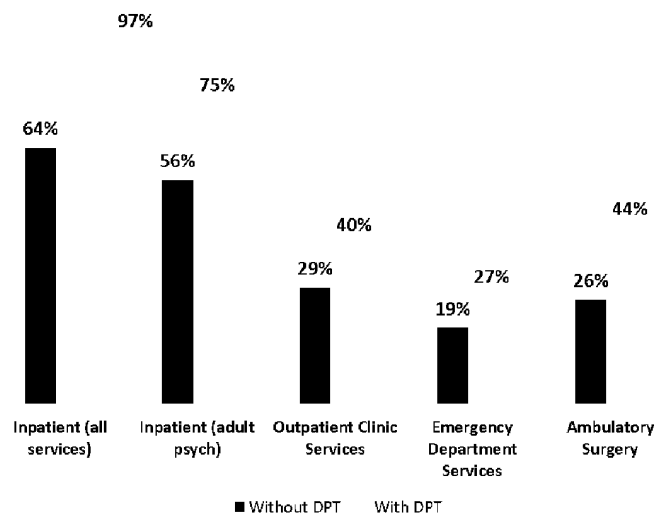


■ All Other NY Hospitals (141)

Safety Net Hospitals Are Paid Far Less for Providing the Same Services as Other Hospitals

- In New York, Medicaid does not cover the cost of care that safety net hospitals provide, even after accounting for supplemental payments (see Figure 3).
 - While medical costs have risen substantially over the past decade (more than 43%), base fee-for-service and Medicaid managed care reimbursement rates have remained flat for both inpatient and outpatient rates.^{iv}
 - These issues have been exacerbated with the ending of COVID-related funding and inflation in staffing and other operational expenses.
- Since we see few commercial patients, we lack negotiating power to secure favorable rates from private payers that could cross-subsidize low Medicaid rates.

Figure 3: Percent of Costs Covered by NY Medicaid Managed Care Reimbursement Rates
(Example Coalition Safety Net Hospital – Excludes DSH Funding)

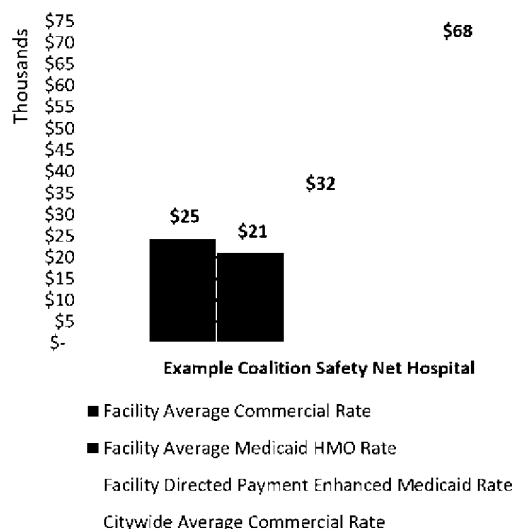


- As a result, our hospitals are paid far less for providing the same services compared to wealthier hospitals.
- Citywide average commercial rates are far higher (up to 7 times greater in some cases) than safety net hospitals' average commercial rates (see Figure 4).^v

- **CMS recently approved a directed payment template (DPT) program in New York for safety net hospitals with at least 36% of services attributed to Medicaid across both inpatient and outpatient settings.**

- This was an important step, but it does not fully address the need of all safety net hospitals that serve significant volumes of Medicaid and uninsured patients, particularly in outpatient settings.
- For example, even after accounting for enhanced rates under the DPT program, the Medicaid rates do not cover all safety net hospital costs, especially for outpatient clinic, ED, and ambulatory surgery services (see Figure 3).

Figure 4: IP Acute - Respiratory Infection
Average Allowed Amount for Total Stay



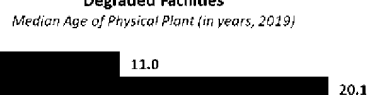
Lack of Adequate Funding Perpetuates Disparities in Safety Net Communities

- **Due to the structural failures of the current system, safety net hospitals are in chronic financial distress, often facing cash flow challenges and almost always unable to invest in their infrastructure and facilities (see Figures 5-6).**

Figure 5: Safety Net Hospitals Operate Annually with Losses
Median Excess Margin (2019)



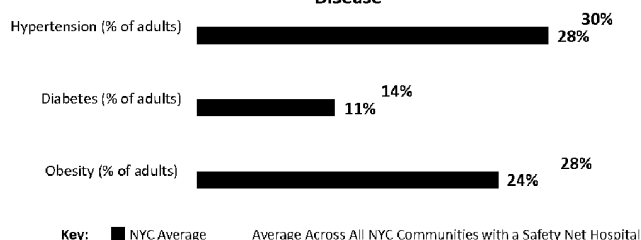
Figure 6: Safety Net Hospitals Are Unable to Update Older and Degraded Facilities
Median Age of Physical Plant (in years, 2019)



Key: ■ S&P 500 Median ■ Safety Net Hospitals (n=29)

- **As our hospitals remain underfunded, the low-income communities of color we serve continue to be impacted by persistent disparities (see Figure 7).**

Figure 7: Safety Net Communities Have Higher Rates of Chronic Disease



Key: ■ NYC Average ■ Average Across All NYC Communities with a Safety Net Hospital

ⁱ Our Coalition defines safety net hospital as all public and non-public inpatient facilities with at least 36% of inpatient/outpatient services attributed to Medicaid and uninsured patients, and no more than 20% of inpatient services attributed to commercial patients. Facilities in this category must also not be a sole community hospital, critical access hospital, specialty hospital, or part of a non-public hospital system with \$10 billion or more in annual total patient revenue.

ⁱⁱ Coalition analysis of 2019-2020 New York Institutional Cost Reports.

ⁱⁱⁱ Northwell Health, "[HYPERLINK "https://www.northwell.edu/sites/northwell.edu/files/d7/20830-Brooklyn-Healthcare-Transformation-Study_0.pdf"]."

^{iv} 1199 SEIU Presentation, July 2021.

^v Coalition analysis based on FAIR Health data, an independent nonprofit that collects data for and manages the nation's largest database of privately billed health insurance claims.

Reporter Name/Outlet: Caroline Catherman, Orlando Sentinel

Topic: New state law requiring hospitals to document patient's immigration status

Deadline for Feedback: 6/21/21

Reporter Deadline: 1 p.m. 6/23/21

MRG Press Office Name & Phone Number: April Washington, 443-845-2872

Draft Response Reviewed By:

Story/Background: The reporter is working on a story about Florida measure that goes into effect July 1 that requires hospitals that receive Medicaid to ask every patient their immigration status on patient admission or registration forms. She is seeking a comment from CMS.

Reporter's Questions: I'm curious if CMS cares to comment on Florida's law, HB 1617/SB 1718, which goes into effect July 1.

The new law requires hospitals that receive Medicaid to ask every patient their immigration status on patient admission or registration forms. Hospitals are also mandated to produce quarterly reports to the state including this data and costs among patients.

CMS Draft Response: The following response is provided on background, attributed to the Centers for Medicare & Medicaid Services or "CMS spokesperson":

As a matter of practice, CMS does not comment on legislation enacted by state legislatures.

Message

From: Costello, Anne Marie (CMS/CMCS) (b)(6)
(b)(6)
Sent: 7/20/2023 10:49:50 PM
To: Tsai, Daniel (CMS/CMCS) (b)(6)
(b)(6)
Subject: RE: RE: Yet another imposition
Attachments: FW: FW: fair hearing issue

Dan

I sent the earlier email and attached is their summary. Maybe we can discuss with OGC tomorrow.

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Thursday, July 20, 2023 6:45 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: FW: Yet another imposition

Do you want to send along to folks (DMEP?)

From: Mann, Cindy <CMann@manatt.com>
Sent: Thursday, July 20, 2023 6:37 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: FW: Yet another imposition

I know this is not top of mind for you but this is the TN submission in the matter I flagged for you, including statements that essentially CMS has signed off on the TN process.

Cindy Mann
Partner

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Message

From: Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6)
Sent: 7/20/2023 10:48:23 PM
To: Costello, Anne Marie (CMS/CMCS) [annemarie.costello@cms.hhs.gov]
Subject: FW: FW: fair hearing issue
Attachments: Rosen v. Goetz (005).pdf

From: Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>
Sent: Thursday, July 20, 2023 8:16 AM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Cc: Clark, Liz (CMS/CMCS) <Elizabeth.Clark@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>; McChesney, Melissa (CMS/CMCS) <Melissa.McChesney@cms.hhs.gov>
Subject: RE: fair hearing issue

Sounds good, thanks! +Melissa, and the Ct decision I intended to attach.

From: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Sent: Wednesday, July 19, 2023 7:49 PM
To: Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>
Cc: Clark, Liz (CMS/CMCS) <Elizabeth.Clark@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>
Subject: Re: fair hearing issue

Thanks for the really fast work. I will circle back if I have any questions and will raise with OGC. This is incredibly helpful.

Anne Marie.

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From: Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>
Sent: Wednesday, July 19, 2023 7:46:28 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Cc: Clark, Liz (CMS/CMCS) <Elizabeth.Clark@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>
Subject: RE: fair hearing issue

Anne Marie –

Thanks to quick research and write up by Melissa McChesney and Marc, here's our thinking:

Bottom line: This state regulation appears to have challenged and upheld by the 6th Circuit in 2005. CMS (presumably DOJ via HHS) submitted an amicus brief in that case in support of the regulation and the state's position. We don't have the amicus brief itself. Maybe OGC could find it. The case is *Rosen v. Goetz*, 410 F.3d 919 (6th Cir, 2005) (decision attached). Based on the limited information below; (b)(5)

(b)(5)

Additional key points:

(b)(5)

From: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Sent: Wednesday, July 19, 2023 11:18 AM

To: Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>

Cc: Clark, Liz (CMS/CMCS) <Elizabeth.Clark@cms.hhs.gov>

Subject: RE: fair hearing issue

Thanks so much

From: Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>

Sent: Wednesday, July 19, 2023 11:04 AM

To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>

Cc: Clark, Liz (CMS/CMCS) <Elizabeth.Clark@cms.hhs.gov>

Subject: RE: fair hearing issue

Anne Marie, acknowledging. We're doing some quick research on what we've said on this issue and will respond with the best of our thinking by end of day today.

From: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Sent: Tuesday, July 18, 2023 10:26 PM

To: Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>

Cc: Clark, Liz (CMS/CMCS) <Elizabeth.Clark@cms.hhs.gov>

Subject: RE: fair hearing issue

I am hoping for a quick assessment/thoughts by end of day tomorrow so I can discuss next steps with OGC.

Thanks
Anne Marie

From: Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>

Sent: Tuesday, July 18, 2023 6:58 PM

To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>

Cc: Clark, Liz (CMS/CMCS) <Elizabeth.Clark@cms.hhs.gov>

Subject: RE: fair hearing issue

Thanks for sharing this, Anne Marie – looks like a good issue for further exploration. I see the government's response would be due on 7/31. Knowing that the team is juggling a few things this week, wanted to check on timing for this.

What is your sense of when a response is needed? Are you hoping to have something before your weekly meeting with OGC this Friday for example? Or were you hoping for a quick readout tomorrow?

Thanks.

Alice

From: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Sent: Tuesday, July 18, 2023 6:52 PM

To: Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>

Cc: Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Clark, Liz (CMS/CMCS) <Elizabeth.Clark@cms.hhs.gov>

Subject: FW: fair hearing issue

Sarah and Marc

Can you please take a look at Cindy's email below regarding litigation in TN and the issues related to fair hearings and the burden of proof (yellow highlights). They are interested in DOJ submitting a statement on our interests. Before I go to OGC, can you please take a look and give me your thoughts. Sorry this is time sensitive.

Happy to discuss if helpful.
Anne Marie

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

Sent: Tuesday, July 18, 2023 6:21 PM

To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: FW: fair hearing issue

From: Mann, Cindy <CMann@manatt.com>

Sent: Monday, July 10, 2023 12:04 PM

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

Subject: fair hearing issue

I've not been involved but sharing the following for your awareness/consideration:

TN Justice Center, NHeLP, NCLEJ and pro bono firm are pursuing a lawsuit, AMC v. Smith, that involves due process and ADA issues in the context of redeterminations of eligibility. The litigation has been set for trial in November but the deadline for motions for summary judgment is July 10, with responses thereto due July 31. The feds are not a party but there is interest in DOJ filing on CMS's behalf a statement of the Government's interest with respect to one of the due process issues? The statement arguably would be due July 31st.

The issue concerns the appropriate reading of 42 CFR 431.220(b), which states that, "The agency need not grant a hearing if the sole issue is a Federal or State law requiring an automatic change adversely affecting some or all beneficiaries." Plaintiffs are challenging TN policy that puts the burden on applicants/beneficiaries to show there is a factual issue regardless of whether there is any aspect of a mass change involved. TennCare Rule 1200-13-19-.05(3) provides:

1200-13-19-.05 APPEAL RIGHTS, NOTICES AND PROCEDURES.

(1) The Agency must grant an opportunity for a hearing to the following:

(a) Any applicant who requests it because his claim for services is denied or is not acted upon with reasonable promptness.

(b) Any beneficiary who requests it because he believes the Agency has taken an action erroneously.

(c) Any enrollee who is entitled to a hearing under 42 C.F.R. 438 subpart B.

(2) The Agency need not grant a hearing if the sole issue is a Federal or State law requiring an automatic change adversely affecting some or all beneficiaries.

(3) When the Agency receives an appeal from an appellant, the Agency will dismiss this appeal unless the appellant has established a valid factual dispute relating to the appeal. The Agency will screen all appeals submitted by appellants to determine if each appellant has presented a valid factual dispute. If the Agency determines that an appellant failed to present a valid factual dispute, the Agency will immediately provide the appellant with a notice informing him that he must provide additional information as identified in the notice. If the appellant does not provide this information within ten (10) days of the date of the notice, the appeal will be dismissed without the opportunity for a fair hearing. If the appellant adequately responds to this notice, the Agency will inform the appellant that the appeal will proceed to a hearing. If the appellant responds but fails to provide adequate information, the Agency will provide a notice to the appellant, informing him that the appeal is dismissed without the opportunity for a fair hearing. If the appellant does not respond, the appeal will be dismissed without the opportunity for a fair hearing, without further notice to the appellant.

...

Thanks-
Cindy

Cindy Mann
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Rosen v. Goetz

410 F.3d 919 (6th Cir. 2005)
Decided May 27, 2005

Nos. 05-5633, 05-5779.

Argued: May 24, 2005.

Decided and Filed: May 27, 2005.

Appeal from the United States District Court for
the Middle District of Tennessee, William J.

920 Haynes, Jr., J. *920

Charles J. Cooper, Cooper Kirk, Washington,
D.C., for Appellant.

G. Gordon Bonnyman, Jr., Tennessee Justice
Center, Nashville, Tennessee, Edmund L. Carey,
Jr., Barrett, Johnston Parsley, Nashville,
Tennessee, for Appellees.

Charles J. Cooper, Michael W. Kirk, Cooper Kirk,
Washington, D.C., Linda A. Ross, Office of the
Attorney General, Nashville, Tennessee, Ronald
G. Harris, Aubrey B. Harwell, Jr., Neal Harwell,
Nashville, Tennessee, for Appellant.

G. Gordon Bonnyman, Jr., Russell J. Overby,
Tennessee Justice Center, Nashville, Tennessee,
Edmund L. Carey, Jr., George E. Barrett, Barrett,
Johnston Parsley, Nashville, Tennessee, Andrew
Dunlap, Sarah Reynolds, Kirkland Ellis, New
York, New York, Margaret M. Huff, Nashville,
Tennessee, Michael Cohan Welfare Law Center,
New York, New York, for Appellees.

Mark B. Stern, Dana J. Martin, U.S. Department
of Justice, Civil Rights Division, Washington,
D.C., for Amicus Curiae.

Before: COLE and SUTTON, Circuit Judges;
ZATKOFF, District Judge.–

– The Honorable Lawrence P. Zatkoff,
United States District Judge for the Eastern
District of Michigan, sitting by
designation.

921 *921

OPINION

PER CURIAM.

The State of Tennessee appeals a district court
order enjoining it from beginning the process of
disenrolling members from its Medicaid program,
which is known as TennCare. The district court
held that the State's disenrollment procedures,
which have been approved by the federal Centers
for Medicaid and Medicare Services (CMS),
violate (1) a 2001 consent decree requiring
compliance with certain federal Medicaid
regulations and (2) the Due Process Clause of the
United States Constitution. Because the State's
procedures comply with the applicable Medicaid
regulations and with CMS's own interpretation of
those regulations and because the State's
procedures otherwise comply with the due process
requirements set forth in *Goldberg v. Kelly*, 397
U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970),

922 we reverse. *922

I. A.

This case has its genesis in a March 2001 consent
decree entered into by the State and the plaintiff
class, which represents all beneficiaries of
TennCare. The consent decree enjoins the State

from terminating, reducing or suspending the TennCare coverage of members of the plaintiff class who are enrolled in the TennCare program, without affording such individuals notice and an opportunity for a hearing in accordance with 42 C.F.R. Part 431, Subpart E.

JA 129. *See generally Rosen v. Tenn. Comm'r of Fin. Admin.*, 288 F.3d 918 (6th Cir. 2002) (describing the litigation that led to the consent decree).

On January 10, 2005, Tennessee's Governor, Phil Bredesen, informed the public that a severe budgetary shortfall, together with the State of Tennessee's constitutionally mandated balanced budget requirement, would require the State to eliminate three of the seventeen TennCare eligibility categories and to disenroll 323,000 beneficiaries from the TennCare program. TennCare is the State of Tennessee's federally approved Medicaid demonstration project, through which the State extends health care benefits above and beyond federal requirements. *See* <http://www.cms.hhs.gov/medicaid/1115/tfact.pdf> (CMS fact sheet describing the TennCare program). Due to expansions of the program since 1994, Tennessee's Medicaid program is the nation's most generous, providing health care to one-fifth of the State's population. It also has consumed 33.9 and 33.3 percent of the State's total spending over the last two years, the highest of any State in the country and well in excess of the national averages (21.4 and 21.9 percent, respectively) during those years. Current projections, according to the Governor, show that the TennCare program's expenses during fiscal year 2006 would (if left unchanged) increase by \$650 million in state funds, a figure exceeding the State's growth in total revenue by approximately \$325 million. An increase in TennCare spending of this magnitude, the Governor concluded, would prompt large cuts to the remainder of Tennessee's budget — to education, transportation, public

safety and other programs — in view of Tennessee's balanced budget requirement. *See* Tenn. Const. art. II, § 24.

Within days of this announcement, the district court on its own initiative determined that the consent decree barred the disenrollment proposal and enjoined the State from commencing the disenrollment process, a decision that the State appealed to the Sixth Circuit on January 31, 2005. At this point, a group of individuals successfully moved to intervene in the case on behalf of a class of individuals who would be subject to the disenrollment proposal. While the plaintiffs-intervenors did not favor the TennCare changes, they took the position that the disenrollment process should not be enjoined because immediate implementation of Governor Bredesen's proposal would permit the State to minimize the number of TennCare members that the State proposed to cut from the program this year.

On April 12, 2005, at the urging of the State and the plaintiffs-intervenors, we reversed the injunction. *Rosen v. Goetz*, 129 Fed.Appx. 167, No. 05-5202, 2005 U.S.App. LEXIS 6444 (6th Cir. Apr. 12, 2005). We held that the district court had mistakenly assumed authority under the 2001 consent decree to limit the State's substantive policy choices in deciding whether to eliminate certain types of "expanded" or "optional" Medicaid coverage, which is to say a State's provision of Medicaid benefits that federal law does not require participating States to provide. 923 *See* 42 U.S.C. § 1315(a) *923 (2005) (authorizing the waiver of certain federal requirements for "demonstration" projects that "assist in promoting the objectives" of the Medicaid system); *see generally Pharm. Research Mfrs. of Am. v. Thompson*, 313 F.3d 600, 602 (D.C. Cir. 2002). In reaching this conclusion, we noted that the consent decree gave the district court authority to determine whether the State's *procedures* for disenrolling TennCare beneficiaries complied with Part 431 of the Medicaid regulations but did not give it authority to question the State's *substantive*

policy decision whether to eliminate certain forms of non-mandatory Medicaid coverage. *See Rosen*, 129 Fed. Appx. at 171-172, 2005 U.S.App. LEXIS 6444, at *12-13.

B.

Consistent with this decision, the district court on remand examined whether the State's proposed disenrollment process complied with Part 431 of the Medicaid regulations and the Due Process Clause. *See* 42 C.F.R. § 431.205(d) (2005) (requiring that a State Medicaid agency's hearing system "must meet the due process standards set forth in *Goldberg v. Kelly*, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970), and any additional standards specified in this subpart"). In making this assessment, the district court held an evidentiary hearing, which among other things allowed the State to outline the process by which it planned to disenroll certain TennCare recipients. As early as June 1, 2005, the State plans to begin mailing three different notices to members of the plaintiff class about the disenrollment process: a Request for Information (RFI), a Verification Request and a Termination Notice. All three of the notices have been written in a way that ensures they are comprehensible to individuals who have a sixth-grade reading level. Each TennCare recipient who has not been identified by the State as eligible to receive benefits under another Medicaid category and who is therefore scheduled for disenrollment will receive a 14-page RFI packet. The RFI informs beneficiaries that their eligibility category for TennCare is ending and that they may continue to receive benefits only if they qualify for an open Medicaid category. The recipient then must complete a 7-page form within 30 days, provide proof of income and resources, provide a statement completed by employers and provide proof of pregnancy or special health conditions. The RFI informs beneficiaries that the State has the discretion to extend the 30-day submission time frame for good cause on a case-by-case basis. The point of this information exchange is to help

the State determine whether a given TennCare beneficiary is eligible for benefits under another Medicaid program. JA 586.

If a recipient fails to complete the RFI fully, the State will send the beneficiary a Verification Request, informing the recipient that he or she has ten extra days to respond. JA 648. If the beneficiary does not respond at all or if the response establishes that the beneficiary is not eligible for an open Medicaid category, the State will send a Termination Notice 20 days in advance of the termination date that specifies the reasons why the enrollee is being terminated. The Termination Notice will inform beneficiaries that they have 40 days in which to request a hearing to resolve factual disputes related to termination (and that their coverage will continue until their appeal is resolved if they appeal and request an evidentiary hearing within 20 days).

The State will then route any requests for a hearing to the Tennessee Department of Human Services (DHS), where an employee known as a "Conciliation Specialist" will determine whether the hearing request is timely and whether it raises a "valid factual dispute" — which the State defines as "a dispute, [that] if resolved in favor of the appellant, would prevent the state from taking the adverse action that is the subject of the appeal." D. Ct. Op. at 25. If the Conciliation Specialist determines that there is a legitimate factual dispute about the TennCare member's eligibility to participate in another Medicaid program, the evidentiary hearing will go forward. Otherwise, the appeal will be sent to another DHS employee, a "Conciliation Attorney." If the Conciliation Attorney also decides that there is not a "valid factual dispute" requiring an evidentiary hearing, then the State will send the beneficiary a letter asking for additional clarification in ten days, without which the State will not conduct a hearing. If and when the beneficiary does respond, the Conciliation Specialist will again determine

whether there is a "valid factual basis" for the evidentiary hearing. If no such basis exists, the State will dismiss the appeal.

The State also has proposed specific procedures for accommodating the approximately 30,000 individuals slated for disenrollment who have been assessed within the past year as being Severely and Persistently Mentally III (SPMI). The notice mailed to all TennCare beneficiaries asks them whether they have a disability. If so, it offers them the use of a TennCare Partners Advocacy Line, which SPMI individuals may call to seek advice about the disenrollment process. The letter also notifies SPMI individuals that they may request an extension to complete the RFI or to ask for help generally. On top of this, the State plans to attempt to identify each SPMI individual by contacting them through the Community Mental Health Center at which they most recently received care. The RFI also explains how SPMI individuals or beneficiaries with limited English proficiency may seek assistance in completing the forms and in understanding the disenrollment process.

The Secretary of the United States Department of Health and Human Services has delegated to CMS the authority to promulgate regulations implementing the Medicaid provisions of the Social Security Act as well as to enforce them. On March 24, 2005, after several meetings with federal officials and after modifying aspects of its disenrollment procedure in accordance with CMS's requirements and suggestions, CMS gave the State approval to use this disenrollment process. JA 626.

C.

On April 28, 2005, the district court held that the State's proposed termination procedures violated federal Medicaid regulations and the Due Process Clause of the Fourteenth Amendment. It identified the following deficiencies in the State's disenrollment procedure:

1. The State's failure to inform enrollees of an extension of the 30 day period by the State in the request for information form violates the Plaintiffs' procedural due process rights and 42 C.F.R. § 431.210(a)-(c).

2. Absent additional proof, the State's notices to SPMI enrollees violate those enrollees' procedural due process rights and 42 C.F.R. § 431.210.

3. The State's verification request violates due process by failing to display prominently the acceptability of alternative forms of proof of eligibility.

4. The State's notices of termination violate due process by failing to disclose the specifics of any defect in the enrollee's response and failing to give adequate notice in its description of the appeal process.

5. The State's hearing and appeals procedures violate due process and 42 C.F.R. § 431.220(a).

925 6. The State's hearing procedure violates due process and *925 42 C.F.R. §§ 431.221 and 431.242 by failing to provide a hearing unless the beneficiary responds to a request for clarification.

7. The State violates due process by failing to provide a neutral and impartial hearing officer.

8. The State's unfunded protocol to provide accommodations for SPMI enrollees violates the district court's earlier ruling in *Rosen v. Tenn. Comm'r of Fin. Admin.*, 280 F.Supp.2d 743, 832-34 (M.D.Tenn. 2002).

See D. Ct. Order at 1-2.

In a later order, the district court clarified that it was holding that all appeals must be heard by an administrative law judge from the Tennessee

Secretary of State's office and that the State could not deny hearings simply because a TennCare recipient failed to submit a completed information form. (That order was separately appealed and has been consolidated with this appeal.) In response, the State explained to the district court that neither the Medicaid regulations nor the Constitution required these modifications and that they would potentially require a hearing for all 323,000 of the disenrolled beneficiaries, a process that would deny the State the needed savings to balance the budget and would scuttle the State's (and plaintiffs-intervenors') efforts to minimize the number of disenrolled beneficiaries. Because the State refused voluntarily to comply with its order, the district court enjoined the State from sending out notices beginning the termination process.

As these proceedings were ongoing in the district court, the State and plaintiffs-intervenors, along with two hospital associations and several safety-net hospitals, entered into a Memorandum of Understanding (MOU) on April 26, 2005. Under the terms of the MOU, the State proposes to continue medical coverage for 97,000 to 100,000 medically needy persons over the next two years through a new Waiver-Based Spend Down Program. Among approximately two dozen conditions, the MOU was made contingent on (1) approval of additional funds by the Tennessee legislature, (2) timely and favorable rulings in this case and (3) a successful effort to modify a consent decree in *Grier v. Goetz*, No. 79-3107 (M.D.Tenn.), *see Rosen*, 129 Fed.Appx. at 172, 2005 U.S.App. LEXIS 6444, at *13, which places substantive restrictions on the State's ability to alter certain Medicaid benefit levels.

On May 6, 2005, at the urging of the State and the plaintiffs-intervenors, we stayed the district court's injunction and expedited consideration of the appeal. The State does not challenge and has agreed to comply with two of the district court's eight conclusions quoted above — its requirement that the RFIs disclose that enrollees may take an additional 10 days to supplement incomplete

information (conclusion one of the district court's decision) and its requirement that the Verification Request form disclose the acceptability of alternative forms of proof of eligibility (conclusion three of the district court's decision). And plaintiffs do not defend conclusion eight of the district court's decision. The remaining bases for the district court's injunction fall into three broad categories: those concerning the State's procedures with respect to evidentiary hearings, those concerning the content of the Termination Notices and those concerning the accommodation of SPMI beneficiaries. For the reasons that follow, we reverse.

II. A.

In defending the district court's decision, the plaintiffs first argue that the State, when eliminating a non-mandatory Medicaid program, must provide all recipients a pre-termination
926 hearing to determine *926 whether they remain eligible for coverage under another Medicaid program. We disagree.

In relevant part, the Medicaid regulations in Part 431 provide that:

(a) The State agency must grant an opportunity for a hearing to the following:

...

(2) Any recipient who requests it because he or she believes the agency has taken an action erroneously.

...

(b) The agency need not grant a hearing if the sole issue is a Federal or State law requiring an automatic change adversely affecting some or all recipients.

42 C.F.R. § 431.220. These provisions apply where, as here, a State takes an "action," which the regulations define as "a termination, suspension, or reduction of Medicaid eligibility or covered services." *Id.* § 431.201.

As the plaintiffs see it, the exception to the hearing requirement (§ 431.220(b)) does not apply when the State proposes to eliminate one Medicaid program and a beneficiary claims continued eligibility under another program, even if the beneficiary fails to allege a "valid factual dispute" about her eligibility for this other form of Medicaid coverage. All beneficiaries threatened with disenrollment, in other words, are entitled to a hearing — so long as they request one. As the State sees it, the government need not provide hearings to beneficiaries who have failed to raise a "valid factual dispute" about their eligibility for coverage under another Medicaid program.

We accept the State's reading of the regulations for several reasons. For one reason, no party has argued that this interpretation exceeds the agency's authority under the pertinent statute. *See* 42 U.S.C. § 1302(a) (2005) (authorizing the Secretary of Health and Human Services to "make and publish such rules and regulations, not inconsistent with this chapter, as may be necessary to the efficient administration of [his or her] functions"). For another reason, this approach plausibly interprets the language of the regulations. The regulations grant a broad right to an evidentiary hearing (when a recipient believes that the agency has "taken an action erroneously" in terminating benefits, § 431.220(a)(2)) and impose a broad limitation on that right (when the sole issue is a law "requiring an automatic change" in benefits, § 431.220(b)). An interpretation of the regulations that invariably respects a recipient's claim that "erroneous" action has been taken, even when the termination of benefits arises solely from a change in state or federal law, necessarily slights the provision stating that a hearing need not be given in the face of "an automatic change" in benefits. By contrast, a reading of the regulations that draws a dichotomy between impermissible challenges to a State's legal or policy judgment on the one hand and permissible challenges to the relevant facts or application of law to a given beneficiary respects *both* regulations.

For still another reason, this reading adheres to precedent. In construing a predecessor version of these regulations, we have held that "matters of law and policy," as opposed to matters of fact or the application of law, "are not subject to any hearing requirements under the applicable regulations, whether the hearing be pre- or post-reduction." *Benton v. Rhodes*, 586 F.2d 1, 3 (6th Cir. 1978) (holding that "when a state decides to terminate optional benefits on the basis of lack of appropriated funds, or for any other state reason, this is a matter of state law or policy which it was permitted to adopt").

All of this is prelude, however, to the principal explanation for our decision. In interpreting these regulations and in ⁹²⁷ascertaining whether the State has complied with them, we do not write on a blank slate. CMS, the agency that authored and promulgated the regulations, has approved the State's policies as fully compliant with its regulations, a determination to which we owe "substantial deference." *Air Brake Sys., Inc. v. Mineta*, 357 F.3d 632, 646 (6th Cir. 2004); *see also id.* at 643-44 (holding that an "agency's interpretation of its own regulation is entitled to controlling weight unless it is plainly erroneous or inconsistent with the regulation") (quoting *Bowles v. Seminole Rock Sand Co.*, 325 U.S. 410, 414, 65 S.Ct. 1215, 89 L.Ed. 1700 (1945)); *St. Francis Health Care Ctr. v. Shalala*, 205 F.3d 937, 943-44 (6th Cir. 2000) (giving deference to CMS manual); *Auer v. Robbins*, 519 U.S. 452, 461, 117 S.Ct. 905, 137 L.Ed.2d 79 (1997); *see also S.D. ex rel. Dickson v. Hood*, 391 F.3d 581, 595-96 (5th Cir. 2004) ("As the agency entrusted with the administration of the Medicaid statute, CMS is required to determine that each state plan is in conformity with the specific requirements of the Medicaid act."); *Cnty. Health Ctr. v. Wilson-Coker*, 311 F.3d 132, 134 (2d Cir. 2002) (CMS "reviews each plan to assure that it complies with a long list of federal statutory and regulatory requirements"); *Pharm. Research Mfrs. of Am.*, 362 F.3d at 822.

CMS has conveyed its interpretation of these regulations in three ways. First, it reviewed and expressly approved the State's proposed disenrollment process, including its hearing and appeals procedures. *See* JA 628 (approving, contingent on compliance with enclosed procedures, Tennessee's requests for eligibility amendments to TennCare); *see also id.* at 645 (listing as one of those procedures that "the State will grant hearings only for those enrollees raising valid factual disputes related to the termination"). Second, at our invitation, it filed an *amicus curiae* brief in this case, explaining that Tennessee's proposed procedures are consistent with its regulations. "By permitting a hearing when an enrollee raises a valid factual dispute," CMS writes, "the proposed procedures ensure that an enrollee will receive a hearing to contest factual matters pertaining to their particular eligibility to continued enrollment" but "relieve the state agency of the need to provide pro forma hearings for those enrollees who are . . . challenging only the program-wide changes that automatically end their enrollment eligibility." CMS Br. at 20-21. Third, CMS's Medicaid manual for state agencies expressly embraces this interpretation. *See* CMS State Medicaid Manual § 2902.4 (instructing States to "[d]etermine whether the appeal involves issues of law or policy, or issues of fact or judgment. The decision will affect whether a hearing is granted and whether Medicaid will be continued pending the hearing decision"), *available at* <http://www.cms.hhs.gov/manuals/45-smm/pub45toc.asp>.

Soskin v. Reinertson, 353 F.3d 1242 (10th Cir. 2004), is not to the contrary. In *Soskin*, the State of Colorado proposed an elimination of Medicaid coverage for legal aliens living in the State and determined that it would deny hearings in all cases in which an affected beneficiary claimed that the disenrollment was in error, without regard to whether the beneficiary could establish a valid factual dispute about eligibility for coverage or not. Here, by contrast, the State *will* grant hearings

to affected beneficiaries so long as they raise a valid factual dispute about their continued eligibility for coverage, as opposed to a mere challenge to the change in law or policy. Consistent with this approach, *Soskin* itself distinguished our decision in *Benton* on this precise ground. *See* 353 F.3d at 1263 (distinguishing *Benton* on the ground that "the *sole issue*" in that case "was legal, not dependent upon the factual *928 circumstances of individual recipients"). No less importantly, the plaintiffs in *Soskin* did not take on the daunting task that the plaintiffs seek to shoulder here — asking us to override CMS's interpretation of its own administrative regulations.

B.

Plaintiffs respond that this interpretation of the regulations would violate the constitutional due process requirements set forth in *Goldberg v. Kelly*, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970). *See* 42 C.F.R. § 431.205(d) (requiring that a State Medicaid agency's hearing system "must meet the due process standards set forth in *Goldberg v. Kelly*, 397 U.S. 254, 90 S.Ct. 1011, 25 L.Ed.2d 287 (1970), and any additional standards specified in this subpart"); *cf. Shepard v. United States*, ___ U.S. ___, ___, 125 S.Ct. 1254, 1263, 161 L.Ed.2d 205 (2005) (interpreting statute to avoid "serious risks of unconstitutionality"). Due process, it is true, requires "the opportunity to be heard . . . at a meaningful time and in a meaningful manner" before the termination of public assistance payments. *Goldberg*, 397 U.S. at 267, 90 S.Ct. 1011 (quotations and citations omitted). But, at the same time, "[d]ue process is flexible and calls for such procedural protections as the particular situation demands." *Mathews v. Eldridge*, 424 U.S. 319, 334, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 481, 92 S.Ct. 2593, 33 L.Ed.2d 484 (1972)). In this instance, plaintiffs have not shown that the requirement of establishing a valid factual dispute before being entitled to a hearing violates due process.

Goldberg, to start with, does not sustain the plaintiffs' position. In that case, the Court declined to reach the issue of "whether due process requires only an opportunity for written submission, or an opportunity both for written submission and oral argument, where *there are no factual issues in dispute* or where the application of the rule of law is not intertwined with factual issues." *Goldberg*, 397 U.S. at 268 n. 15, 90 S.Ct. 1011 (emphasis added).

And since *Goldberg*, the Court has explained that the due process requirement that the government provide a hearing before the termination of benefits turns on the sensible fact/law dichotomy that CMS, the State and *Benton* have drawn. In order for "the hearing mandated by the Due Process Clause to serve any useful purpose, there must be some factual dispute between an employer and a discharged employee which has some significant bearing on the employee's reputation." *Codd v. Velger*, 429 U.S. 624, 627, 97 S.Ct. 882, 51 L.Ed.2d 92 (1977) (holding that evidentiary hearing was unnecessary where a discharged employee did not raise a factual dispute about the terms of his discharge).

In a more general way, *Mathews v. Eldridge* also supports the State's and CMS's position, as it reminds courts to consider "the fairness and reliability of the existing pretermination procedures, and the probable value, if any, of additional procedural safeguards." 424 U.S. at 343, 96 S.Ct. 893. "[P]rocedural due process rules," after all, "are shaped by the risk of error inherent in the truthfinding process as applied to the generality of cases, not the rare exceptions." *Id.* at 344, 96 S.Ct. 893. And "the cost of protecting those whom the preliminary administrative process has identified as likely to be found undeserving may in the end come out of the pockets of the deserving since resources available for any particular program of social welfare are not unlimited." *Id.* at 348, 96 S.Ct. 893; *see generally* Henry J. Friendly, *Some Kind of Hearing*, 123 U. Pa. L.Rev. 1267 (1975). *929

In applying this pragmatic approach, *Mathews* upheld "carefully structured procedures" that permitted the Secretary of Health, Education and Welfare to disenroll individuals from Social Security's disability benefits program without a hearing. *Id.* at 346, 96 S.Ct. 893. Among other protections, the government relied on the following to guard against erroneous terminations of benefits: (1) a "detailed questionnaire . . . identifying with particularity the information relevant to the entitlement decision," (2) the "recipient [was] invited to obtain assistance from [a] local office in completing the questionnaire," (3) "the information critical to the entitlement decision usually is derived from medical services" and was "communicate[d] more effectively through written documents" than oral presentations and (4) the "[o]ppportunity [was] then afforded the recipient to submit additional evidence or arguments, enabling him to challenge directly the accuracy of information in his file." *Id.* at 345-46, 96 S.Ct. 893.

No less than the procedures at issue in *Mathews*, Tennessee's procedures are "carefully structured" to determine who should receive a hearing and who should not. The State, as an initial matter, has culled its own records to ensure that individuals eligible for an open Medicaid program are not disenrolled when the State eliminates three categories of TennCare coverage. After this initial review, the State asks affected TennCare recipients for information that would indicate whether they are eligible for another Medicaid program, asks for that information again and at all points permits a request for a hearing if a beneficiary presents a "valid factual dispute" about their continued eligibility for coverage. In implementing this "valid factual dispute" inquiry, the State has assured us, (1) a recipient will not be required to establish Medicaid eligibility in order to be entitled to a hearing and (2) a recipient will be entitled to all reasonable inferences, in other words the benefit of the doubt, in determining whether a material fact dispute has been

established or whether a material dispute about the application of the regulations to a given fact pattern has been established. These "good-faith judgments," *id.* at 349, 96 S.Ct. 893, are a far cry from the complete absence of any similar protections in *Goldberg* and suffice to establish the constitutionality of CMS's and the State's interpretation of the Medicaid regulations.

C.

The plaintiffs' other contentions relating to the hearing procedure also come up short. They next challenge the State's requirement that potential disenrollees fill out information forms in order to retain eligibility in another Medicaid category. But what else is the State to do? The State initially plans to review TennCare records on its own to determine whether a disenrolled individual is eligible for another form of Medicaid coverage. If eligibility is established, the individual will receive continued coverage. If State records fail to identify a basis for continued coverage, the State *must* obtain information from the individual to ascertain whether another form of coverage applies. Plaintiffs have failed to identify any Medicaid regulations, or for that matter any CMS interpretations of those regulations, that support a contrary view.

Nor is this approach inconsistent with *Soskin*. There, the State refused to grant a hearing to an individual who failed to return the requested information even if the individual raised a fact dispute about the request — for example, whether it had been sent to the individual. *See Soskin*, 353 F.3d at 1263 (noting that individuals would not receive hearings if they "assert[ed] that they did return the form but that the county lost it or failed to process *930 it" or asserted "that they never received either of the two redetermination forms that the county allegedly mailed"). Here, the State concedes that individuals who establish a valid factual dispute about the request for information — for example, whether they ever received it — may obtain a hearing to resolve the issue. *See* JA 645 (defining "valid factual disputes" to include

circumstances in which the State sent the Expiration Notice to the wrong address, the enrollees received the Expiration Notice in error, the State failed timely to process information submitted by the enrollee or the State granted a good cause extension of time but failed to extend the time).

Plaintiffs are similarly mistaken in contending that the State has violated the Medicaid regulations by using DHS attorneys to decide whether an enrollee raises a valid factual dispute. Section 431.230(a) of the regulations, the plaintiffs rightly point out, provides that a hearing officer may "determine *at the hearing* that the sole issue is one of Federal or State law or policy." (Emphasis added.) But § 431.220(b) explicitly says that "[t]he agency *need not grant a hearing* if the sole issue is a Federal or State law requiring an automatic change adversely affecting some or all recipients," without specifying who makes that decision. (Emphasis added.) The plaintiffs' argument that only the hearing officer may make that decision reads out of the regulations § 431.220(b) and the State's ability, before a hearing, to determine whether "the sole issue is a Federal or State law requiring an automatic change." The two provisions simply are not mutually exclusive. That a hearing officer may decide "at the hearing," *see* § 431.230(a), that a hearing is no longer required does not preclude the State from delegating to another state employee the screening task of determining whether "[t]he agency need not grant a hearing," *see* § 431.220(b), in the first instance.

Relatedly, the district court found fault with the State's procedure because it did not require this screening function to be performed by attorneys from another state agency — for example, administrative law judges employed by the Tennessee Secretary of State. The plaintiffs do not defend this aspect of the district court's decision — and correctly so. As CMS points out, the relevant statutes require that state Medicaid plans "provide for the establishment or designation of a single State agency to administer or to supervise

the administration of the plan," 42 U.S.C. § 1396a(a)(5), and provide that the state plan must "provide for granting an opportunity for a fair hearing before the State agency," 42 U.S.C. § 1396a(a)(3). CMS, to its credit, has identified one potential wrinkle in the hearing process — namely, whether the DHS attorney who performs this screening function is employed by the single state agency that administers the TennCare program. *See* CMS Br. at 25 n. 9. Neither the plaintiffs nor the district court registered a complaint about this aspect of the program, and the State assured us at oral argument that it would work with CMS to address and, if necessary, resolve this issue.

Nor, contrary to plaintiffs' suggestion, has there been any showing that the DHS attorneys who will screen the request have a conflict of interest at this stage of the litigation or that there is any other reason why administrative law judges or attorneys from another state agency must handle this fact-dispute screening function. Until proven otherwise, the Supreme Court has explained, we must start with the assumption that government employees tasked with performing an adjudicatory or quasi-adjudicatory function will do so fairly and impartially. *See Schweiker v. McChure*, 456 U.S. 188, 196-97, 102 S.Ct. 1665, 72 L.Ed.2d 1
931 (1982) (holding that "courts must start from the presumption that hearing officers . . . are unbiased"); *Navistar Int'l Transp. Corp. v. EPA*, 941 F.2d 1339, 1360 (6th Cir. 1991). CMS also did not find fault with this aspect of the disenrollment procedure when it approved the State's plan and its State Medicaid Manual appears to countenance this type of procedure. *See* CMS Br. at 26; *see also* CMS State Medicaid Manual § 2902.7 (The "State official or panel conducting the hearing shall not have been connected in any way with the previous actions or decisions on which the appeal is made. For example, a field supervisor who has advised the local agency in the handling

of a case would be disqualified from acting as the hearing officer, however *a different field supervisor could serve.*") (emphasis added).

III.

The plaintiffs next argue that the contents of the Termination Notice violate Part 431 and their due process rights by failing to provide specific, individualized reasons supporting the agency's conclusions. We disagree.

The applicable regulations establish that the Termination Notices must include (1) "[a] statement of what action the State . . . intends to take"; (2) "[t]he reasons for the intended action"; (3) "[t]he specific regulations that support, or the change in Federal or State law that requires, the action"; (4) "[i]n cases of an action based on a change in law, the circumstances under which [an evidentiary] hearing will be granted"; (5) and "[a]n explanation of the circumstances under which Medicaid is continued if a hearing is requested." 42 C.F.R. § 431.210. The Termination Notices include all of this information and accordingly comply with this regulation. In attempting to counter this point, plaintiffs argue that the notices do not say that TennCare members will receive a hearing whenever one is requested, regardless of whether a valid factual dispute is alleged. But, as shown, the regulations do not require hearings in that kind of a setting and accordingly the notices need say no such thing.

Plaintiffs persist that, even if the Termination Notices comply with the letter of the regulations, they fail to satisfy the due process requirements of *Mullane v. Central Hanover Bank Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 94 L.Ed. 865 (1950) (notice "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections"), because they do not include sufficiently specific facts — apparently because they do not inform TennCare members both why they are being disenrolled and why they are not eligible for benefits under

another Medicaid program. But the very facts that the plaintiffs claim are missing are supplied by the State through a second letter that follows the Termination Notice and that the Termination Notice itself references and brings to the attention of recipients. See *Garrett v. Puett*, 707 F.2d 930 (6th Cir. 1983). Due process does not require "reasonably calculated" notice to come in just one letter, as opposed to two.

IV.

Plaintiffs, finally, argue that the State violates the *Mullane* due process requirement, 339 U.S. at 314, 70 S.Ct. 652, by "proposing the same fourteen-page RFI for the SPMI population as it proposes for all other recipients." Plaintiff Br. at 40. But the fact that SPMI individuals receive the *same* notice as other recipients does not in and of itself raise due process concerns if that notice, however widely distributed, is "reasonably calculated" to inform SPMI enrollees of the pending process.

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Plaintiffs' case citations also do not support this argument. In *Covey v. Town of Somers*, 351 U.S. 141, 76 S.Ct. 724, 100 L.Ed. 1021 (1956), the Court identified a due process violation where the State provided notice of judicial foreclosure through simple mailing and nothing more, "[a]lthough [the taxpayer] was known by the officials and citizens of the Town of Somers to be a person without mental capacity to handle her affairs or to understand the meaning of any notice served upon her, [and] no attempt was made to have a Committee appointed for her person or property until after entry of the judgment of foreclosure in this proceeding." *Id.* at 146, 76 S.Ct. 724. And in *Parker v. Califano*, 644 F.2d 1199 (6th Cir. 1981), this court remanded a due process claim for further consideration when a social security applicant with mental illness received a standard denial of benefits notice requiring her to file an appeal within six months, with no notice accommodations to account for her mental illness. See *id.* at 1200, 1203.

Here, however, the RFI seeks to account for SPMI enrollees and non-SPMI enrollees alike. The RFI's cover letter includes this passage: "Do you have a mental illness? The TennCare Partners Advocacy Line can help you. Call them for free at 1-800-758-1638." JA 405. And on page 13 of the RFI, under the section entitled "Do you need special help?" it states: "Do you have a disability, learning problem, or mental health problem? If you need any help with TennCare, call the Family Assistance Service Center. . . . [providing phone numbers]." *Id.* Nor does the State wait to receive a phone call to assist an SPMI enrollee with the response process. As the district court noted:

For each SPMI enrollee, TennCare and DMHDD [Tennessee's Department of Mental Health and Developmental Disabilities] will identify the Community Mental Health Center ("CMHC") which most recently provided services to the enrollee. The DMHDD will also provide this information to the TennCare Partners Advocacy Line ("TPAL"). TPAL informs the CMHCs in advance of those SPMI enrollees who will be receiving requests for information. Thus, the CMHC is expected to expedite an outreach for the response process.

The state will rely on TPAL and [CMHCs] to [contact] all enrollees who are legally designated SPMI so as to enable those enrollees to navigate the eligibility process. . . . If a CMHC is unable, unwilling, or unavailable to perform outreach for any reason, then TPAL will perform that function.

JA 403-04 (citations omitted).

Plaintiffs also argue that the 30-day period for responding to the RFI is too short for members of the SPMI population. But that is just the *initial* response period. As the RFI makes clear, SPMI individuals may freely seek extensions of the response period. On top of that, the 30-day period

for responding to the RFI is more than four times the seven-day period permitted by *Goldberg*, 397 U.S. at 268, 90 S.Ct. 1011, three times the ten-day period required by regulation, 42 C.F.R. § 431.211, and equals or exceeds the periods afforded by other States, *see* JA 492 (noting that Illinois provides only 21 days for return of a form to reverify eligibility and Missouri provides 10 days). On this record and under these circumstances, the express accommodations provided by the RFI together with the State's specific outreach to the SPMI population satisfy the *Mullane* "reasonably calculated" standard.

* * * * *

In reaching these conclusions, it is not lost on us that the implementation of the State's
933 disenrollment process will cause *933 hardship for numerous Tennesseans. When a State to its credit achieves the status of becoming one of the most generous providers of Medicaid services in the nation, it may occasionally happen that the zero-sum fiscal realities of administering a state budget will prohibit the State from sustaining that level of support. If that should happen, it is not for the federal courts to compel the State to maintain non-mandatory Medicaid programs that it no longer can support. So long as the State's disenrollment process satisfies the requirements of the Medicaid regulations and statute, any relevant consent decrees and the Constitution, those policy choices must be left to the elected representatives of the residents of the State.

In addressing whether the State's disenrollment procedures satisfy these requirements, we have concluded that on their face and with respect to all of the SPMI population they indeed satisfy them. *See United States v. Salerno*, 481 U.S. 739, 745, 107 S.Ct. 2095, 95 L.Ed.2d 697 (1987) (holding that in a facial challenge plaintiffs must show that "no set of circumstances exists" under which the statute can be implemented constitutionally). That conclusion, however, does not prohibit an individual TennCare recipient, who is not treated in accordance with these requirements or for

whom it is uniquely inappropriate to apply these requirements, from bringing a specific as-applied challenge to the disenrollment process. *See Overton v. Bazzetta*, 539 U.S. 126, 137, 123 S.Ct. 2162, 156 L.Ed.2d 162 (2003). We resolve only whether these procedures may be applied to TennCare recipients in general or to the SPMI population as a whole.

Throughout this appeal, plaintiffs have urged us to ignore the MOU and the 100,000 or so TennCare recipients that may be spared the hardship of initial disenrollment if the State is allowed expeditiously to proceed with its proposed changes to the TennCare program. In their view, the MOU contains numerous speculative conditions and is otherwise unenforceable in its current state. In expediting this appeal and in expediting the decision below, the federal courts have strived to eliminate one of those conditions. And whether the MOU happens to be an enforceable agreement need not detain us at this point. A State that chooses to be one of the most generous in the country in providing non-mandatory Medicaid services strikes us as an improbable candidate for backing out of such a commitment in bad faith. And elected officials who choose to play fast and loose with such an agreement, we suspect, would face more risks than any federal lawsuit can bring.

For these reasons, we reverse.

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/// casetext

Message

From: Sarah Lueck [lueck@cbpp.org]
Sent: 1/19/2023 4:02:21 PM
To: Brooks-LaSure, Chiquita (CMS/OA) (b)(6) Tsai, Daniel
(CMS/CMCS) (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS) (b)(6)
(b)(6)
CC: Allison Orris [aorris@cbpp.org]; Tricia.Brooks@georgetown.edu; andy.schneider@georgetown.edu;
edwards@healthlaw.org; Jennifer Wagner [jwagner@cbpp.org]
Subject: Please disregard State Accountability Memo 1-17-23

Hello Administrator Brooks-LaSure, Director Tsai, and Director Costello,

Please disregard the memo we sent you on Tuesday titled "State Accountability During Unwinding 1-17-23." We will send you an updated version next week.

Sorry for the confusion,

Sarah

Sarah Lueck
Vice President for Health Policy
Center on Budget and Policy Priorities
202-408-1080
lueck@cbpp.org
she/her

Message

From: Rashid, Mehreen (CMS/CMCS); (b)(6)
(b)(6)
Sent: 1/20/2023 2:36:51 AM
To: McClenathan, Jane (CMS/CMCS); (b)(6)
(b)(6) Tsai, Daniel (CMS/CMCS)
(b)(6)
CC: Nawara, Lorraine (CMS/CMCS); (b)(6)
(b)(6) Casart, Andrea
(CMS/CMCS); (b)(6)
(b)(6) Ross, Heather
(CMS/CMCS); (b)(6)
(b)(6) McClenathan, Jane
(CMS/CMCS); (b)(6)
(b)(6) Decaro, Teresa
(CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: Meeting request

Thanks for the update below, Jane.

Dan, I acknowledged receipt of Oregon's e-mail yesterday. Oregon pinged again today requesting to meet with me. We are still working through our briefing paper internally. Would you like me to meet with OR to leave room for an escalation path to you or Anne Marie?

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From: McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>
Sent: Tuesday, January 17, 2023 1:02 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>
Cc: Nawara, Lorraine (CMS/CMCS) <Lorraine.Nawara1@cms.hhs.gov>; Casart, Andrea (CMS/CMCS) <Andrea.Casart@cms.hhs.gov>; Ross, Heather (CMS/CMCS) <Heather.Ross@cms.hhs.gov>
Subject: RE: Meeting request

Removing the state and adding DECD leadership

Dan/Mehreen – I have been working on an options memo that we were planning to bring to an upcoming clearance meeting about this. Let Lorraine and me know if we should set up an internal call sooner than that to discuss. We've told the state it was going to take some time to get a decision on this, hence Lori escalating (Mehreen, I think we previewed with you that this was likely to escalate).

Thanks,
Jane

From: COYNER Lori A <LORI.A.COYNER@dhsosha.state.or.us>
Sent: Tuesday, January 17, 2023 12:57 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; HITTLE Dana <Dana.HITTLE@dhsosha.state.or.us>; Schroeder James <james.m.schroeder@oha.oregon.gov>; Krois Lisa R <LISA.R.KROIS@dhsosha.state.or.us>; Mann, Cindy <CMann@manatt.com>; Karl, Anne O. <AKarl@manatt.com>; McClenathan, Jane (CMS/CMCS)

<Jane.McClenathan@cms.hhs.gov>

Subject: Meeting request

Importance: High

SECURE EMAIL DELIVERY: This email message was securely transmitted from a sender at Oregon DHS OHA (dhsaha.state.or.us) to your email system using Transport Layered Security (TLS).

Hi Dan,

Happy New Year! I hope you had some time to rest over the holidays.

Now that we are back at it, the Oregon team has a fairly urgent need for a meeting with you regarding the FMAP for continuous eligibility for the Adult Group. We are in a unique situation with PHE unwinding and would like to 'roll in' newly eligible individuals into continuous enrollment in the Adult Group as redeterminations are completed over a 14 month process. We recognize the STC language is ambiguous regarding the 2.6% FMAP reduction. However, Oregon did not specifically agree to take the 'haircut' on the entire Adult Group when only a fraction are newly eligible in continuous enrollment. We don't believe this was CMS' intent either. During the unwind process, all other states are keeping most people in the Adult Group without the haircut penalty.

This has become an urgent issue since we have a new Governor who is developing her budget for the Legislative Session that begins in February. We do not have funding to pay 2.6% for the entire ACA Adult Group during the unwind so we would hold enrolling New Adults in continuous enrollment until January 1, 2025. The continuous enrollment program is a priority for both our new OHA Director, James Schroeder (cc'd here), and Oregon's Governor. If we can pay the 2.6% adjustment for just those Adult Group members who become continuously enrolled during unwind redeterminations, we likely can begin the continuous enrollment program July 1, 2023. We will work with your team to figure out how to accurately track those members each month.

Additionally, we'd like you to have a chance to meet the new Director of the Oregon Health Authority, James Schroeder.

Thanks as always,

Lori

Lori Coyner, MA

Senior Medicaid Policy Advisor

Oregon Health Authority

(b)(6) (cell) | email: lori.a.coyner@state.or.us

503-945-5669 (desk) | Janine Stephens, Executive Assistant | e-mail: Janine.l.stephens@state.or.us

Message

From: Rashid, Mehreen (CMS/CMCS); (b)(6)
(b)(6)
Sent: 1/18/2023 2:34:36 AM
To: COYNER Lori A [LORI.A.COYNER@dhsosha.state.or.us]; Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
CC: HITTLE Dana [Dana.HITTLE@dhsosha.state.or.us]; Schroeder James [james.m.schroeder@oha.oregon.gov]; Krois Lisa R [LISA.R.KROIS@dhsosha.state.or.us]; Mann, Cindy [CMann@manatt.com]; 'Karl, Anne O.' [AKarl@manatt.com]; McClenathan, Jane (CMS/CMCS); (b)(6)
(b)(6); Stephens Janine L [Janine.L.Stephens@dhsosha.state.or.us]
Subject: RE: RE: Meeting request

Hi Lori,

Happy New Year to you and the rest of the OR team! I believe Dan is on travel at the moment. Thank you for sharing your concerns below related to continuous eligibility for the New Adult Group. The team flagged your concerns for me, and we're working on briefing leadership on this issue. We'll connect with Dan and follow-up with Janine on scheduling.

Thank you,
Mehreen

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From: COYNER Lori A <LORI.A.COYNER@dhsosha.state.or.us>
Sent: Tuesday, January 17, 2023 7:23 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; HITTLE Dana <Dana.HITTLE@dhsosha.state.or.us>; Schroeder James <james.m.schroeder@oha.oregon.gov>; Krois Lisa R <LISA.R.KROIS@dhsosha.state.or.us>; Mann, Cindy <CMann@manatt.com>; 'Karl, Anne O.' <AKarl@manatt.com>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Stephens Janine L <Janine.L.Stephens@dhsosha.state.or.us>
Subject: RE: Meeting request

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+ Janine who can help with scheduling on our end.

Thank you

From: COYNER Lori A
Sent: Tuesday, January 17, 2023 9:57 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; HITTLE Dana <Dana.HITTLE@dhsosha.state.or.us>; Schroeder James <james.m.schroeder@oha.oregon.gov>; Krois Lisa R <LISA.R.KROIS@dhsosha.state.or.us>; Mann, Cindy <CMann@manatt.com>; Karl, Anne O. <AKarl@manatt.com>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>

Subject: Meeting request

Importance: High

Hi Dan,

Happy New Year! I hope you had some time to rest over the holidays.

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Additionally, we'd like you to have a chance to meet the new Director of the Oregon Health Authority, James Schroeder.

Thanks as always,

Lori

Lori Coyner, MA

Senior Medicaid Policy Advisor

Oregon Health Authority

(b)(6) (cell) | email: lori.a.coyner@state.or.us

503-945-5669 (desk) | Janine Stephens, Executive Assistant | e-mail: Janine.l.stephens@state.or.us

Message

From: Rashid, Mehreen (CMS/CMCS); (b)(6)
(b)(6)
Sent: 2/6/2023 8:17:11 PM
To: COYNER Lori A [LORI.A.COYNER@oha.oregon.gov]; Karl, Anne O. [AKarl@manatt.com]; Mann, Cindy [CMann@manatt.com]
CC: Krois Lisa R [LISA.R.KROIS@dhsosha.state.or.us]; LEVY Vivian [Vivian.LEVY@dhsosha.state.or.us]; Kostasich, Jennifer (CMS/CMCS); (b)(6)
(b)(6) McClenathan, Jane
(CMS/CMCS); (b)(6)
(b)(6) HITTLE Dana
[Dana.HITTLE@oha.oregon.gov]; Karl, Anne O. [AKarl@manatt.com]; Nawara, Lorraine (CMS/CMCS)
(b)(6); Ross, Heather
(CMS/CMCS); (b)(6)
(b)(6) Casart, Andrea
(CMS/CMCS); (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: Quick chat on Oregon

Hi Lori,

We appreciate your patience as we worked internally through the state's proposed implementation of the continuous eligibility policy (and associated downward adjustment).

Oregon's request was to allow the state to begin their continuous eligibility policy on a rolling basis as redeterminations are processed after April 1, 2023, such that as those adults who are redetermined eligible for Medicaid begin their continuous eligibility at that time, and then apply the downward adjustment to only those adults who remain eligible for Medicaid after their redetermination is completed. Per the STCs, this process would begin after July 1, 2023 as follows: "For adult populations, [continuous eligibility] shall be effective beginning July 1, 2023 or after the date when the continuous coverage requirement authorized by the FFCRA ends, whichever is later."

CMS agrees that this approach is allowable under Oregon's currently approved STCs. In addition, Oregon should include the details of how they are operationalizing continuous eligibility and the downward adjustment in the state's submission of their forthcoming Implementation Plan. CMS will work with the state to provide the necessary technical assistance needed to appropriately report and apply the downward adjustment during this unwinding period.

Please don't hesitate to have your team reach out to discuss any remaining questions.

Thank you,
Mehreen

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From: COYNER Lori A <LORI.A.COYNER@oha.oregon.gov>
Sent: Friday, February 3, 2023 2:04 PM
To: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; Karl, Anne O. <AKarl@manatt.com>; Mann, Cindy

CMS0003062cv2444

<CMann@manatt.com>

Cc: Krois Lisa R <LISA.R.KROIS@dhsosha.state.or.us>; LEVY Vivian <Vivian.LEVY@dhsosha.state.or.us>; Kostasich, Jennifer (CMS/CMCS) <Jennifer.Kostasich@cms.hhs.gov>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; HITTLE Dana <Dana.HITTLE@oha.oregon.gov>; Karl, Anne O. <AKarl@manatt.com>; Nawara, Lorraine (CMS/CMCS) <Lorraine.Nawara1@cms.hhs.gov>; Ross, Heather (CMS/CMCS) <Heather.Ross@cms.hhs.gov>; Casart, Andrea (CMS/CMCS) <Andrea.Casart@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>

Subject: RE: Quick chat on Oregon

Importance: High

Hi Mehreen

Checking in again on this item. Do you have an update? This is a priority item for our Governor and State Legislature to understand the funding needs to implement continuous enrollment for adults.

Happy to jump on a call if needed.

Thanks

Lori

Lori Coyner, MA

Senior Medicaid Policy Advisor

Oregon Health Authority

(b)(6) (cell) | email: lori.a.coyner@state.or.us

503-945-5669 (desk) | Janine Stephens, Executive Assistant | e-mail: Janine.l.stephens@state.or.us

From: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>

Sent: Friday, January 27, 2023 12:09 PM

To: COYNER Lori A <LORI.A.COYNER@dhsosha.state.or.us>; Karl, Anne O. <AKarl@manatt.com>; Mann, Cindy <CMann@manatt.com>

Cc: Krois Lisa R <LISA.R.KROIS@dhsosha.state.or.us>; LEVY Vivian <Vivian.LEVY@dhsosha.state.or.us>; Kostasich, Jennifer (CMS/CMCS) <Jennifer.Kostasich@cms.hhs.gov>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Nawara, Lorraine (CMS/CMCS) <Lorraine.Nawara1@cms.hhs.gov>; Ross, Heather (CMS/CMCS) <Heather.Ross@cms.hhs.gov>; Casart, Andrea (CMS/CMCS) <Andrea.Casart@cms.hhs.gov>

Subject: RE: Quick chat on Oregon

Thanks for checking in, Lori. We had a good discussion with Dan and Anne Marie, and CMS is very much considering your request in the context of unwinding. As we discussed, we think we have sufficient flexibility in the STCs and need to close one more loop over here. We recognize your request is time-sensitive and will be in touch early next week.

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From: COYNER Lori A <LORI.A.COYNER@dhsosha.state.or.us>

Sent: Friday, January 27, 2023 11:24 AM

To: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; Karl, Anne O. <AKarl@manatt.com>; Mann, Cindy <CMann@manatt.com>

Cc: Smith, Raven (CMS/CMCS) <Raven.Smith@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Krois Lisa R <LISA.R.KROIS@dhsosha.state.or.us>; LEVY Vivian <Vivian.LEVY@dhsosha.state.or.us>

Subject: RE: Quick chat on Oregon

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Hi Mehreen

Following up to see if you had a chance to meet with Dan regarding this ask and if there is approval?

Thanks

Lori

From: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>

Sent: Friday, January 20, 2023 11:36 AM

To: Karl, Anne O. <AKarl@manatt.com>

Cc: COYNER Lori A <LORI.A.COYNER@dhsoha.state.or.us>; Smith, Raven (CMS/CMCS) <Raven.Smith@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>

Subject: RE: Quick chat on Oregon

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Hi Anne,

Thank you for reaching out. I would appreciate the opportunity to hear more about the concern you raise below. I'm copying Raven Smith and Liz Hill, who can assist with scheduling something for next week. I may end up in jury duty toward the end of the week, so hopefully we can connect on Monday or Tuesday.

Thank you!

Mehreen

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From: Karl, Anne O. <AKarl@manatt.com>

Sent: Thursday, January 19, 2023 6:39 PM

To: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>

Cc: COYNER Lori A <LORI.A.COYNER@dhsoha.state.or.us>

Subject: Quick chat on Oregon

Hi Mehreen,

I hope you are settling in to your new role. It would be great to find some time tomorrow, if possible, to chat about a claiming issue related to Oregon's continuous enrollment authority. The new governor is eager to implement CE for adults along with the unwinding process, but there are some questions about whether that will be feasible from a budget standpoint. As you know, Lori had reached out to Dan, but he is away. Would you be able to connect so that we can provide some more context?

Many thanks,

Anne

Anne Karl

Partner

Manatt, Phelps & Phillips, LLP
7 Times Square
New York, NY 10036
D 212-790-4578 F (212) 536-1834
AKarl@manatt.com

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Message

From: COYNER Lori A [LORI.A.COYNER@oha.oregon.gov]
Sent: 2/3/2023 7:04:17 PM
To: Rashid, Mehreen (CMS/CMCS); (b)(6); (b)(6); Karl, Anne O. [AKarl@manatt.com]; Mann, Cindy [CMann@manatt.com]
CC: Krois Lisa R [LISA.R.KROIS@dhs.ohio.state.us]; LEVY Vivian [Vivian.LEVY@dhs.ohio.state.us]; Kostasich, Jennifer (CMS/CMCS); (b)(6); (b)(6); McClenathan, Jane (CMS/CMCS); (b)(6); (b)(6); HITTLE Dana [Dana.HITTLE@oha.oregon.gov]; Karl, Anne O. [AKarl@manatt.com]; Nawara, Lorraine (CMS/CMCS); (b)(6); Ross, Heather (CMS/CMCS); (b)(6); Casart, Andrea (CMS/CMCS); (b)(6); Tsai, Daniel (CMS/CMCS); (b)(6); (b)(6)
Subject: RE: RE: Quick chat on Oregon

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Checking in again on this item. Do you have an update? This is a priority item for our Governor and State Legislature to understand the funding needs to implement continuous enrollment for adults.

Happy to jump on a call if needed.

Thanks

Lori

Lori Coyner, MA

Senior Medicaid Policy Advisor

Oregon Health Authority

(b)(6) (cell) | email: lori.a.coyner@state.or.us

503-945-5669 (desk) | Janine Stephens, Executive Assistant | e-mail: Janine.I.stephens@state.or.us

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Sent: Friday, January 27, 2023 12:09 PM

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Cc: Krois Lisa R <LISA.R.KROIS@dhs.ohio.state.us>; LEVY Vivian <Vivian.LEVY@dhs.ohio.state.us>; Kostasich, Jennifer (CMS/CMCS) <Jennifer.Kostasich@cms.hhs.gov>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Nawara, Lorraine (CMS/CMCS) <Lorraine.Nawara1@cms.hhs.gov>; Ross, Heather (CMS/CMCS) <Heather.Ross@cms.hhs.gov>; Casart, Andrea (CMS/CMCS) <Andrea.Casart@cms.hhs.gov>

Subject: RE: Quick chat on Oregon

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Cc: Smith, Raven (CMS/CMCS) <Raven.Smith@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>;

Krois Lisa R <LISA.R.KROIS@dhsosha.state.or.us>; LEVY Vivian <Vivian.LEVY@dhsosha.state.or.us>

Subject: RE: Quick chat on Oregon

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Hi Mehreen

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Lori

From: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>

Sent: Friday, January 20, 2023 11:36 AM

To: Karl, Anne O. <AKarl@manatt.com>

Cc: COYNER Lori A <LORI.A.COYNER@dhsosha.state.or.us>; Smith, Raven (CMS/CMCS) <Raven.Smith@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>

Subject: RE: Quick chat on Oregon

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Hi Anne,

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Thank you!

Mehreen

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Sent: Thursday, January 19, 2023 6:39 PM

To: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>

Cc: COYNER Lori A <LORI.A.COYNER@dhsosha.state.or.us>

Subject: Quick chat on Oregon

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Many thanks,
Anne

Anne Karl
Partner

Manatt, Phelps & Phillips, LLP
7 Times Square
New York, NY 10036
D 212-790-4578 F (212) 536-1834
AKarl@manatt.com

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Message

From: Lambrew, Jeanne M [Jeanne.M.Lambrew@maine.gov]
Sent: 8/4/2022 4:19:48 PM
To: Tsai, Daniel (CMS/OA); (b)(6); (b)(6); Mann, Cindy [CMann@manatt.com]
Subject: Re: Re:

Ok. Thank you, talk soon, Jeanne

From: Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>
Sent: Thursday, August 4, 2022 12:00:15 PM
To: Lambrew, Jeanne M <Jeanne.M.Lambrew@maine.gov>; Mann, Cindy <CMann@manatt.com>
Subject:

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi there – looking forward to chatting w you all this afternoon

I'll give some context upfront, but quick heads up that I'm not sure it will be the most satisfying discussion. It is important though and I recognize the importance to the state. I have asked the team to be clear on what the federal positions are overall (less so on each item in the Manatt memo); and I will ask you all to put what your perspectives or counterarguments would be on the table clearly. I have asked Anne Marie to join as well.

Thanks, talk soon
-Dan

Message

From: Jennifer Wagner [jwagner@cbpp.org]
Sent: 2/8/2023 9:55:04 PM
To: CMS CMCS_Scheduling; (b)(6)
(b)(6)
akg72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg (CMS/CMCS); (b)(6)
(b)(6)
Bonelli, Anna (CMS/CMCS); (b)(6)
(b)(6); Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Delone, Sarah
(CMS/CMCS); (b)(6)
(b)(6); edwards@healthlaw.org;
Harris, Monica (CMS/CMCS); (b)(6)
(b)(6) Idil Samantar
[isamantar@cbpp.org]; Joan Alker [jca25@georgetown.edu]; Kim Lewis [lewis@healthlaw.org]; Lovejoy, Shannon
(CMS/CMCS); (b)(6)
(b)(6)
youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); (b)(6)
(b)(6)
perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); (b)(6)
(b)(6) Setala, Ashley
(CMS/CMCS); (b)(6)
(b)(6) Spector, Sarah
(CMS/CMCS); (b)(6)
(b)(6) Steinberg, Marc
(CMS/CMCS); (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
(b)(6)
(b)(6) pab62@georgetown.edu;
Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
(b)(6) Weiss, Alice (CMS/CMCS)
(b)(6)

Subject: RE: RE: NHELP and CBPP Meeting with CMCS

Hello –

We are looking for chatting tomorrow! I know it's just a bit ambitious, but here is a proposed agenda for our call:

1. CMS Updates (CMS)
2. State renewal timelines - which ones are starting February 1? (CCF)
3. Policy for "current" cases at end of continuous coverage (scenarios submitted via email) (CCF)
4. Returned mail policy – what are the situations in which state is required to contact using more than one modality? (Renewal form, notice of ex parte determination, request for information, etc.) (CBPP)
5. Language access and accessibility (NHELP)
6. What are examples of "alternative strategies" discussed in recent SHO? How will 1902(e)(14) waivers be used? (CBPP)
7. Timeline for publishing CAA data (CCF)
8. Regulatory concurrence (NHELP)
9. Florida – Medicaid to CHIP transition concerns (CCF)

Thanks so much!

Jen

Jennifer H. Wagner
Director of Medicaid Eligibility and Enrollment
Center on Budget and Policy Priorities
(312) 636-7437

-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Friday, January 27, 2023 10:19 AM

To: CMS CMCS_Scheduling; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; Joan Alker; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Setala, Ashley (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS)

Subject: NHELP and CBPP Meeting with CMCS

When: Thursday, February 9, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: [\(b\)\(6\)](https://cms.zoomgov.com/j/>(b)(6))

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Message

From: Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6)

Sent: 2/9/2023 4:02:04 PM

To: Jennifer Wagner [jwagner@cbpp.org]; CMS CMCS_Scheduling; (b)(6)
(b)(6)
akg72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg (CMS/CMCS); (b)(6)
(b)(6)
Bonelli, Anna (CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6) Delone, Sarah
(CMS/CMCS); (b)(6)
(b)(6) edwards@healthlaw.org;
Harris, Monica (CMS/CMCS); (b)(6)
(b)(6) Idil Samantar
[isamantar@cbpp.org]; Joan Alker [jca25@georgetown.edu]; Kim Lewis [lewis@healthlaw.org]; Lovejoy, Shannon
(CMS/CMCS); (b)(6)
(b)(6)
youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); (b)(6)
(b)(6)
perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); (b)(6)
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(b)(6) Teal, Lela (CMS/CMCS)
(b)(6)
(b)(6) pab62@georgetown.edu;
Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6) Weiss, Alice (CMS/CMCS)
(b)(6)

Subject: RE: RE: NHELP and CBPP Meeting with CMCS

Jen

Thanks for sending. Now that we are shifting to bi-weekly meetings (and only 30 minutes) we would like to talk about how we structure the discussions. We would like to focus on what you are hearing in the states and we can share some info as well. We will try and address some of the items below but not all today.

Thanks
Anne Marie

From: Jennifer Wagner <jwagner@cbpp.org>
Sent: Wednesday, February 8, 2023 4:55 PM
To: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>; akg72@georgetown.edu; Allison Orris <aorris@cbpp.org>; Barry, Meg (CMS/CMCS) <meg.barry@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>;

edwards@healthlaw.org; Harris, Monica (CMS/CMCS) <Monica.Harris@cms.hhs.gov>; Idil Samantar <isamantar@cbpp.org>; Joan Alker <jca25@georgetown.edu>; Kim Lewis <lewis@healthlaw.org>; Lovejoy, Shannon (CMS/CMCS) <Shannon.Lovejoy@cms.hhs.gov>; youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS) <Sarah.OConnor@cms.hhs.gov>; perkins@healthlaw.org; Seng, Suzette (CMS/CMCS) <Suzette.Seng@cms.hhs.gov>; Setala, Ashley (CMS/CMCS) <Ashley.Setala@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>
Subject: RE: NHELP and CBPP Meeting with CMCS

Hello –

We are looking for chatting tomorrow! I know it's just a bit ambitious, but here is a proposed agenda for our call:

1. CMS Updates (CMS)
2. State renewal timelines - which ones are starting February 1? (CCF)
3. Policy for "current" cases at end of continuous coverage (scenarios submitted via email) (CCF)
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9. Florida – Medicaid to CHIP transition concerns (CCF)

Thanks so much!

Jen

Jennifer H. Wagner
Director of Medicaid Eligibility and Enrollment
Center on Budget and Policy Priorities
(312) 636-7437

-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Friday, January 27, 2023 10:19 AM

To: CMS CMCS_Scheduling; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; Joan Alker; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Setala, Ashley (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS)

Subject: NHELP and CBPP Meeting with CMCS

When: Thursday, February 9, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/join/9201111111> (b)(6)

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Message

From: COYNER Lori A [LORI.A.COYNER@oha.oregon.gov]
Sent: 2/6/2023 10:58:57 PM
To: Rashid, Mehreen (CMS/CMCS); (b)(6)
(b)(6)
CC: Karl, Anne O. [AKarl@manatt.com]; Mann, Cindy [CMann@manatt.com]; Krois Lisa R [LISA.R.KROIS@dhs.ohs.state.or.us]; LEVY Vivian [Vivian.LEVY@dhs.ohs.state.or.us]; Kostasich, Jennifer (CMS/CMCS)
(b)(6) McClenathan, Jane
(CMS/CMCS) (b)(6)
(b)(6) HITTLE Dana
[Dana.HITTLE@oha.oregon.gov]; Nawara, Lorraine (CMS/CMCS) (b)(6)
(b)(6) Ross, Heather
(CMS/CMCS) (b)(6)
(b)(6) Casart, Andrea
(CMS/CMCS) (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS) (b)(6)
(b)(6)
Subject: Re: Re: Quick chat on Oregon

Mehreen,

Thank you so much for considering Oregon's request and the response. We appreciate it very much. This is fantastic news!!

Lori

Sent from my iPhone

On Feb 6, 2023, at 12:17 PM, Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov> wrote:

Hi Lori,

We appreciate your patience as we worked internally through the state's proposed implementation of the continuous eligibility policy (and associated downward adjustment).

Oregon's request was to allow the state to begin their continuous eligibility policy on a rolling basis as redeterminations are processed after April 1, 2023, such that as those adults who are redetermined eligible for Medicaid begin their continuous eligibility at that time, and then apply the downward adjustment to only those adults who remain eligible for Medicaid after their redetermination is completed. Per the STCs, this process would begin after July 1, 2023 as follows: "For adult populations, [continuous eligibility] shall be effective beginning July 1, 2023 or after the date when the continuous coverage requirement authorized by the FFCRA ends, whichever is later."

CMS agrees that this approach is allowable under Oregon's currently approved STCs. In addition, Oregon should include the details of how they are operationalizing continuous eligibility and the downward adjustment in the state's submission of their forthcoming Implementation Plan. CMS will work with the state to provide the necessary technical assistance needed to appropriately report and apply the downward adjustment during this unwinding period.

Please don't hesitate to have your team reach out to discuss any remaining questions.

Thank you,
Mehreen

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From: COYNER Lori A <LORI.A.COYNER@oha.oregon.gov>
Sent: Friday, February 3, 2023 2:04 PM
To: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; Karl, Anne O. <AKarl@manatt.com>; Mann, Cindy <CMann@manatt.com>
Cc: Krois Lisa R <LISA.R.KROIS@dhs.ohio.state.us>; LEVY Vivian <Vivian.LEVY@dhs.ohio.state.us>; Kostasich, Jennifer (CMS/CMCS) <Jennifer.Kostasich@cms.hhs.gov>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; HITTLE Dana <Dana.HITTLE@oha.oregon.gov>; Karl, Anne O. <AKarl@manatt.com>; Nawara, Lorraine (CMS/CMCS) <Lorraine.Nawara1@cms.hhs.gov>; Ross, Heather (CMS/CMCS) <Heather.Ross@cms.hhs.gov>; Casart, Andrea (CMS/CMCS) <Andrea.Casart@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: RE: Quick chat on Oregon
Importance: High

Hi Mehreen

Checking in again on this item. Do you have an update? This is a priority item for our Governor and State Legislature to understand the funding needs to implement continuous enrollment for adults. Happy to jump on a call if needed.

Thanks

Lori

Lori Coyner, MA

Senior Medicaid Policy Advisor

Oregon Health Authority

(b)(6) (cell) | email: lori.a.coyner@state.or.us

503-945-5669 (desk) | Janine Stephens, Executive Assistant | e-mail: Janine.I.stephens@state.or.us

From: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>
Sent: Friday, January 27, 2023 12:09 PM
To: COYNER Lori A <LORI.A.COYNER@dhs.ohio.state.us>; Karl, Anne O. <AKarl@manatt.com>; Mann, Cindy <CMann@manatt.com>
Cc: Krois Lisa R <LISA.R.KROIS@dhs.ohio.state.us>; LEVY Vivian <Vivian.LEVY@dhs.ohio.state.us>; Kostasich, Jennifer (CMS/CMCS) <Jennifer.Kostasich@cms.hhs.gov>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Nawara, Lorraine (CMS/CMCS) <Lorraine.Nawara1@cms.hhs.gov>; Ross, Heather (CMS/CMCS) <Heather.Ross@cms.hhs.gov>; Casart, Andrea (CMS/CMCS) <Andrea.Casart@cms.hhs.gov>
Subject: RE: Quick chat on Oregon

Thanks for checking in, Lori. We had a good discussion with Dan and Anne Marie, and CMS is very much considering your request in the context of unwinding. As we discussed, we think we have sufficient

flexibility in the STCs and need to close one more loop over here. We recognize your request is time-sensitive and will be in touch early next week.

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From: COYNER Lori A <LORI.A.COYNER@dhsosha.state.or.us>

Sent: Friday, January 27, 2023 11:24 AM

To: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; Karl, Anne O. <AKarl@manatt.com>; Mann, Cindy <CMann@manatt.com>

Cc: Smith, Raven (CMS/CMCS) <Raven.Smith@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Krois Lisa R <LISA.R.KROIS@dhsosha.state.or.us>; LEVY Vivian <Vivian.LEVY@dhsosha.state.or.us>

Subject: RE: Quick chat on Oregon

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Hi Mehreen

Following up to see if you had a chance to meet with Dan regarding this ask and if there is approval?

Thanks

Lori

From: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>

Sent: Friday, January 20, 2023 11:36 AM

To: Karl, Anne O. <AKarl@manatt.com>

Cc: COYNER Lori A <LORI.A.COYNER@dhsosha.state.or.us>; Smith, Raven (CMS/CMCS) <Raven.Smith@cms.hhs.gov>; Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>

Subject: RE: Quick chat on Oregon

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Hi Anne,

Thank you for reaching out. I would appreciate the opportunity to hear more about the concern you raise below. I'm copying Raven Smith and Liz Hill, who can assist with scheduling something for next week. I may end up in jury duty toward the end of the week, so hopefully we can connect on Monday or Tuesday.

Thank you!

Mehreen

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CMS0003078cv2444

From: Karl, Anne O. <AKarl@manatt.com>
Sent: Thursday, January 19, 2023 6:39 PM
To: Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>
Cc: COYNER Lori A <LORI.A.COYNER@dhsosha.state.or.us>
Subject: Quick chat on Oregon

Hi Mehreen,

I hope you are settling in to your new role. It would be great to find some time tomorrow, if possible, to chat about a claiming issue related to Oregon's continuous enrollment authority. The new governor is eager to implement CE for adults along with the unwinding process, but there are some questions about whether that will be feasible from a budget standpoint. As you know, Lori had reached out to Dan, but he is away. Would you be able to connect so that we can provide some more context?

Many thanks,
Anne

Anne Karl
Partner

Manatt, Phelps & Phillips, LLP
7 Times Square
New York, NY 10036
D 212-790-4578 F (212) 536-1834
AKarl@manatt.com

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Message

From: Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6)
Sent: 2/17/2023 7:26:11 PM
To: Kochanski, Joseph (CMS/CMCS); (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS); (b)(6)
(b)(6)
Subject: FW: FW: Justice Involved 1115 Policy Follow Up

Hi Joe,

See below -- can you please reschedule the Justice Involved 1115 Policy Follow Up meeting referenced below to early the following week (e.g, Monday or Tuesday 2/27 or 2/28) we can brief Dan when he's back in the office.

Best,
Krista

From: Serafi, Kinda <KSerafi@manatt.com>
Sent: Friday, February 17, 2023 1:46 PM
To: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Harris, Melissa (CMS/CMCS) <Melissa.Harris@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>; Decaro, Teresa (CMS/CMCS) <teresa.decara@cms.hhs.gov>; Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>
Cc: Boozang, Patti <PBoozang@manatt.com>; Mann, Cindy <CMann@manatt.com>
Subject: RE: Justice Involved 1115 Policy Follow Up

Hi CMS Team. We wanted to reach out in advance of the meeting scheduled for next Thursday to discuss provider enrollment guardrails under justice-involved 1115 demonstrations.

Yesterday, we received an email from Vikki Wachino, Andy Schneider and John Sawyer asking for us to meet in advance of the CMS meeting, which they characterized as a meeting about California's provider waiver authority. We understand that CMS views the Thursday meeting as helpful to inform your forthcoming guidance, we are concerned that Vicky's team views it differently, and in any event, we anticipate that we will be asked direct questions about California's operational approach and waiver authority. As you know, we are not able to speak to anything specific to California's waiver without someone from California being present. To further complicate matters, Cindy and I are on vacation next week and not able to participate. (Cindy, Patti and I collectively led justice involved waiver work in 5 states.)

We are asking that you reschedule this meeting to the week of 2/27 when the full Manatt team is available to participate, and that you invite Jacey, or a delegate of her choice, to join us in the discussion.

Kinda

Kinda Serafi
Partner

Manatt, Phelps & Phillips, LLP
7 Times Square
New York, NY 10036
D (212) 790-4625 F (212) 536-1818

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-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Wednesday, February 15, 2023 1:04 PM

To: CMS CMCS_Scheduling; Andy.Schneider@georgetown.edu; (b)(6); Mann, Cindy; Serafi, Kinda; Tsai, Daniel (CMS/CMCS); Hebert, Krista (CMS/CMCS); Harris, Melissa (CMS/CMCS); Jensen, Kirsten (CMS/CMCS); Smith, Carrie (CMS/CMCS); Decaro, Teresa (CMS/CMCS); Rashid, Mehreen (CMS/CMCS); Tankersley, Michael (CMS/CMCS)

Cc: schneiag@georgetown.edu

Subject: Justice Involved 1115 Policy Follow Up

When: Thursday, February 23, 2023 2:00 PM-2:45 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/j/> (b)(6)

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Message

From: Hebert, Krista (CMS/CMCS) (b)(6)
(b)(6)
Sent: 2/17/2023 7:28:03 PM
To: Serafi, Kinda [KSerafi@manatt.com]; CMS CMCS_Scheduling (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS) (b)(6)
(b)(6) Harris, Melissa
(CMS/CMCS) (b)(6)
(b)(6) Jensen, Kirsten
(CMS/CMCS) (b)(6)
(b)(6) Smith, Carrie (CMS/CMCS)
(b)(6) Decaro, Teresa
(CMS/CMCS) (b)(6)
(b)(6) Rashid, Mehreen
(CMS/CMCS) (b)(6)
(b)(6) Tankersley, Michael
(CMS/CMCS) (b)(6)
(b)(6) Kochanski, Joseph
(CMS/CMCS) (b)(6)
(b)(6)
CC: Boozang, Patti [PBoozang@manatt.com]; Mann, Cindy [CMann@manatt.com]
Subject: RE: RE: Justice Involved 1115 Policy Follow Up

Hi Kinda,

I'm not sure we've met yet, but I am Dan's new Policy Special Assistant. Thank you for the below note. Dan is out of the office through mid-next week, but @Kochanski, Joseph (CMS/CMCS) will work on rescheduling this call to either 2/27 or 2/28 (if possible). We will circle up with Dan on your other outstanding questions/comments when he is back next week.

Thanks for your partnership!

Krista

From: Serafi, Kinda <KSerafi@manatt.com>

Sent: Friday, February 17, 2023 1:46 PM

To: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Harris, Melissa (CMS/CMCS) <Melissa.Harris@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>; Decaro, Teresa (CMS/CMCS) <teresa.decara@cms.hhs.gov>; Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>

Cc: Boozang, Patti <PBoozang@manatt.com>; Mann, Cindy <CMann@manatt.com>

Subject: RE: Justice Involved 1115 Policy Follow Up

Hi CMS Team. We wanted to reach out in advance of the meeting scheduled for next Thursday to discuss provider enrollment guardrails under justice-involved 1115 demonstrations.

Yesterday, we received an email from Vikki Wachino, Andy Schneider and John Sawyer asking for us to meet in advance of the CMS meeting, which they characterized as a meeting about California's provider waiver authority. We understand that CMS views the Thursday meeting as helpful to inform your forthcoming guidance, we are concerned that Vicky's team views it differently, and in any event, we anticipate that we will be asked direct questions about California's operational approach and waiver authority. As you know, we are not able to speak to anything specific to California's waiver without someone from California being present. To further complicate matters, Cindy and I are on

vacation next week and not able to participate. (Cindy, Patti and I collectively lead justice involved waiver work in 5 states.)

We are asking that you reschedule this meeting to the week of 2/27 when the full Manatt team is available to participate, and that you invite Jacey, or a delegate of her choice, to join us in the discussion.

Kinda

Kinda Serafi
Partner

Manatt, Phelps & Phillips, LLP
7 Times Square
New York, NY 10036
D (212) 790-4625 F (212) 536-1818
KSerafi@manatt.com

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-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Wednesday, February 15, 2023 1:04 PM

To: CMS CMCS_Scheduling; Andy.Schneider@georgetown.edu; (b)(6) Mann, Cindy; Serafi, Kinda; Tsai, Daniel (CMS/CMCS); Hebert, Krista (CMS/CMCS); Harris, Melissa (CMS/CMCS); Jensen, Kirsten (CMS/CMCS); Smith, Carrie (CMS/CMCS); Decaro, Teresa (CMS/CMCS); Rashid, Mehreen (CMS/CMCS); Tankersley, Michael (CMS/CMCS)

Cc: schneiag@georgetown.edu

Subject: Justice Involved 1115 Policy Follow Up

When: Thursday, February 23, 2023 2:00 PM-2:45 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/>; (b)(6)

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Message

From: Kochanski, Joseph (CMS/CMCS) (b)(6)
(b)(6)
Sent: 2/17/2023 7:29:16 PM
To: Hebert, Krista (CMS/CMCS) (b)(6)
(b)(6); Tsai, Daniel
(CMS/CMCS) (b)(6)
(b)(6)
Subject: RE: RE: Justice Involved 1115 Policy Follow Up

Absolutely, thanks

Best,
Joe

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Sent: Friday, February 17, 2023 2:26 PM
To: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Subject: FW: Justice Involved 1115 Policy Follow Up

Hi Joe,

See below -- can you please reschedule the Justice Involved 1115 Policy Follow Up meeting referenced below to early the following week (e.g, Monday or Tuesday 2/27 or 2/28) we can brief Dan when he's back in the office.

Best,
Krista

From: Serafi, Kinda <KSerafi@manatt.com>
Sent: Friday, February 17, 2023 1:46 PM
To: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Harris, Melissa (CMS/CMCS) <Melissa.Harris@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>; Decaro, Teresa (CMS/CMCS) <teresa.decara@cms.hhs.gov>; Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>; Tankersley, Michael (CMS/CMCS) <Michael.Tankersley@cms.hhs.gov>
Cc: Boozang, Patti <PBoozang@manatt.com>; Mann, Cindy <CMann@manatt.com>
Subject: RE: Justice Involved 1115 Policy Follow Up

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Yesterday, we received an email from Vikki Wachino, Andy Schneider and John Sawyer asking for us to meet in advance of the CMS meeting, which they characterized as a meeting about California's provider waiver authority. We understand that CMS views the Thursday meeting as helpful to inform your forthcoming guidance, we are concerned that Vicky's team views it differently, and in any event, we anticipate that we will be asked direct questions about California's operational approach and waiver authority. As you know, we are not able to speak to anything specific to California's waiver without someone from California being present. To further complicate matters, Cindy and I are on vacation next week and not able to participate. (Cindy, Patti and I collectively led justice involved waiver work in 5 states.)

We are asking that you reschedule this meeting to the week of 2/27 when the full Manatt team is available to participate, and that you invite Jacey, or a delegate of her choice, to join us in the discussion.

Kinda

Kinda Serafi
Partner

Manatt, Phelps & Phillips, LLP
7 Times Square
New York, NY 10036
D (212) 790-4625 F (212) 536-1818
KSerafi@manatt.com

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From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Wednesday, February 15, 2023 1:04 PM

To: CMS CMCS_Scheduling; Andy.Schneider@georgetown.edu; (b)(6); Mann, Cindy; Serafi, Kinda; Tsai, Daniel (CMS/CMCS); Hebert, Krista (CMS/CMCS); Harris, Melissa (CMS/CMCS); Jensen, Kirsten (CMS/CMCS); Smith, Carrie (CMS/CMCS); Decaro, Teresa (CMS/CMCS); Rashid, Mehreen (CMS/CMCS); Tankersley, Michael (CMS/CMCS)

Cc: schneiag@georgetown.edu

Subject: Justice Involved 1115 Policy Follow Up

When: Thursday, February 23, 2023 2:00 PM-2:45 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/>; (b)(6)

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Message

From: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Sent: 2/27/2023 3:54:18 PM
To: Joan Alker [jca25@georgetown.edu]; Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
CC: Allison Orris [aorris@cbpp.org]; Leo Cuello [lc1247@georgetown.edu]
Subject: RE: RE: Section 1115 regulations needed on objectives

Thanks so much.

From: Joan Alker <jca25@georgetown.edu>
Sent: Monday, February 27, 2023 10:38 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Cc: Allison Orris <aorris@cbpp.org>; Leo Cuello <lc1247@georgetown.edu>
Subject: Section 1115 regulations needed on objectives

Hi Dan and Hannah,
I hope you are both well.

A while back you will recall that you (and the Administrator) met with a subset of the Medicaid waiver taskforce about the need to promulgate Section 1115 regulations.

You raised many good questions and the attached memo is an attempt to answer them -- with credit to Leo Cuello and Allison Orris for the drafting.

Please let us know if you have any further questions or comments,
Best,
Joan

Joan Alker
Executive Director, Research Professor
Center for Children and Families
Georgetown University McCourt School of Public Policy
(202)306-8383
jca25@georgetown.edu

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Message

From: Delone, Sarah (CMS/CMCS); (b)(6)
(b)(6)
Sent: 3/9/2023 9:34:12 PM
To: Barry, Meg (CMS/CMCS); (b)(6)
(b)(6) Bonelli, Anna
(CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Harris, Monica
(CMS/CMCS); (b)(6)
(b)(6) Lovejoy, Shannon
(CMS/CMCS); (b)(6)
(b)(6) O'Connor, Sarah
(CMS/CMCS); (b)(6)
(b)(6) Seng, Suzette
(CMS/CMCS); (b)(6)
(b)(6) Setala, Ashley
(CMS/CMCS); (b)(6)
(b)(6) Spector, Sarah
(CMS/CMCS); (b)(6)
(b)(6) Steinberg, Marc
(CMS/CMCS); (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
(b)(6) Tsai, Daniel (CMS/CMCS)
(b)(6) Weiss, Alice (CMS/CMCS)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6) Katch (she/her), Hannah
(CMS/OA); (b)(6)
(b)(6) Ginnis, Kate
(CMS/CMCS); (b)(6)
(b)(6)
CC: Kuhn, Juliet (CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: Unwinding Stakeholder Small-Group

Sorry not to be on camera. Challenging couple of weeks logistically, as I need to drop off and pick up my dog from school every day (yes, school!)

-----Original Appointment-----

From: CMS CMCS_Unwinding <CMCSUnwinding@cms.hhs.gov>

Sent: Friday, February 24, 2023 6:50 PM

To: CMS CMCS_Unwinding; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; jca25@georgetown.edu; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); Mara Youdelman; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Setala, Ashley (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS);

Teal, Lela (CMS/CMCS); Tricia Brooks; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Perrie Briskin (CMS/OA) (perrie.briskin@cms.hhs.gov); Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS)

Cc: Kuhn, Juliet (CMS/CMCS)

Subject: Unwinding Stakeholder Small-Group

When: Thursday, March 9, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/join/91234567890> (b)(6)

Formerly known as NHELP and CBPP Meeting with CMCS

Agenda:

1. Thanks for the state timelines chart!
2. CMCS questions/updates
 - a. Mitigation plans/strategies
 - b. Enforcement strategies for poor performing states during unwinding
3. State updates
 - a. PA – pulling CHIP cases into COMPASS (Medicaid) eligibility system April 1
 - b. TX – letter from advocates with data and concerns
 - c. MN – *ex parte* concerns and IRS data
 - d. WV – follow-up on returned mail; no telephonic renewal option
 - e. MI – limited translation of renewal packets

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meeting minutes, the host shall retain the record in their files for 3 years or if no longer needed for agency business, whichever is later.

Message

From: Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6)

Sent: 3/2/2023 9:12:40 PM

To: CMS CMCS Scheduling; (b)(6)
(b)(6)
akg72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg (CMS/CMCS); (b)(6)
(b)(6)
Bonelli, Anna (CMS/CMCS); (b)(6)
(b)(6); Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6); Delone, Sarah
(CMS/CMCS); (b)(6)
(b)(6); edwards@healthlaw.org;
Harris, Monica (CMS/CMCS); (b)(6)
(b)(6); Idil Samantar
[isamantar@cbpp.org]; jca25@georgetown.edu; Jennifer Wagner [jwagner@cbpp.org]; Kim Lewis
[lewis@healthlaw.org]; Lovejoy, Shannon (CMS/CMCS); (b)(6)
(b)(6); Mara Youdelman
[youdelman@healthlaw.org]; O'Connor, Sarah (CMS/CMCS); (b)(6)
(b)(6)
perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); (b)(6)
(b)(6); Setala, Ashley
(CMS/CMCS); (b)(6)
(b)(6); Spector, Sarah
(CMS/CMCS); (b)(6)
(b)(6); Steinberg, Marc
(CMS/CMCS); (b)(6)
(b)(6); Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6); Teal, Lela (CMS/CMCS)
(b)(6)
(b)(6); Tricia Brooks
[pab62@georgetown.edu]; Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6); Weiss, Alice (CMS/CMCS)
(b)(6)
(b)(6); Unwinding Support
[UnwindingSupport@mathematica-mpr.com]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Ginnis, Kate (CMS/CMCS); (b)(6)
(b)(6)

Subject: RE: RE: NHELP and CBPP Meeting with CMCS

We have just posted a document that outlines the State Unwinding renewal timelines.

Here's the link: <https://www.medicaid.gov/resources-for-states/downloads/ant-2023-time-init-unwin-reltd-ren-02242023.pdf>

As always thank you for your partnership.
Anne Marie

Anne Marie Costello (she/her)
Deputy Director
Center for Medicaid & CHIP Services, CMS

CMCS Front Office: 410-786-3870

Cell: (b)(6)

-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Sunday, January 15, 2023 4:32 PM

To: CMS CMCS_Scheduling; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; jca25@georgetown.edu; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); Mara Youdelman; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Setala, Ashley (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); Tricia Brooks; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS)

Subject: NHELP and CBPP Meeting with CMCS

When: Thursday, February 23, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

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Message

From: Jennifer Wagner [jwagner@cbpp.org]
Sent: 3/7/2023 10:05:08 PM
To: CMS CMCS_Unwinding; (b)(6)
(b)(6)
akg72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg (CMS/CMCS); (b)(6)
(b)(6)
Bonelli, Anna (CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Delone, Sarah
(CMS/CMCS); (b)(6)
(b)(6); edwards@healthlaw.org;
Harris, Monica (CMS/CMCS); (b)(6)
(b)(6) Idil Samantar
[isamantar@cbpp.org]; Joan Alker [jca25@georgetown.edu]; Kim Lewis [lewis@healthlaw.org]; Lovejoy, Shannon
(CMS/CMCS); (b)(6)
(b)(6)
youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); (b)(6)
(b)(6)
perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); (b)(6)
(b)(6) Setala, Ashley
(CMS/CMCS); (b)(6)
(b)(6) Spector, Sarah
(CMS/CMCS); (b)(6)
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(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
(b)(6) pab62@georgetown.edu;
Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6) Weiss, Alice (CMS/CMCS)
(b)(6) Unwinding Support
[UnwindingSupport@mathematica-mpr.com]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Ginnis, Kate (CMS/CMCS); (b)(6)
(b)(6)

Subject: RE: RE: Unwinding Stakeholder Small-Group

Hello –

See below for a proposed agenda for Thursday's meeting.

1. Thanks for the state timelines chart!
2. CMCS questions/updates
 - a. Mitigation plans/strategies
 - b. Enforcement strategies for poor performing states during unwinding
3. State updates
 - a. PA – pulling CHIP cases into COMPASS (Medicaid) eligibility system April 1
 - b. TX – letter from advocates with data and concerns

- c. MN – *ex parte* concerns and IRS data
- d. WV – follow-up on returned mail; no telephonic renewal option
- e. MI – limited translation of renewal packets

Thanks,
Jen

Jennifer H. Wagner
Director of Medicaid Eligibility and Enrollment
Center on Budget and Policy Priorities
(312) 636-7437

-----Original Appointment-----

From: CMS CMCS_Unwinding <CMCSUnwinding@cms.hhs.gov>

Sent: Friday, February 24, 2023 5:50 PM

To: CMS CMCS_Unwinding; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; Joan Alker; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Setala, Ashley (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS)

Subject: Unwinding Stakeholder Small-Group

When: Thursday, March 9, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/join/91234567890> (b)(6)

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Message

From: Jennifer Wagner [jwagner@cbpp.org]
Sent: 3/22/2023 12:50:29 PM
To: CMS CMCS Unwinding; (b)(6)
(b)(6)
akg72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg (CMS/CMCS); (b)(6)
(b)(6)
Bonelli, Anna (CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Delone, Sarah
(CMS/CMCS); (b)(6)
(b)(6) edwards@healthlaw.org;
Harris, Monica (CMS/CMCS); (b)(6)
(b)(6) Idil Samantar
[isamantar@cbpp.org]; Joan Alker [jca25@georgetown.edu]; Kim Lewis [lewis@healthlaw.org]; Lovejoy, Shannon
(CMS/CMCS); (b)(6)
(b)(6)
youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); (b)(6)
(b)(6)
perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); (b)(6)
(b)(6) Setala, Ashley
(CMS/CMCS); (b)(6)
(b)(6) Spector, Sarah
(CMS/CMCS); (b)(6)
(b)(6) Steinberg, Marc
(CMS/CMCS); (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
(b)(6) pab62@georgetown.edu;
Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6) Weiss, Alice (CMS/CMCS)
(b)(6) Unwinding Support
[UnwindingSupport@mathematica-mpr.com]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Ginnis, Kate (CMS/CMCS); (b)(6)
(b)(6)

Subject: RE: RE: Unwinding Stakeholder Small-Group

Good morning –

Here is a proposed agenda for our meeting tomorrow:

- CMCS updates
 - Mitigation template/plans
- Areas of confusion
 - Potential overpayments/errors between end of continuous coverage and renewal
 - Transfers of assets for enrollees while continuous coverage provision was in effect
- State updates/issues

- Arizona – notice says you may have to pay back benefits paid during pending appeal, but state has (e)(14) waiver so this isn't allowed
- Arkansas – confusing about how many months they are taking
- New Jersey – asking for year of bank and Direct Express statements, even for non-LTSS enrollees
- Oregon – delay in acting on procedural terminations

Thanks,
Jen

Jennifer H. Wagner
Director of Medicaid Eligibility and Enrollment
Center on Budget and Policy Priorities
(312) 636-7437

-----Original Appointment-----

From: CMS CMCS_Unwinding <CMCSUnwinding@cms.hhs.gov>

Sent: Friday, February 24, 2023 5:50 PM

To: CMS CMCS_Unwinding; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; Joan Alker; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Setala, Ashley (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS)

Subject: Unwinding Stakeholder Small-Group

When: Thursday, March 23, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/join/91234567890> (b)(6)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you know the content is safe.

Formerly known as NHELP and CBPP Meeting with CMCS

CMS CMCS Unwinding is inviting you to a scheduled ZoomGov meeting.

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833 568 8864 US Toll-free

Meeting ID: (b)(6)

Find your local number: <https://cms.zoomgov.com/join/91234567890>

Join by SIP

Password: (b)(6)

(b)(6)

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Message

From: Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6)
Sent: 3/23/2023 4:20:30 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6) jca25@georgetown.edu;
Edwin.Park@georgetown.edu; Sara Rosenbaum [sara@gwu.edu]; Mann, Cindy [CMann@manatt.com]; Allison Orris
[aorris@cbpp.org]
CC: Deboy, Alissa (CMS/CMCS); (b)(6)
(b)(6) Kochanski, Joseph
(CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: chat

Hi all –

Based on a few responses from folks, I just sent a hold for this at 12PM ET on Monday 3/27. Please let me know if any issues.

Joe, FYI.

Best,
Krista

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Thursday, March 23, 2023 11:21 AM
To: jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum <sara@gwu.edu>; Mann, Cindy <CMann@manatt.com>; Allison Orris <aorris@cbpp.org>
Cc: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: chat

Hello friends – Alissa and I are hoping to get 30-45 mins of your time next week to test a few policy items

Any chance folks have some time on Monday at noon ET or 3p ET? Else, we could also do hybrid/in person on Thursday 12:15-1p ET in Humphrey

Krista, can you help confirm

Thanks very much in advance
-Dan

Message

From: Deboy, Alissa (CMS/CMCS) (b)(6)
(b)(6)
Sent: 3/23/2023 10:17:52 PM
To: Mann, Cindy [CMann@manatt.com]; Tsai, Daniel (CMS/CMCS) (b)(6)
(b)(6)
Subject: Re: Re: justice guidance

Thanks Cindy!

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From: Mann, Cindy <CMann@manatt.com>
Sent: Thursday, March 23, 2023 6:12:11 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Subject: justice guidance

Much thanks for the opportunity to review. I think it looks quite good and have raised just a few "red flags" that I hope are not hard to address. We also included some "secondary" issues that would help with clarity but are not as critical at least in our view. More than happy to talk through any of this.

Cindy Mann

Partner

Manatt, Phelps & Phillips, LLP

Washington Square

1050 Connecticut Avenue, NW, Suite 600

Washington, DC 20036

D (202) 585-6572 **F** (202) 595-0933

CMann@manatt.com

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Message

From: Mann, Cindy [CMann@manatt.com]
Sent: 8/25/2022 6:50:47 PM
To: Tsai, Daniel (CMS/OA); (b)(6)
(b)(6)
Subject: Automatic reply: Automatic reply: Justice Involved / chatting together

I am on vacation until 9/6; for time sensitive matters, please contact Emma Sampson; esampson@manatt.com

Message

From: Hebert, Krista (CMS/CMCS) (b)(6)
(b)(6)
Sent: 3/24/2023 1:51:06 PM
To: Joan Alker [jca25@georgetown.edu]
CC: Tsai, Daniel (CMS/CMCS) (b)(6)
(b)(6)
Edwin.Park@georgetown.edu; Sara Rosenbaum [sara@gwu.edu]; Mann, Cindy [CMann@manatt.com]; Allison Orris [aorris@cbpp.org]; Deboy, Alissa (CMS/CMCS) (b)(6)
(b)(6); Kochanski, Joseph (CMS/CMCS) (b)(6)
(b)(6)
Subject: RE: RE: chat

Hi Joan,

It seems like others are flexible to make Thursday 12:15-1p work, so we will move it there. Also, the PBS documentary sounds like fun! Hope it goes well.

Best,
Krista

From: Joan Alker <jca25@georgetown.edu>
Sent: Thursday, March 23, 2023 11:07 PM
To: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Edwin.Park@georgetown.edu; Sara Rosenbaum <sara@gwu.edu>; Mann, Cindy <CMann@manatt.com>; Allison Orris <aorris@cbpp.org>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Subject: Re: chat

Unfortunately I can not do Monday times as PBS is filming a documentary on CHIP (yes really - kind of annoying and I will certainly be inserting Medicaid into the show:) and they are coming to campus to film a few of us at CCF. Thursday works if that is still an option.

Joan Alker
Executive Director, Research Professor
Center for Children and Families
Georgetown University McCourt School of Public Policy
(202)306-8383
jca25@georgetown.edu

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On Thu, Mar 23, 2023 at 12:20 PM Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov> wrote:

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Joe, FYI.

Best,

Krista

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

Sent: Thursday, March 23, 2023 11:21 AM

To: jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum <sarar@gwu.edu>; Mann, Cindy <CMann@manatt.com>; Allison Orris <aorris@cbpp.org>

Cc: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: chat

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Any chance folks have some time on Monday at noon ET or 3p ET? Else, we could also do hybrid/in person on Thursday 12:15-1p ET in Humphrey

Krista, can you help confirm

Thanks very much in advance

-Dan

Message

From: Joan Alker [jca25@georgetown.edu]
Sent: 3/24/2023 3:07:00 AM
To: Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6)
CC: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
Edwin.Park@georgetown.edu; Sara Rosenbaum [sara@gwu.edu]; Mann, Cindy [CMann@manatt.com]; Allison Orris [aorris@cbpp.org]; Deboy, Alissa (CMS/CMCS); (b)(6)
(b)(6); Kochanski, Joseph (CMS/CMCS); (b)(6)
(b)(6)
Subject: Re: Re: chat

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Best,

Krista

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

Sent: Thursday, March 23, 2023 11:21 AM

To: jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum <sarar@gwu.edu>; Mann, Cindy <CMann@manatt.com>; Allison Orris <aorris@cbpp.org>

Cc: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: chat

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Krista, can you help confirm

Thanks very much in advance

-Dan

Message

From: Kochanski, Joseph (CMS/CMCS); (b)(6)
(b)(6)
Sent: 3/24/2023 12:18:43 PM
To: Joan Alker [jca25@georgetown.edu]; Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6)
CC: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
Edwin.Park@georgetown.edu; Sara Rosenbaum [sara@gwu.edu]; Mann, Cindy [CMann@manatt.com]; Allison Orris [aorris@cbpp.org]; Deboy, Alissa (CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: chat

Thanks Joan – Next week, particularly Tue - Thur is a busy week with calendars. Think we could take a look at times on Friday 3/31? Definitely easier to find some time for Dan and Alissa that day! ☺

Best,

Joe

From: Joan Alker <jca25@georgetown.edu>
Sent: Thursday, March 23, 2023 11:07 PM
To: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Edwin.Park@georgetown.edu; Sara Rosenbaum <sara@gwu.edu>; Mann, Cindy <CMann@manatt.com>; Allison Orris <aorris@cbpp.org>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Subject: Re: chat

Unfortunately I can not do Monday times as PBS is filming a documentary on CHIP (yes really - kind of annoying and I will certainly be inserting Medicaid into the show:) and they are coming to campus to film a few of us at CCF. Thursday works if that is still an option.

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(202)306-8383
jca25@georgetown.edu

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Follow me on [Twitter](#)

On Thu, Mar 23, 2023 at 12:20 PM Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov> wrote:

Hi all –

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Joe, FYI.

Best,

Krista

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

Sent: Thursday, March 23, 2023 11:21 AM

To: jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum <sarar@gwu.edu>; Mann, Cindy <CMann@manatt.com>; Allison Orris <aorris@cbpp.org>

Cc: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: chat

Hello friends – Alissa and I are hoping to get 30-45 mins of your time next week to test a few policy items

Any chance folks have some time on Monday at noon ET or 3p ET? Else, we could also do hybrid/in person on Thursday 12:15-1p ET in Humphrey

Krista, can you help confirm

Thanks very much in advance

-Dan

Message

From: Vikki Wachino [(b)(6)]
Sent: 8/25/2022 7:41:05 PM
To: Tsai, Daniel (CMS/OA) [(b)(6)]
CC: Mann, Cindy [CMann@manatt.com]; Torres, Mariano (CMS/CMCS) [(b)(6)]
[KSerafi@manatt.com] Serafi, Kinda
Subject: Re: Re: Justice Involved / chatting together

Dan, you are reading my mind. Cindy is out this week and next. Kinda and I spoke this afternoon about the physical/behavioral health assessment approach that DHCS has developed; some but not all of the issues that you note in your email came up in the course of the conversation. We'd like to meet with you and team when Cindy is back, assuming that works for you. (I am not going to NASHP).

Thanks for the follow up!

On Thu, Aug 25, 2022 at 2:50 PM Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov> wrote:

Hi there – we are having a number of policy discussions / debates as we try to get a range of folks lined up on the justice involved 1115 opportunity

I think you two might be in touch already. I'd value getting both of you together along with a few of our DE/SDG team to connect live. The topics would be around some of the policy requirements (which benefits mandated as a minimum; physical vs. triaged health assessment; approach to things like fair hearings, appeals, and other 1902 requirements) for the 1115 opportunity, with a particular lens toward how best to balance our policy goals / perspectives vs. what is operationally feasible at the state / corrections level and allows to make meaningful progress across states.

Mario, can you help get an hour on the books relatively soon? Do either of you happen to be going to NASHP as well?

Many thanks
-Dan

Message

From: Hebert, Krista (CMS/CMCS) (b)(6)
(b)(6)
Sent: 3/28/2023 12:43:00 PM
To: CMS CMCS_Scheduling (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS); (b)(6)
(b)(6) jca25@georgetown.edu;
Edwin.Park@georgetown.edu; Sara Rosenbaum [sara@gwu.edu]; Mann, Cindy [CMann@manatt.com]; Allison Orris
[aorris@cbpp.org]; Deboy, Alissa (CMS/CMCS) (b)(6)
(b)(6)
CC: ecp57@georgetown.edu; Sara Rosenbaum [sara@email.gwu.edu]
Subject: RE: RE: CMCS Policy Topics

Good morning all,

Dan is going to be in DC on Thursday and wanted to invite you to join us in person at the CMS Humphrey Building if it works for your schedule, however zoom is definitely also an option. If you'd like to join us in-person, please let me know so that we can ensure to have you on the security list.

Best,
Krista

-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Thursday, March 23, 2023 12:22 PM

To: CMS CMCS_Scheduling; Tsai, Daniel (CMS/CMCS); jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum; Mann, Cindy; Allison Orris; Deboy, Alissa M. (CMS/CMCS); Hebert, Krista (CMS/CMCS)

Cc: ecp57@georgetown.edu; Sara Rosenbaum

Subject: CMCS Policy Topics

When: Thursday, March 30, 2023 12:15 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: CMS C3-06-21 (Zoom Enabled);

<https://cms.zoomgov.com> (b)(6)

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Meeting ID: (b)(6)

Find your local number: <https://cms.zoomgov.com/join/abgftlwSFN>

Join by SIP

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Message

From: Hebert, Krista (CMS/CMCS) (b)(6)
(b)(6)
Sent: 3/30/2023 3:16:48 PM
To: Tsai, Daniel (CMS/CMCS) (b)(6); jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum [sarar@gwu.edu]; Mann, Cindy [CMann@manatt.com]; Allison Orris [aorris@cbpp.org]; Deboy, Alissa (CMS/CMCS) (b)(6)
CC: (b)(6); ecp57@georgetown.edu; Sara Rosenbaum [sarar@email.gwu.edu]; Denemark, Cindy (CMS/CMCS) (b)(6); Coster, John (CMS/CMCS) (b)(6)
Subject: RE: RE: CMCS Policy Topics

Hi all,

For those of you joining in person, please call Joe at (b)(6) when you arrive and he will come sign you in and bring you up.

Thanks!
Krista

-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>
Sent: Thursday, March 23, 2023 12:22 PM
To: CMS CMCS_Scheduling; Tsai, Daniel (CMS/CMCS); jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum; Mann, Cindy; Allison Orris; Deboy, Alissa M. (CMS/CMCS); Hebert, Krista (CMS/CMCS)
Cc: ecp57@georgetown.edu; Sara Rosenbaum; Denemark, Cindy (CMS/CMCS); Coster, John (CMS/CMCS)
Subject: CMCS Policy Topics
When: Thursday, March 30, 2023 12:15 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: CMS C3-06-21 (Zoom Enabled);
[https://cms.zoomgov.com/j/\(b\)\(6\)](https://cms.zoomgov.com/j/(b)(6))

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833 568 8864 US Toll-free

Meeting ID: (b)(6)

Find your local number: <https://cms.zoomgov.com/j/abgftlwSFN>

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sip: (b)(6)

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Message

From: Clark, Liz (CMS/CMCS) (b)(6)
(b)(6)
Sent: 4/7/2023 1:58:59 PM
To: Tsai, Daniel (CMS/CMCS) (b)(6)
(b)(6) Delone, Sarah
(CMS/CMCS) (b)(6)
(b)(6) Weiss, Alice (CMS/CMCS)
(b)(6)
CC: Deboy, Alissa (CMS/CMCS) (b)(6)
(b)(6) Jensen, Kirsten
(CMS/CMCS) (b)(6)
(b)(6) Kotesich, Jennifer
(CMS/CMCS) (b)(6)
(b)(6) Decaro, Teresa
(CMS/CMCS) (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS) (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS) (b)(6)
Subject: RE: RE: CAA and continuous coverage and CHIP

Thanks, Dan. We will share with the team.

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Thursday, April 6, 2023 5:50 PM
To: Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>; Clark, Liz (CMS/CMCS) <Elizabeth.Clark@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>
Cc: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Jensen, Kirsten (CMS/CMCS) <Kirsten.Jensen@cms.hhs.gov>; Kotesich, Jennifer (CMS/CMCS) <Jennifer.Kotesich@cms.hhs.gov>; Decaro, Teresa (CMS/CMCS) <teresa.decara@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: FW: CAA and continuous coverage and CHIP

Team – see attached from Cindy/Manatt...
Thanks

From: Mann, Cindy <CMann@manatt.com>
Sent: Thursday, April 6, 2023 4:42 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: CAA and continuous coverage and CHIP

Hi,
I suspect this is not top of mind for you given everything else going on, but we prepared this memo on the CHIP continuous enrollment issue that popped up at the end of the CA justice waiver discussions, when CMCS advised CA that under its interpretation of current rules, when a state adopts the optional 1 -year CE provision for kids, it must cover all CHIP-enrolled kids with full benefits once they enter a carceral setting. If you recall, we all punted on the issue as it was a new one for many. The issue is also implicated in the multi-year CE waivers (one already approved in OR where this issue was never raised and one in the pending WA waiver which is nearing conclusion).

This memo is NOT about the CE or the justice waivers- those need to be negotiated with the states. Rather, it focuses on the one year mandatory CE provision that was in the Congressional Appropriations Act. It seems to me the first order of business is to figure out the intersection between justice and CE within the CAA since that CE provision will be effective 1/24. While this issue ultimately affects a small number of kids it will affect all states with separate CHIP programs, and the concern is the new mandatory CE ought not to be read as a mandatory directive for all states to cover with full chip benefits chip enrolled kids who end up in carceral settings. The legal argument on that point is presented in this memo. Once you figure out how you are going to interpret the CAA provision, more thought can be given to what to do with the multi-year and justice CE waivers. I've done some checking in with Joan Alker, Mel Nathanson and Jacey (and Rachel P) but intentionally haven't gone broader than that at this point. All are on the same page re the CAA interpretation and the implications for CHIP as laid out in the memo.

Happy to talk more but didn't want to delay getting this to you since I suspect CMCS is beginning to work on CAA guidance and the WA waiver is before you. I hope this is helpful

Thanks
Cindy

Cindy Mann
Partner

Manatt, Phelps & Phillips, LLP
Washington Square
1050 Connecticut Avenue, NW, Suite 600
Washington, DC 20036
D (202) 585-6572 **F** (202) 595-0933
CMann@manatt.com

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Message

From: Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6)
Sent: 4/12/2023 11:10:31 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6); Mann, Cindy
[CMann@manatt.com]; Vikki Wachino (b)(6)
CC: westmort@georgetown.edu; (b)(6) Costello, Anne Marie (CMS/CMCS)
(b)(6) Vitolo, Sara
(CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6)
Subject: Re: Re: July 25 / CMCS leadership meeting

Absolutely! I sent a calendar hold earlier this week, and will confirm exact time/details in the coming weeks as we solidify our agenda for our mid-year planning retreat.

Best,
Krista

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From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Wednesday, April 12, 2023 6:00:38 PM
To: Mann, Cindy <CMann@manatt.com>; Vikki Wachino (b)(6)
Cc: westmort@georgetown.edu <westmort@georgetown.edu>; (b)(6)
(b)(6); Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: RE: July 25 / CMCS leadership meeting

Thanks all. Tim, we'll miss you but Nova Scotia doesn't sound too bad...

Perrie/Krista, can you get holds and details out for Cindy/Vikki. And we will check w Calder. Looking forward to it.

-Dan

From: Mann, Cindy <CMann@manatt.com>
Sent: Tuesday, April 11, 2023 12:19 PM
To: Vikki Wachino (b)(6); Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: westmort@georgetown.edu; (b)(6) Costello, Anne Marie (CMS/CMCS)
<AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Hebert, Krista (CMS/CMCS)
<krista.hebert@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: RE: July 25 / CMCS leadership meeting

I'll be out of DC by then but happy to get to Woodlawn for this gathering. Thanks for the invitation.

Cindy Mann
Partner

Manatt, Phelps & Phillips, LLP
Washington Square
1050 Connecticut Avenue, NW, Suite 600
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D (202) 585-6572 F (202) 595-0933
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From: Vikki Wachino <(b)(6)>
Sent: Tuesday, April 11, 2023 11:26 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Mann, Cindy <CMann@manatt.com>; westmort@georgetown.edu; (b)(6) Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: Re: July 25 / CMCS leadership meeting

Spending time with the CMCS team in Woodlawn sounds like a great way to spend a summer afternoon. Looking forward to it!

On Tue, Apr 11, 2023 at 10:52 AM Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov> wrote:

Cindy, Vikki and Tim (hoping one of these email addresses gets to you Tim!)

We'd love to invite you on Tues July 25 to come join our CMCS leadership team in Woodlawn during our strategic planning / step back retreat

We'll have our CMCS whole leadership team assembled in person (all Group Directors/Deputies and Division Directors and Deputies), so 75-100 people, and we'd love to have a session that includes you all as former Center Directors on reflections, lessons learned. Hopefully it will be fun and informative for the whole team. Note we will also extend an invite to Calder Lynch as well

We're hoping you'd all be able to make afternoon ~3p on July 25 and will consider sticking around for a happy hour ~5/530p with the whole team.

Let us know if you're able to make this work, looking forward to it

-Dan

Message

From: Sara Rosenbaum [sara@email.gwu.edu]
Sent: 3/24/2023 3:16:56 PM
To: Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6)
CC: Joan Alker [jca25@georgetown.edu]; Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
edwin.park@georgetown.edu; Sara Rosenbaum [sara@gwu.edu]; Mann, Cindy [CMann@manatt.com]; Allison Orris [aorris@cbpp.org]; Deboy, Alissa (CMS/CMCS); (b)(6)
(b)(6); Kochanski, Joseph (CMS/CMCS); (b)(6)
(b)(6)
Subject: Re: Re: chat

I will miss the meeting on Thursday. Once we scheduled for Monday I went ahead with another one on Thursday. I will just catch up with someone and send any additional thoughts if I have them

Sara Rosenbaum, J.D.
Professor Emerita
Health Law and Policy
George Washington University
Milken Institute School of Public Health

On Mar 24, 2023, at 9:51 AM, Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov> wrote:

Hi Joan,

It seems like others are flexible to make Thursday 12:15-1p work, so we will move it there. Also, the PBS documentary sounds like fun! Hope it goes well.

Best,
Krista

From: Joan Alker <jca25@georgetown.edu>
Sent: Thursday, March 23, 2023 11:07 PM
To: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Edwin.Park@georgetown.edu; Sara Rosenbaum <sara@gwu.edu>; Mann, Cindy <CMann@manatt.com>; Allison Orris <aorris@cbpp.org>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Subject: Re: chat

Unfortunately I can not do Monday times as PBS is filming a documentary on CHIP (yes really - kind of annoying and I will certainly be inserting Medicaid into the show:) and they are coming to campus to film a few of us at CCF. Thursday works if that is still an option.

Joan Alker
Executive Director, Research Professor

Center for Children and Families
Georgetown University McCourt School of Public Policy
(202)306-8383
jca25@georgetown.edu

Visit us on the web ccf.georgetown.edu
Join us on [Facebook](#)
Follow me on [Twitter](#)

On Thu, Mar 23, 2023 at 12:20 PM Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov> wrote:

Hi all –

Based on a few responses from folks, I just sent a hold for this at 12PM ET on Monday 3/27. Please let me know if any issues.

Joe, FYI.

Best,

Krista

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Thursday, March 23, 2023 11:21 AM
To: jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum <sarar@gwu.edu>; Mann, Cindy <CMann@manatt.com>; Allison Orris <aorris@cbpp.org>
Cc: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: chat

Hello friends – Alissa and I are hoping to get 30-45 mins of your time next week to test a few policy items

Any chance folks have some time on Monday at noon ET or 3p ET? Else, we could also do hybrid/in person on Thursday 12:15-1p ET in Humphrey

Krista, can you help confirm

Thanks very much in advance

-Dan

Message

From: Deboy, Alissa M. (CMS/CMCS) (b)(6)
(b)(6)
Sent: 8/25/2022 8:56:59 PM
To: Tsai, Daniel (CMS/OA) (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS) (b)(6)
(b)(6) Cash, Judith (CMS/CMCS)
CC: Torres, Mariano (CMS/CMCS) (b)(6)
(b)(6) Briskin, Perrie (CMS/CMCS)
(CMS/CMCS) (b)(6) McClenathan, Jane
(b)(6)
Subject: RE: RE: Justice Involved / chatting together

Me/Melissa (one of us will attend), Kirsten Jensen, Nancy Kirchner

Alissa Mooney DeBoy
Director, Disabled and Elderly Health Programs Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
7500 Security Blvd
Mailstop S2-14-26
Baltimore, MD 21244
Email: Alissa.deboy1@cms.hhs.gov

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From: Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>
Sent: Thursday, August 25, 2022 4:40 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Deboy, Alissa M. (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Cash, Judith (CMS/CMCS) <Judith.Cash@cms.hhs.gov>
Cc: Torres, Mariano (CMS/CMCS) <Mariano.Torres@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>
Subject: FW: Justice Involved / chatting together

Hi – see below

Mario, can you get this on the books as soon as Cindy is back. Let's include on our end:

- AMC (at your option AMC – but you might enjoy this discussion...)
- 2-3 folks from DE – check w Alissa
- 2-3 from SDG – check w Judith

Thanks

From: Vikki Wachino { (b)(6) } >

Sent: Thursday, August 25, 2022 3:41 PM

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

Cc: Mann, Cindy <CMann@manatt.com>; Torres, Mariano (CMS/CMCS) <Mariano.Torres@cms.hhs.gov>; Serafi, Kinda <KSerafi@manatt.com>

Subject: Re: Justice Involved / chatting together

Dan, you are reading my mind. Cindy is out this week and next. Kinda and I spoke this afternoon about the physical/behavioral health assessment approach that DHCS has developed; some but not all of the issues that you note in your email came up in the course of the conversation. We'd like to meet with you and team when Cindy is back, assuming that works for you. (I am not going to NASHP).

Thanks for the follow up!

On Thu, Aug 25, 2022 at 2:50 PM Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov> wrote:

Hi there – we are having a number of policy discussions / debates as we try to get a range of folks lined up on the justice involved 1115 opportunity

I think you two might be in touch already. I'd value getting both of you together along with a few of our DE/SDG team to connect live. The topics would be around some of the policy requirements (which benefits mandated as a minimum; physical vs. triaged health assessment; approach to things like fair hearings, appeals, and other 1902 requirements) for the 1115 opportunity, with a particular lens toward how best to balance our policy goals / perspectives vs. what is operationally feasible at the state / corrections level and allows to make meaningful progress across states.

Mario, can you help get an hour on the books relatively soon? Do either of you happen to be going to NASHP as well?

Many thanks

-Dan

Message

From: Mann, Cindy [CMann@manatt.com]

Sent: 4/7/2023 8:47:08 PM

To: Vikki Wachino (b)(6); Tsai, Daniel (CMS/CMCS) (b)(6)

Subject: RE: RE: Re: (b)(6)

Agree it would be a great idea and fun for us at least. You should also try this address for Tim as he is retired so I'm not sure he still has his Georgetown email (would do both).

Timothy Westmoreland (b)(6)

As I think I might have mentioned to you, we are moving to NYC soon (gulp), but happy to come down to Baltimore for the gathering.

Cindy Mann

Partner

Manatt, Phelps & Phillips, LLP

Washington Square

1050 Connecticut Avenue, NW, Suite 600

Washington, DC 20036

D (202) 585-6572 F (202) 595-0933

CMann@manatt.com

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From: Vikki Wachino (b)(6) >

Sent: Friday, April 7, 2023 4:27 PM

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

Cc: Mann, Cindy <CMann@manatt.com>

Subject: Re:

What a great idea. Last email address I have for tim is westmort@georgetown.edu

On Fri, Apr 7, 2023 at 4:16 PM Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov> wrote:

Hi – either of you have Tim Westmoreland's email?

We're going to invite former center directors to come join our whole leadership team (all group directors, deputy group directors, our front office, senior advisors) in person in Woodlawn on July 25th if you're able to make it. We're doing a strategic planning / step back time with the whole team, and we thought it would be fun / beneficial to have a discussion with you all on your reflections.

Plus we'll be doing a happy hour afterwards with the team

I'll send out a follow up note next week

Thanks

Message

From: Deboy, Alissa (CMS/CMCS) (b)(6)
(b)(6)
Sent: 1/12/2023 3:28:18 PM
To: Costello, Anne Marie (CMS/CMCS) (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
CC: Smith, Carrie (CMS/CMCS) (b)(6)
(b)(6) Giles, John (CMS/CMCS)
Subject: RE: RE: State Managed Care Reports

I do note that while we can send these reports, we will want to discuss a strategy going forward. Andy is looking for us to submit reports to him as we receive them; basically, he is wanting a regular download of our MCPARs, MLR reports, and Access reports. That doesn't seem reasonable but we can discuss an approach.

Alissa Mooney DeBoy
Director, Disabled and Elderly Health Programs Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
7500 Security Blvd
Mailstop S2-14-26
Baltimore, MD 21244
Email: Alissa.deboy1@cms.hhs.gov

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From: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Sent: Thursday, January 12, 2023 10:07 AM
To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>
Cc: Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Subject: RE: State Managed Care Reports

fantastic

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Sent: Thursday, January 12, 2023 9:45 AM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>
Cc: Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Subject: FW: State Managed Care Reports

FYI

Alissa Mooney DeBoy
Director, Disabled and Elderly Health Programs Group

Center for Medicaid and CHIP Services
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7500 Security Blvd
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Baltimore, MD 21244
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From: Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Sent: Thursday, January 12, 2023 9:13 AM
To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Subject: RE: State Managed Care Reports

I reached out to Andy to let him know we are working on pulling the reports from the system and that I will send them to him as soon as I have them.

Alexis E. Gibson, Esq.
Deputy Director for the Division of Managed Care Policy
Disabled and Elderly Health Programs Group
Center for Medicaid and CHIP Services
P: (410) 786-2813

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Sent: Thursday, January 12, 2023 8:57 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Subject: FW: State Managed Care Reports

Can you reach out to Andy today and assist? Please let me know when you do so that I can close out with AMC. Many thanks

Alissa Mooney DeBoy
Director, Disabled and Elderly Health Programs Group
Center for Medicaid and CHIP Services
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From: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Sent: Wednesday, January 11, 2023 6:41 PM

To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Subject: RE: State Managed Care Reports

No problem

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Sent: Wednesday, January 11, 2023 6:41 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Subject: Re: State Managed Care Reports

Sorry. We will send to John tomorrow. Apologies.

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From: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Sent: Wednesday, January 11, 2023 6:39:23 PM
To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Subject: RE: State Managed Care Reports

I know it has been a crazy week but don't think I saw a response. Can I just send Andy to the two of you?

From: Costello, Anne Marie (CMS/CMCS)
Sent: Monday, January 9, 2023 12:56 PM
To: Deboy, Alissa M. (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Subject: FW: State Managed Care Reports

See request below from Andy Schneider at Center for Children and Families. He is requesting how to access managed care reports. Did not want to just connect him to you without giving you all a heads up. Should I send him to you all or directly to John Giles.

Thanks
Anne Marie

From: Andy Schneider <Andy.Schneider@georgetown.edu>
Sent: Thursday, January 5, 2023 2:19 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Cc: Joan Alker <jca25@georgetown.edu>
Subject: State Managed Care Reports

Hi Anne Marie,

Happy New Year. I have what I hope is a simple request.

Per your July 6 CIB, states are now required to submit their Managed Care Program Annual Reports electronically using a standard reporting template; the first tranche was due December 27. In addition, states are required to use standard templates in submitting their MLR Reports and their Network Adequacy and Access Assurances Report.

The CIB indicates that CMS is going to establish a Medicaid-gov page on which the reports will be posted, which is excellent. Standing up such a page may take some time given ADA section 508 requirements, so the CIB indicates that until the page is operational, the reports will be made available upon request.

Do you know when the page will become operational? In the interim, I'd like to start analyzing the reports that have been submitted. What is the best way to make this request, and to whom should I address it?

Thanks for your help with this,

Andy

Andy Schneider
Research Professor of the Practice
Center for Children and Families

(b)(6) (work cell)

Message

From: Deboy, Alissa (CMS/CMCS) (b)(6)
(b)(6)
Sent: 1/12/2023 1:56:38 PM
To: Giles, John (CMS/CMCS) (b)(6)
(b)(6) Gibson, Alexis
(CMS/CMCS) (b)(6)
(b)(6)
CC: Smith, Carrie (CMS/CMCS) (b)(6)
(b)(6)
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Can you reach out to Andy today and assist? Please let me know when you do so that I can close out with AMC. Many thanks

Alissa Mooney DeBoy
Director, Disabled and Elderly Health Programs Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
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Subject: RE: State Managed Care Reports

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Subject: Re: State Managed Care Reports

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To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Subject: RE: State Managed Care Reports

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Subject: FW: State Managed Care Reports

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Anne Marie

From: Andy Schneider <Andy.Schneider@georgetown.edu>
Sent: Thursday, January 5, 2023 2:19 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Cc: Joan Alker <jca25@georgetown.edu>
Subject: State Managed Care Reports

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Andy

Andy Schneider
Research Professor of the Practice
Center for Children and Families

(b)(6) (work cell)

Message

From: Costello, Anne Marie (CMS/CMCS) (b)(6)
(b)(6)
Sent: 1/12/2023 3:34:54 PM
To: Deboy, Alissa (CMS/CMCS) (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
CC: Smith, Carrie (CMS/CMCS) (b)(6)
(b)(6) Giles, John (CMS/CMCS)
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Sent: Thursday, January 5, 2023 2:19 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Cc: Joan Alker <jca25@georgetown.edu>
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CC: Smith, Carrie (CMS/CMCS) (b)(6)
(b)(6) Giles, John (CMS/CMCS)
Subject: RE: RE: State Managed Care Reports

Yea I think we will brainstorm what is reasonable and come back to you before we commit to the periodicity going forward.

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To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>
Cc: Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
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Research Professor of the Practice

Center for Children and Families

(b)(6) (work cell)

Message

From: Boozeang, Patricia [PBoozeang@manatt.com]
Sent: 8/20/2022 3:30:02 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6) Gentile, Amy A. (CMS/CMCS)
(b)(6) Gibson, Alexis E. (CMS/CMCS)
(b)(6)
CC: Striar, Adam [AStriar@manatt.com]; O'Connor, Kaylee [KOConnor@manatt.com]; Serafi, Kinda [KSerafi@manatt.com]; Mann, Cindy [CMann@manatt.com]; Thomas W Schenck [TSCHENCK@mitre.org]
Subject: RE: RE: Questions on Rate Transparency

Hi John –

With apologies for the weekend email – just wanted to reup this and see if you had any insights to share with us.

Thanks and have a wonderful weekend –

Patti

Patricia Boozeang
Senior Managing Director
Manatt Health Strategies

Manatt, Phelps & Phillips, LLP
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Boston, MA 02115
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PBoozeang@manatt.com

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From: Boozeang, Patricia
Sent: Thursday, August 18, 2022 2:11 PM
To: 'Giles, John (CMS/CMCS)' <John.Giles1@cms.hhs.gov>; Gentile, Amy A. (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis E. (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: Striar, Adam <AStriar@manatt.com>; O'Connor, Kaylee (KOConnor@manatt.com) <KOConnor@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; 'Thomas W Schenck' <TSCHENCK@mitre.org>
Subject: Questions on Rate Transparency
Importance: High

Hi John,

As we tackle your questions on MMC rate transparency guidance, we just have a couple of questions regarding CMS's rate transparency work that we were hoping you could clarify for us.

First, we want to make sure we understand how CMS would intend for states to populate the attached 207 “amendment”. From our review of this spreadsheet template, it looks like CMS would be asking states to:

- Populate “Medicaid Spending” with total Medicaid expenditures for each provider type (e.g., primary care). As a simplified mathematical example:
 - $\text{Total Medicaid Spending} = [\text{Medicaid Utilization for Service \#1}] \times [\text{Medicaid Rate for Service \#1}] + [\text{Medicaid Utilization for Service \#2}] \times [\text{Medicaid Rate for Service \#2}] \dots \text{et seq} \dots$
- Populate “Medicare Equivalent” by substituting the Medicare rate for the Medicaid rate across an identical basket of services. As a simplified mathematical example:
 - $\text{Medicare Equivalent} = [\text{Medicaid Utilization for Service \#1}] \times [\text{Medicare Rate for Service \#1}] + [\text{Medicaid Utilization for Service \#2}] \times [\text{Medicare Rate for Service \#2}] \dots \text{et seq} \dots$
- Calculate the ratio of Medicaid Spending for the same basket of services as a percentage of the Medicare Equivalent

We also want to confirm our understanding of the goals of CMS’s efforts around rate transparency on the managed care side. Our understanding is that:

- CMS is aiming for greater transparency of average rates by MMC plan in each state, relative to Medicare, for different provider types.
- In terms of supporting access, this would (1) allow states and CMS to understand where there are plans that generally pay less than others overall and for discrete provider types, and (2) if there are provider types in which plans/states are generally “underinvesting” for Medicaid enrollees.

Our questions (responses to which will really help make sure we are on the right track...):

1. Is our understanding on all of the above correct, or can you clarify for us?
2. If we are right about these assumptions, we actually don’t see the risk that states are raising of individual providers within a plan network provider type may use the data to demonstrate that they are “underpaid” relative to others, and put upward pressure on states. Unless states believe that providers would be able to replicate the model based on their reimbursement levels and compare to the state averages. Is that what you think the concern is? Or would it relate to providers submitting FOI requests for the underlying data?
3. Can you say more about the extent to which you are coordinating rate transparency efforts across managed care and fee-for-service (i.e., are you coordinating with FMG)? And, any luck on identifying similar efforts underway for Medicare Advantage and the Marketplace?

Finally, on a related note, we wanted to highlight a [blog](#) that a few of our team members recently published on issues related to payment parity which may be of interest as you advance this work.

Thanks,
Patti

Patricia Boozang
Senior Managing Director
Manatt Health Strategies

Manatt, Phelps & Phillips, LLP
177 Huntington Avenue
Suite 2500
Boston, MA 02115
D (212) 790-4523 F (212) 536-1883 M: (b)(6)
PBoozang@manatt.com

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Message

From: Boozung, Patricia [PBoozang@manatt.com]
Sent: 8/22/2022 6:15:10 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6) Gentile, Amy A. (CMS/CMCS)
(b)(6) Gibson, Alexis E. (CMS/CMCS)
(b)(6)
CC: Striar, Adam [AStriar@manatt.com]; O'Connor, Kaylee [KOConnor@manatt.com]; Serafi, Kinda [KSerafi@manatt.com]; Mann, Cindy [CMann@manatt.com]; Thomas W Schenck [TSCHENCK@mitre.org]
Subject: RE: RE: Questions on Rate Transparency

Thanks for this, John – very helpful.

Patricia Boozung
Senior Managing Director
Manatt Health Strategies

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From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Monday, August 22, 2022 12:04 PM
To: Boozung, Patricia <PBoozang@manatt.com>; Gentile, Amy A. (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis E. (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: Striar, Adam <AStriar@manatt.com>; O'Connor, Kaylee <KOConnor@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Thomas W Schenck <TSCHENCK@mitre.org>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Questions on Rate Transparency

Hi Patti – responses below in green. Sorry for our delay!

Hi John,

As we tackle your questions on MMC rate transparency guidance, we just have a couple of questions regarding CMS's rate transparency work that we were hoping you could clarify for us.

First, we want to make sure we understand how CMS would intend for states to populate the attached 207 "amendment". From our review of this spreadsheet template, it looks like CMS would be asking states to:

- Populate "Medicaid Spending" with total Medicaid expenditures for each provider type (e.g., primary care). As a simplified mathematical example:
 - $\text{Total Medicaid Spending} = [\text{Medicaid Utilization for Service \#1}] \times [\text{Medicaid Rate for Service \#1}] + [\text{Medicaid Utilization for Service \#2}] \times [\text{Medicaid Rate for Service \#2}] \dots \text{et seq.}$
- Populate "Medicare Equivalent" by substituting the Medicare rate for the Medicaid rate across an identical basket of services. As a simplified mathematical example:
 - $\text{Medicare Equivalent} = [\text{Medicaid Utilization for Service \#1}] \times [\text{Medicare Rate for Service \#1}] + [\text{Medicaid Utilization for Service \#2}] \times [\text{Medicare Rate for Service \#2}] \dots \text{et seq.}$
- Calculate the ratio of Medicaid Spending for the same basket of services as a percentage of the Medicare Equivalent

We also want to confirm our understanding of the goals of CMS's efforts around rate transparency on the managed care side. Our understanding is that:

- CMS is aiming for greater transparency of average rates by MMC plan in each state, relative to Medicare, for different provider types.
- In terms of supporting access, this would (1) allow states and CMS to understand where there are plans that generally pay less than others overall and for discrete provider types, and (2) if there are provider types in which plans/states are generally "underinvesting" for Medicaid enrollees.

Our questions (responses to which will really help make sure we are on the right track...):

Is our understanding on all of the above correct, or can you clarify for us?

If we are right about these assumptions, we actually don't see the risk that states are raising of individual providers within a plan network provider type may use the data to demonstrate that they are "underpaid" relative to others, and put upward pressure on states. Unless states believe that providers would be able to replicate the model based on their reimbursement levels and compare to the state averages. Is that what you think the concern is? Or would it relate to providers submitting FOI requests for the underlying data?

3. Can you say more about the extent to which you are coordinating rate transparency efforts across managed care and fee-for-service (i.e., are you coordinating with FMG)? And, any luck on identifying similar efforts underway for Medicare Advantage and the Marketplace?

Finally, on a related note, we wanted to highlight a [blog](#) that a few of our team members recently published on issues related to payment parity which may be of interest as you advance this work.

Thanks,
Patti

From: Boozang, Patricia <PBoozang@manatt.com>
Sent: Saturday, August 20, 2022 11:30 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gentile, Amy A. (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis E. (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: Striar, Adam <AStriar@manatt.com>; O'Connor, Kaylee <KOConnor@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Thomas W Schenck <TSCHENCK@mitre.org>
Subject: RE: Questions on Rate Transparency

Hi John –

With apologies for the weekend email – just wanted to reup this and see if you had any insights to share with us.

Thanks and have a wonderful weekend –

Patti

Patricia Boozang
Senior Managing Director
Manatt Health Strategies

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From: Boozang, Patricia
Sent: Thursday, August 18, 2022 2:11 PM
To: 'Giles, John (CMS/CMCS)' <John.Giles1@cms.hhs.gov>; Gentile, Amy A. (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis E. (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: Striar, Adam <AStriar@manatt.com>; O'Connor, Kaylee <KOConnor@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; 'Thomas W Schenck' <TSCHENCK@mitre.org>
Subject: Questions on Rate Transparency
Importance: High

Hi John,

As we tackle your questions on MMC rate transparency guidance, we just have a couple of questions regarding CMS's rate transparency work that we were hoping you could clarify for us.

First, we want to make sure we understand how CMS would intend for states to populate the attached 207 "amendment". From our review of this spreadsheet template, it looks like CMS would be asking states to:

- Populate "Medicaid Spending" with total Medicaid expenditures for each provider type (e.g., primary care). As a simplified mathematical example:
 - Total Medicaid Spending = [Medicaid Utilization for Service #1] x [Medicaid Rate for Service #1] + [Medicaid Utilization for Service #2] x [Medicaid Rate for Service #2]...et seq...
- Populate "Medicare Equivalent" by substituting the Medicare rate for the Medicaid rate across an identical basket of services. As a simplified mathematical example:
 - Medicare Equivalent = [Medicaid Utilization for Service #1] x [**Medicare** Rate for Service #1] + [Medicaid Utilization for Service #2] x [**Medicare** Rate for Service #2]...et seq...
- Calculate the ratio of Medicaid Spending for the same basket of services as a percentage of the Medicare Equivalent

We also want to confirm our understanding of the goals of CMS's efforts around rate transparency on the managed care side. Our understanding is that:

- CMS is aiming for greater transparency of average rates by MMC plan in each state, relative to Medicare, for different provider types.
- In terms of supporting access, this would (1) allow states and CMS to understand where there are plans that generally pay less than others overall and for discrete provider types, and (2) if there are provider types in which plans/states are generally "underinvesting" for Medicaid enrollees.

Our questions (responses to which will really help make sure we are on the right track...):

1. Is our understanding on all of the above correct, or can you clarify for us?
2. If we are right about these assumptions, we actually don't see the risk that states are raising of individual providers within a plan network provider type may use the data to demonstrate that they are "underpaid" relative to others, and put upward pressure on states. Unless states believe that providers would be able to replicate the model based on their reimbursement levels and compare to the state averages. Is that what you think the concern is? Or would it relate to providers submitting FOI requests for the underlying data?
3. Can you say more about the extent to which you are coordinating rate transparency efforts across managed care and fee-for-service (i.e., are you coordinating with FMG)? And, any luck on identifying similar efforts underway for Medicare Advantage and the Marketplace?

Finally, on a related note, we wanted to highlight a [blog](#) that a few of our team members recently published on issues related to payment parity which may be of interest as you advance this work.

Thanks,
Patti

Patricia Boozang
Senior Managing Director
Manatt Health Strategies

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Message

From: Boozeang, Patricia [PBoozeang@manatt.com]
Sent: 9/14/2022 3:43:22 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6) Gentile, Amy (CMS/CMCS)
(b)(6); Gibson, Alexis
(CMS/CMCS); (b)(6)
(b)(6)
CC: O'Connor, Kaylee [KOConnor@manatt.com]; Peterson, Alanna [APeterson@manatt.com]; Striar, Adam [AStriar@manatt.com]; Serafi, Kinda [KSerafi@manatt.com]; Mann, Cindy [CMann@manatt.com]; Llanos, Karen (CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: Thursday Meeting

No problem, John – we completely understand and will look for alternative times. Please let us know if you need anything in the meantime.

Patti

Patricia Boozeang
(she/hers)
Senior Managing Director
Manatt Health Strategies

Manatt, Phelps & Phillips, LLP
177 Huntington Avenue
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From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Wednesday, September 14, 2022 7:24 AM
To: Boozeang, Patricia <PBoozeang@manatt.com>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: O'Connor, Kaylee <KOConnor@manatt.com>; Peterson, Alanna <APeterson@manatt.com>; Striar, Adam <AStriar@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Thursday Meeting

Hi Patti – thank you so much for reaching out. We just found out that we have an EOP/DPC meeting tomorrow to discuss the rule during our scheduled time together. I know we have time scheduled for 9/29, but if we need to reschedule tomorrow's meeting, I can send alternative dates/times.

Apologies for the late notice – 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: 240-904-2341
E-mail: John.Giles1@cms.hhs.gov

From: Boozang, Patricia <PBoozang@manatt.com>

Sent: Monday, September 12, 2022 6:44 PM

To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>

Cc: O'Connor, Kaylee <KOConnor@manatt.com>; Peterson, Alanna <APeterson@manatt.com>; Striar, Adam <AStriar@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

Subject: Thursday Meeting

Hi John. I am reaching out to check in to see if there are any issues that have come up during regulatory drafting that would be helpful to discuss with us on our Access Policy Sprint check-in call scheduled for this Thursday, September 15, from 3-4 pm ET. Please let us know.

Best,
Patti

Patricia Boozang
(she/hers)
Senior Managing Director
Manatt Health Strategies

Manatt, Phelps & Phillips, LLP
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Message

From: Giles, John (CMS/CMCS); (b)(6)
(b)(6)
Sent: 9/14/2022 2:23:48 PM
To: Boozeang, Patricia [PBoozeang@manatt.com]; Gentile, Amy (CMS/CMCS); (b)(6)
(b)(6)
Gibson, Alexis (CMS/CMCS); (b)(6)
(b)(6)
CC: O'Connor, Kaylee [KOConnor@manatt.com]; Peterson, Alanna [APeterson@manatt.com]; Striar, Adam [AStriar@manatt.com]; Serafi, Kinda [KSerafi@manatt.com]; Mann, Cindy [CMann@manatt.com]; Llanos, Karen (CMS/CMCS); (b)(6)
(b)(6) Giles, John
(CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: Thursday Meeting

Hi Patti – thank you so much for reaching out. We just found out that we have an EOP/DPC meeting tomorrow to discuss the rule during our scheduled time together. I know we have time scheduled for 9/29, but if we need to reschedule tomorrow's meeting, I can send alternative dates/times.

Apologies for the late notice – 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: 240-904-2341
E-mail: John.Giles1@cms.hhs.gov

From: Boozeang, Patricia <PBoozeang@manatt.com>
Sent: Monday, September 12, 2022 6:44 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: O'Connor, Kaylee <KOConnor@manatt.com>; Peterson, Alanna <APeterson@manatt.com>; Striar, Adam <AStriar@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>
Subject: Thursday Meeting

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Best,
Patti

Patricia Boozeang
(she/hers)
Senior Managing Director
Manatt Health Strategies

Manatt, Phelps & Phillips, LLP

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PBoozang@manatt.com

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Message

From: Boozeang, Patricia [PBoozeang@manatt.com]
Sent: 9/15/2022 3:50:35 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6) Gentile, Amy (CMS/CMCS)
(b)(6) Gibson, Alexis
(CMS/CMCS); (b)(6)
(b)(6)
CC: O'Connor, Kaylee [KOConnor@manatt.com]; Peterson, Alanna [APeterson@manatt.com]; Striar, Adam [AStriar@manatt.com]; Serafi, Kinda [KSerafi@manatt.com]; Mann, Cindy [CMann@manatt.com]; Llanos, Karen (CMS/CMCS); (b)(6)
(b)(6) Thomas W Schenck [TSCHENCK@mitre.org]; Johanna L Barraza-Cannon [jbarrazacannon@mitre.org]
Subject: RE: RE: Thursday Meeting

Hi John –

We don't have any burning issues and think we can just keep the 9/29 scheduled appointment. Let us know if you would like to meet sooner based on your needs. Otherwise, we'll plan to talk then.

Patti

Patricia Boozeang
(she/hers)
Senior Managing Director
Manatt Health Strategies

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From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Wednesday, September 14, 2022 10:24 AM
To: Boozeang, Patricia <PBoozeang@manatt.com>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: O'Connor, Kaylee <KOConnor@manatt.com>; Peterson, Alanna <APeterson@manatt.com>; Striar, Adam <AStriar@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Thursday Meeting

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Apologies for the late notice – 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: 240-904-2341
E-mail: John.Giles1@cms.hhs.gov

From: Boozang, Patricia <PBoozang@manatt.com>

Sent: Monday, September 12, 2022 6:44 PM

To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>

Cc: O'Connor, Kaylee <KOConnor@manatt.com>; Peterson, Alanna <APeterson@manatt.com>; Striar, Adam <AStriar@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

Subject: Thursday Meeting

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Best,
Patti

Patricia Boozang
(she/hers)
Senior Managing Director
Manatt Health Strategies

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D (212) 790-4523 F (212) 536-1883 M: (b)(6)
PBoozang@manatt.com

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Message

From: Boozeang, Patricia [PBoozeang@manatt.com]
Sent: 9/29/2022 1:31:17 PM
To: Gibson, Alexis (CMS/CMCS); (b)(6)
(b)(6) Peterson, Alanna
[APeterson@manatt.com]; Mann, Cindy [CMann@manatt.com]; O'Connor, Kaylee [KOConnor@manatt.com]; Striar,
Adam [AStriar@manatt.com]; Serafi, Kinda [KSerafi@manatt.com]; Giles, John (CMS/CMCS)
(b)(6) Gentile, Amy (CMS/CMCS)
, TSCHENCK@mitre.org;
jbarrazacannon@mitre.org; rebeccacase@mitre.org
Subject: RE: RE: [External] CMCS Access Policy Sprint Working Session

Thanks, Alexis – hope all is well with John and we'll look forward to reconnecting at a later date.

Patti

Patricia Boozeang
(she/hers)
Senior Managing Director
Manatt Health Strategies

Manatt, Phelps & Phillips, LLP

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From: Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Sent: Thursday, September 29, 2022 9:29 AM
To: Peterson, Alanna <APeterson@manatt.com>; Boozeang, Patricia <PBoozeang@manatt.com>; Mann, Cindy <CMann@manatt.com>; O'Connor, Kaylee <KOConnor@manatt.com>; Striar, Adam <AStriar@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; TSCHENCK@mitre.org; jbarrazacannon@mitre.org; rebeccacase@mitre.org
Subject: RE: [External] CMCS Access Policy Sprint Working Session

Sorry for the late notice, but we will need to cancel today's meeting. John is out of the office unexpectedly, and Amy and I have a last minute conflict.

We will reach out about getting another time scheduled.

Thanks,
Alexis

Alexis E. Gibson, Esq.
Deputy Director for the Division of Managed Care Policy
Disabled and Elderly Health Programs Group
Center for Medicaid and CHIP Services
P: (410) 786-2813

-----Original Appointment-----

From: Peterson, Alanna <APeterson@manatt.com>

Sent: Monday, August 22, 2022 11:49 AM

To: Peterson, Alanna; Boozang, Patricia; Mann, Cindy; O'Connor, Kaylee; Striar, Adam; Serafi, Kinda; Giles, John (CMS/CMCS); Gibson, Alexis (CMS/CMCS); Gentile, Amy (CMS/CMCS); TSCHENCK@mitre.org; jbarrazacannon@mitre.org; rebeccacase@mitre.org

Subject: [External] CMCS Access Policy Sprint Working Session

When: Thursday, September 29, 2022 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://manatt.zoom.us/j/60293800000> (b)(6)

[External] CMCS Access Policy Sprint Working Session Thursday, Sept 29, 2022 10:00 am – 11:00 am	<ul style="list-style-type: none">• Check-In on NPRM Drafting and Any Updates on Work Underway (CMS)• Update on Proposed MMC Access-Related Tools (see attached) (Manatt)• Check-in on Access Interviews (Manatt)<ul style="list-style-type: none">○ Florida Medicaid Access Interview (9/15) (see attached “one stop shop” document)• Confirm Next Steps (Manatt)
---	---

Hi there,

Alanna Peterson is inviting you to a scheduled Zoom meeting.

Phone US: or
one-tap:

Meeting <https://manatt.zoom.us/j/60293800000> (b)(6)

URL:

Meeting (b)(6)

ID:

Passcode (b)(6)

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 669 900 6833 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 386 347 5053 or +1 564 217 2000 or +1 669 444 9171 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Meeting

ID:

Passcode

International numbers

Join from an H.323/SIP room system

H.323: (US West)
(US East)

Meeting

ID:

Passcode

SIP:

Passcode

Message

From: Giles, John (CMS/CMCS); (b)(6)
(b)(6)
Sent: 12/5/2022 9:01:04 PM
To: Boozeang, Patricia [PBoozeang@manatt.com]; Gibson, Alexis (CMS/CMCS); (b)(6)
(b)(6)
CC: Serafi, Kinda [KSerafi@manatt.com]; Mann, Cindy [CMann@manatt.com]; Striar, Adam [AStriar@manatt.com]; Peterson, Alanna [APeterson@manatt.com]; Johanna L Barraza-Cannon [jbarrazacannon@mitre.org]; Thomas W Schenck [TSCHENCK@mitre.org]; Llanos, Karen (CMS/CMCS); (b)(6)
(b)(6) Gentile, Amy
(CMS/CMCS); (b)(6)
(b)(6) Gibson, Alexis
(CMS/CMCS); (b)(6)
(b)(6) Giles, John (CMS/CMCS)
(b)(6)
Subject: RE: RE: Reconnecting on Access Work

Hi Patti –

Happy to meet and discuss these tools. Here are some potential options on our side:

12/13 – 12:30pm or 4:00pm ET
12/14 – 3:00pm, 3:30pm, or 4:00pm ET
12/15 – 2:00 or 2:30pm ET

Let me know what is best for you. 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: 240-904-2341
E-mail: John.Giles1@cms.hhs.gov

From: Boozeang, Patricia <PBoozeang@manatt.com>
Sent: Saturday, December 3, 2022 11:42 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Striar, Adam <AStriar@manatt.com>; Peterson, Alanna <APeterson@manatt.com>; Johanna L Barraza-Cannon <jbarrazacannon@mitre.org>; Thomas W Schenck <TSCHENCK@mitre.org>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>
Subject: Reconnecting on Access Work

John and Team –

Happy December – hard to believe it's year-end 2022... I am getting in touch to suggest we schedule some time with your team to review two draft access tools that we have been developing under our subcontract to MITRE to support CMCS access work: **an Access Punchlist and a Provider Survey toolkit outline**. Since we are in the remaining few weeks of this performance period to work on these deliverables, we would like to get your input on the high priorities for getting these to a next draft that will be helpful to you as you turn your attention from rule making to tools and state TA.

If you agree, Alanna, copied here, will swing into scheduling mode – and we will send an agenda and the draft tools well in advance of our meeting.

Thank you – and have a wonderful weekend.

Patti

Patricia Boozang

Senior Managing Director - Manatt Health Strategies

Manatt, Phelps & Phillips, LLP

177 Huntington Avenue

Suite 2500

Boston, MA 02115

D (212) 790-4523 F (212) 536-1883

PBoozang@manatt.com

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Message

From: Boozang, Patricia [PBoozang@manatt.com]
Sent: 12/3/2022 4:41:53 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6) Gibson, Alexis
(CMS/CMCS); (b)(6)
(b)(6)
CC: Serafi, Kinda [KSerafi@manatt.com]; Mann, Cindy [CMann@manatt.com]; Striar, Adam [AStriar@manatt.com]; Peterson, Alanna [APeterson@manatt.com]; Johanna L Barraza-Cannon [jbarrazacannon@mitre.org]; Thomas W Schenck [TSCHENCK@mitre.org]; Llanos, Karen (CMS/CMCS); (b)(6)
(b)(6)
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Message

From: Boozang, Patricia [PBoozang@manatt.com]
Sent: 12/5/2022 9:09:48 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6) Gibson, Alexis
(CMS/CMCS) (b)(6)
(b)(6)
CC: Serafi, Kinda [KSerafi@manatt.com]; Mann, Cindy [CMann@manatt.com]; Striar, Adam [AStriar@manatt.com]; Peterson, Alanna [APeterson@manatt.com]; Johanna L Barraza-Cannon [jbarrazacannon@mitre.org]; Thomas W Schenck [TSCHENCK@mitre.org]; Llanos, Karen (CMS/CMCS); (b)(6)
(b)(6) Gentile, Amy
(CMS/CMCS) (b)(6)
(b)(6) Gibson, Alexis
(CMS/CMCS) (b)(6)
(b)(6)
Subject: RE: RE: Reconnecting on Access Work

Acknowledging receipt, John, and will be in touch.

Patricia Boozang
Senior Managing Director - Manatt Health Strategies

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Sent: Monday, December 5, 2022 4:01 PM
To: Boozang, Patricia <PBoozang@manatt.com>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Striar, Adam <AStriar@manatt.com>; Peterson, Alanna <APeterson@manatt.com>; Johanna L Barraza-Cannon <jbarrazacannon@mitre.org>; Thomas W Schenck <TSCHENCK@mitre.org>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Reconnecting on Access Work

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12/14 – 3:00pm, 3:30pm, or 4:00pm ET

12/15 – 2:00 or 2:30pm ET

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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: 240-904-2341
E-mail: John.Giles1@cms.hhs.gov

From: Boozang, Patricia <PBoozang@manatt.com>

Sent: Saturday, December 3, 2022 11:42 AM

To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>

Cc: Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Striar, Adam <AStriar@manatt.com>; Peterson, Alanna <APeterson@manatt.com>; Johanna L Barraza-Cannon <jbarrazacannon@mitre.org>; Thomas W Schenck <TSCHENCK@mitre.org>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

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Thank you – and have a wonderful weekend.

Patti

Patricia Boozang
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Manatt, Phelps & Phillips, LLP
177 Huntington Avenue
Suite 2500
Boston, MA 02115
D (212) 790-4523 **F** (212) 536-1883
PBoozang@manatt.com

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Message

From: Gibson, Alexis (CMS/CMCS); (b)(6)
(b)(6)
Sent: 9/29/2022 1:29:22 PM
To: Peterson, Alanna [APeterson@manatt.com]; Boozeang, Patricia [PBoozeang@manatt.com]; Mann, Cindy [CMann@manatt.com]; O'Connor, Kaylee [KOConnor@manatt.com]; Striar, Adam [AStriar@manatt.com]; Serafi, Kinda [KSerafi@manatt.com]; Giles, John (CMS/CMCS); (b)(6)
(b)(6) Gentile, Amy (CMS/CMCS)
(b)(6) TSCHENCK@mitre.org;
jbarrazacannon@mitre.org; rebeccacase@mitre.org
Subject: RE: RE: [External] CMCS Access Policy Sprint Working Session

Sorry for the late notice, but we will need to cancel today's meeting. John is out of the office unexpectedly, and Amy and I have a last minute conflict.

We will reach out about getting another time scheduled.

Thanks,
Alexis

Alexis E. Gibson, Esq.
Deputy Director for the Division of Managed Care Policy
Disabled and Elderly Health Programs Group
Center for Medicaid and CHIP Services
P: (410) 786-2813

-----Original Appointment-----

From: Peterson, Alanna <APeterson@manatt.com>
Sent: Monday, August 22, 2022 11:49 AM
To: Peterson, Alanna; Boozeang, Patricia; Mann, Cindy; O'Connor, Kaylee; Striar, Adam; Serafi, Kinda; Giles, John (CMS/CMCS); Gibson, Alexis (CMS/CMCS); Gentile, Amy (CMS/CMCS); TSCHENCK@mitre.org;
jbarrazacannon@mitre.org; rebeccacase@mitre.org
Subject: [External] CMCS Access Policy Sprint Working Session
When: Thursday, September 29, 2022 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: <https://manatt.zoom.us>; (b)(6)

[External] CMCS Access Policy Sprint Working Session Thursday, Sept 29, 2022 10:00 am – 11:00 am	<ul style="list-style-type: none">• Check-In on NPRM Drafting and Any Updates on Work Underway (CMS)• Update on Proposed MMC Access-Related Tools (see attached) (Manatt)• Check-in on Access Interviews (Manatt)<ul style="list-style-type: none">○ Florida Medicaid Access Interview (9/15) (see attached “one stop shop” document)• Confirm Next Steps (Manatt)
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Phone US: or
one-tap:

Meeting [https://manatt.zoom.us/](https://manatt.zoom.us/j/(b)(6)) (b)(6)

URL:

Meeting (b)(6)

ID:

Passcode (b)(6)

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1
301 715 8592 or +1 669 900 6833 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248
7799 or +1 386 347 5053 or +1 564 217 2000 or +1 669 444 9171 or 888 788 0099 (Toll
Free) or 877 853 5247 (Toll Free)

Meeting (b)(6)

ID:

Passcode (b)(6)

International numbers

Join from an H.323/SIP room system

H.323: (b)(6) (US West)
(b)(6) (US East)

Meeting (b)(6)

ID:

Passcode (b)(6)

SIP: (b)(6)

Passcode (b)(6)

Message

From: Peterson, Alanna [APeterson@manatt.com]
Sent: 12/6/2022 7:24:36 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6); Boozeang, Patricia [PBoozeang@manatt.com]; Gibson, Alexis (CMS/CMCS); (b)(6)
(b)(6)
CC: Serafi, Kinda [KSerafi@manatt.com]; Mann, Cindy [CMann@manatt.com]; Striar, Adam [AStriar@manatt.com]; Johanna L Barraza-Cannon [jbarrazacannon@mitre.org]; Thomas W Schenck [TSCHENCK@mitre.org]; Llanos, Karen (CMS/CMCS); (b)(6)
(b)(6); Gentile, Amy (CMS/CMCS); (b)(6)
(b)(6); Gibson, Alexis (CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: Reconnecting on Access Work

Hi John,
Confirming that **12/15 –2:30pm – 3:00 pm ET** works well on our end. I'll circulate a calendar appointment now.

Looking forward to reconnecting.

Best,
Alanna

Alanna Peterson
Manager - Manatt Health Strategies

Manatt, Phelps & Phillips, LLP
Washington Square
1050 Connecticut Avenue, NW, Suite 600
Washington, D. C., 20036
D (202) 585-6545 F (202) 585-6600
APeterson@manatt.com

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Cc: Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Striar, Adam <AStriar@manatt.com>; Peterson, Alanna <APeterson@manatt.com>; Johanna L Barraza-Cannon <jbarrazacannon@mitre.org>; Thomas W Schenck <TSCHENCK@mitre.org>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
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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: 240-904-2341
E-mail: John.Giles1@cms.hhs.gov

From: Boozang, Patricia <PBoozang@manatt.com>

Sent: Saturday, December 3, 2022 11:42 AM

To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>

Cc: Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Striar, Adam <AStriar@manatt.com>; Peterson, Alanna <APeterson@manatt.com>; Johanna L Barraza-Cannon <jbarrazacannon@mitre.org>; Thomas W Schenck <TSCHENCK@mitre.org>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

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Message

From: Gentile, Amy A. (CMS/CMCS); (b)(6)
(b)(6)
Sent: 8/3/2022 5:24:55 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: Quick Question

I don't want to send them anything. They have the chart; they can work from that. Although them working on reg text and preamble is useless. They need to gathering information on the specific topics that we requested that they research. Focus them on research, not drafting.

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Wednesday, August 3, 2022 1:18 PM
To: Gentile, Amy A. (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>
Subject: FW: Quick Question
Importance: High

Do you have anything you want to share with them?

From: Boozang, Patricia <PBoozang@manatt.com>
Sent: Wednesday, August 3, 2022 9:56 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Mann, Cindy <CMann@manatt.com>; Striar, Adam <AStriar@manatt.com>
Subject: Quick Question
Importance: High

John,

We are working on "secret shopper" preamble and reg language to take into account your desire to "lean into" states using CMS sub-regulatory guidance and templates to design their studies. I wanted to ask if you have draft reg language at this point that we can be working from/modifying rather than sending you something "de novo".

Thanks in advance – just want to make sure we are doing what's most efficient for your team.

Patti

Patricia Boozang
Senior Managing Director
Manatt Health Strategies

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1883 M (b)(6)
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CMS0003172cv2444

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Message

From: Boozeang, Patricia [PBoozeang@manatt.com]
Sent: 8/3/2022 1:55:49 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6)
CC: Mann, Cindy [CMann@manatt.com]; Striar, Adam [AStriar@manatt.com]
Subject: Quick Question

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From: Giles, John (CMS/CMCS); (b)(6)
(b)(6)
Sent: 8/4/2022 9:26:47 PM
To: Boozang, Patricia [PBoozang@manatt.com]
CC: Mann, Cindy [CMann@manatt.com]; Striar, Adam [AStriar@manatt.com]; Giles, John (CMS/CMCS)
(b)(6)
Subject: RE: RE: Quick Question

Hi Patti –

I connected with the team today, and we are still in the very early stages of preamble and reg text development. So, nothing to share just yet. We welcome your language to help us along.

Thank you so much!

John Giles

From: Boozang, Patricia <PBoozang@manatt.com>
Sent: Wednesday, August 3, 2022 9:56 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Mann, Cindy <CMann@manatt.com>; Striar, Adam <AStriar@manatt.com>
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CMS0003175cv2444

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From: Boozeang, Patricia [PBoozeang@manatt.com]
Sent: 8/5/2022 9:01:55 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6)
CC: Mann, Cindy [CMann@manatt.com]; Striar, Adam [AStriar@manatt.com]
Subject: RE: RE: Quick Question

Thanks, John – I also wanted to check in on the NAMD Access working group you mentioned to ask if we might be able to participate in some or all of those sessions to inform our work with you.

Thanks again – and have a wonderful weekend.

Patricia Boozeang
Senior Managing Director
Manatt Health Strategies

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D (212) 790-4523 **F** (212) 536-1883 **M:** (b)(6)
PBoozeang@manatt.com

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From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Thursday, August 4, 2022 5:27 PM
To: Boozeang, Patricia <PBoozeang@manatt.com>
Cc: Mann, Cindy <CMann@manatt.com>; Striar, Adam <AStriar@manatt.com>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Quick Question

Hi Patti –

I connected with the team today, and we are still in the very early stages of preamble and reg text development. So, nothing to share just yet. We welcome your language to help us along.

Thank you so much!

John Giles

From: Boozang, Patricia <PBoozang@manatt.com>
Sent: Wednesday, August 3, 2022 9:56 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Mann, Cindy <CMann@manatt.com>; Striar, Adam <AStriar@manatt.com>
Subject: Quick Question
Importance: High

John,

We are working on “secret shopper” preamble and reg language to take into account your desire to “lean into” states using CMS sub-regulatory guidance and templates to design their studies. I wanted to ask if you have draft reg language at this point that we can be working from/modifying rather than sending you something “de novo”.

Thanks in advance – just want to make sure we are doing what’s most efficient for your team.

Patti

Patricia Boozang
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Message

From: Boozeang, Patricia [PBoozeang@manatt.com]
Sent: 8/16/2022 3:43:03 PM
To: Giles, John (CMS/CMCS); (b)(6); (b)(6); Peterson, Alanna [APeterson@manatt.com]; Mann, Cindy [CMann@manatt.com]; O'Connor, Kaylee [KOConnor@manatt.com]; Striar, Adam [AStriar@manatt.com]; Serafi, Kinda [KSerafi@manatt.com]; TSCHENCK@mitre.org; Gibson, Alexis E. (CMS/CMCS); (b)(6); (b)(6); Gentile, Amy A. (CMS/CMCS); jbarrazacannon@mitre.org; rebeccacase@mitre.org
CC: Llanos, Karen E.(CMS/CMCS); (b)(6); (b)(6)
Subject: RE: RE: [External] CMCS Access Policy Sprint Working Session

Thanks, John – will do.

Patricia Boozeang
Senior Managing Director
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From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Tuesday, August 16, 2022 11:28 AM
To: Peterson, Alanna <APeterson@manatt.com>; Boozeang, Patricia <PBoozeang@manatt.com>; Mann, Cindy <CMann@manatt.com>; O'Connor, Kaylee <KOConnor@manatt.com>; Striar, Adam <AStriar@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; TSCHENCK@mitre.org; Gibson, Alexis E. (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Gentile, Amy A. (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; jbarrazacannon@mitre.org; rebeccacase@mitre.org
Cc: Llanos, Karen E.(CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: [External] CMCS Access Policy Sprint Working Session

Hi All – we would also like to discuss the attached document with you today. Thank you!

-----Original Appointment-----

From: Peterson, Alanna <APeterson@manatt.com>

Sent: Monday, August 1, 2022 2:18 PM

To: Peterson, Alanna; Boozang, Patricia; Mann, Cindy; O'Connor, Kaylee; Striar, Adam; Serafi, Kinda; TSCHENCK@mitre.org; Giles, John (CMS/CMCS); Gibson, Alexis E. (CMS/CMCS); Gentile, Amy A. (CMS/CMCS); jbarrazacannon@mitre.org; rebeccacase@mitre.org

Cc: Llanos, Karen E.(CMS/CMCS)

Subject: [External] CMCS Access Policy Sprint Working Session

When: Tuesday, August 16, 2022 12:00 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://manatt.zoom.us/j/91811200000> (b)(6)

[External] CMCS/Manatt/MITRE Access Spring Meeting Tuesday, August 16, 2022, 12:00-1:00 pm ET	<ol style="list-style-type: none">1. Review Draft Secret Shopper/Provider Survey Preamble and Regulatory Text Memorandum (see Provider Survey Memo 8.12.22 attached) - Manatt<ul style="list-style-type: none">• Share Key Takeaways from Interview with DC (8/15) (forthcoming)2. Update on Status of Appointment Wait-Time Implementation and Enforcement Recommendations Memorandum (see Appointment Wait-Time 8.10.22 attached) - CMS3. Discuss Next Steps/Timing for to Data-Driven Strategy for Monitoring Access - Manatt4. Discuss how MITRE/Manatt can best support CMS during August through year-end (see revised Workplan attached) – Manatt5. Next Steps (Manatt)<ul style="list-style-type: none">• Check-In on Participation in the NAMD Access Workgroup Meetings (CMS)• Next Meeting: 8/25 – Proposed Agenda (Manatt)<ul style="list-style-type: none">○ Discuss Optimizing the Online Experience for Individuals Enrolled in Medicaid Managed Care Memorandum○ Review Final Draft of Appointment Wait-Time Implementation and Enforcement Recommendations Memorandum○ Continue Discussing CMS Comments/Feedback on Status of Secret Shopper/Provider Survey Memorandum (as needed)
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Attachments:

1. Secret Shopper/Provider Survey Memorandum
2. Appointment Wait-Time Implementation and Enforcement Recommendations Memorandum
3. Manatt/MITRE Medicaid Managed Care Access Sprint Support Workplan

Upcoming Medicaid Managed Care Access Spring Meetings with CMS/Manatt/MITRE:

- Thursday, August 25, 4:00 – 5:00 PM ET
- Monday, August 29, 10:00 – 11:00 am ET
- Month of September – TBD

Hi there,

Alanna Peterson is inviting you to a scheduled Zoom meeting.

Phone US: or
one-tap:

Meeting <https://manatt.zoom.us/j/60992052000> (b)(6)

URL:

Meeting (b)(6)

ID:

Passcode (b)(6)

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1
253 215 8782 or +1 346 248 7799 or +1 386 347 5053 or +1 564 217 2000 or +1 669 444
9171 or +1 669 900 6833 or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

Meeting (b)(6)

ID:

Passcode (b)(6)

International numbers

Join from an H.323/SIP room system

H.323: (b)(6) (US West)
(b)(6) (US East)

Meeting (b)(6)

ID:

Passcode (b)(6)

SIP: (b)(6)

Passcode (b)(6)

Message

From: Giles, John (CMS/CMCS); (b)(6)
(b)(6)
Sent: 8/4/2022 9:25:22 PM
To: Gentile, Amy A. (CMS/CMCS); (b)(6)
(b)(6) Burch Mack, Rebecca
M. (CMS/CMCS); (b)(6)
(b)(6) Snyder, Laura M. (CMS/CMCS)
(b)(6) Jones, Elizabeth (CMS/CMCS)
(b)(6) Gibson, Alexis E. (CMS/CMCS)
(b)(6) Giles, John (CMS/CMCS)
(b)(6) Rodriguez, Matthew
(CMS/CMCS); (b)(6)
(b)(6)
Subject: FW: FW: KHN Morning Briefing: Aug. 4, 2022
Attachments: Hospitals serving Black patients get less financial help, study shows _ Modern Healthcare.pdf

FYI –

From: Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>
Sent: Thursday, August 4, 2022 11:32 AM
To: Deboy, Alissa M. (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gibson, Alexis E. (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Smith, Carrie A. (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Llanos, Karen E. (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>
Cc: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Mallick, Aditi (CMS/CMCS) <Aditi.Mallick1@cms.hhs.gov>
Subject: FW: FW: KHN Morning Briefing: Aug. 4, 2022

FYI.

From: Mann, Cindy <CMann@manatt.com>
Sent: Thursday, August 4, 2022 11:16 AM
To: Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>
Subject: FW: FW: KHN Morning Briefing: Aug. 4, 2022

This was flagged in today's KFF report so you may well have seen it (we are also doing a close look at data in three states on this point, as well as our ongoing NYC safety net work). Relates to both access work and directed payment issues.

And someday I'd love to hear more about TN. Excellent result all things considered.

Cindy Mann
Partner

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August 03, 2022 02:37 PM | UPDATED 19 HOURS AGO

Hospitals serving Black patients get less financial help, study shows

CAROLINE HUDSON



MH Illustration/Getty Images

Researchers compiled data from Medicare and the AHA on 5,740 hospitals.

Hospitals serving a higher proportion of Black patients receive less financial support for providing care compared with those serving a lower proportion, according to a recent study from physician-researchers at the University of California Los Angeles and Princeton, Johns Hopkins and Harvard universities

The peer-reviewed study compiled data from Medicare and the American Hospital Association on 5,740 hospitals from 2016 to 2018. Of those hospitals, 574 were defined as “Black-serving,” or those in the top 10% for the highest share of Black patients among Medicare inpatients. Most of the Black-serving hospitals were concentrated in Southern and/or urban environments.

Total reimbursements, which includes payments from patients and insurers for patient care per day, were an average of 21.6% lower at the Black-serving hospitals, researchers found. The hospitals serving more Black patients averaged a loss of \$17 per patient each day, compared with an average profit of \$126 per patient day among the study’s other hospitals.

Mean profits were \$111 lower per patient day at Black-serving hospitals, once adjusted for the variety in cases and facilities.

Much of the disparity stems from reimbursement rates and often leads to lower standards of care at hospitals with fewer resources, said Dr. Gracie Himmelstein, study author and an internal medicine resident at UCLA. Medicaid discharges accounted for 14.2% of discharges at Black-serving hospitals, compared with 9.5% at the other facilities, according to the study. Medicaid, in general, reimburses providers at a lower rate than Medicare or private agencies.

Download Modern Healthcare’s app to stay informed when industry news breaks.

Medicaid reimbursements have been a contentious issue for years, with states battling over whether to accept the financial hit of expanded coverage. The COVID-19 pandemic has further highlighted the disparities created in government-funded coverage options.

“These differences in reimbursement rates from different insurances are not created in a vacuum, and the sort of racial dynamics of these programs are well-known,” Himmelstein said. “What we’re seeing here is this disparate impact.”

She sees the disparity play out in her day-to-day work. Himmelstein, who also works at a private facility, attributes the different standards of care to different reimbursement rates and limited resources.

Himmelstein said the same trends are likely happening among other minority populations, although the Medicaid data is not as comprehensive for those demographics.

Inline Play

Source URL: <https://www.modernhealthcare.com/finance/hospitals-serving-black-patients-get-less-financial-help-study-shows>

Message

From: Gentile, Amy (CMS/CMCS) (b)(6)
(b)(6)
Sent: 10/27/2022 11:42:21 AM
To: Giles, John (CMS/CMCS) (b)(6)
(b)(6)
Subject: Manatt: CMS Policy Sprint Working Session Agenda: 9/29
Attachments: MMC Access-Related Tools; Summary Document (One Stop Shop) Package of Preamble_Regulatory Language and Roadmap Deliverables 09.16.22.docx

In the first attachment, let's offer to have Manatt work on #2 *First in the MMC Punch List Series: Improving Provider Access in MMC* or #4 *Toolkit on promoting access to address health disparities*. Both are fairly disconnected from the reg.

From: Boozang, Patricia <PBoozang@manatt.com>
Sent: Tuesday, September 27, 2022 3:27 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>
Cc: Thomas W Schenck <TSCHENCK@mitre.org>; Johanna L Barraza-Cannon <jbarrazacannon@mitre.org>; Rebecca Case <rebeccacase@mitre.org>; Mann, Cindy <CMann@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; O'Connor, Kaylee <KOConnor@manatt.com>; Striar, Adam <AStriar@manatt.com>; Peterson, Alanna <APeterson@manatt.com>
Subject: FW: CMS Policy Sprint Working Session Agenda: 9/29

John, Alexis and Amy – see below and attached. Let us know if you have any changes to our planned agenda for Thursday – look forward to speaking then,

Patti

Patricia Boozang
(she/hers)
Senior Managing Director
Manatt Health Strategies

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From: Boozang, Patricia <PBoozang@manatt.com>
Sent: Thursday, September 22, 2022 3:50 PM
To: john.giles1@cms.hhs.gov; alexis.gibson@cms.hhs.gov; amy.gentile@cms.hhs.gov
Cc: TSCHENCK@mitre.org; jbarrazacannon@mitre.org; rebeccacase@mitre.org; Serafi, Kinda <KSerafi@manatt.com>;

Mann, Cindy <CMann@manatt.com>; O'Connor, Kaylee <KOConnor@manatt.com>; Striar, Adam <AStriar@manatt.com>; Peterson, Alanna <APeterson@manatt.com>

Subject: CMS Policy Sprint Working Session Agenda: 9/29

John, Amy, and Alexis—we wanted to check-in regarding our next CMCS Access Policy Sprint Working Session scheduled for Thursday, 9/29 at 10 am ET. We've included below a proposed agenda, and welcome any additions or changes you might have. Looking forward to reconnecting next week.

Thanks,
Patti

[External] CMCS Access Policy Sprint Working Session Thursday, Sept 29, 2022 10:00 am – 11:00 am	<ul style="list-style-type: none">• Check-In on NPRM Drafting and Any Updates on Work Underway (CMS)• Update on Proposed MMC Access-Related Tools (see attached) (Manatt)• Check-in on Access Interviews (Manatt)<ul style="list-style-type: none">○ Florida Medicaid Access Interview (9/15) (see attached “one stop shop” document)• Confirm Next Steps (Manatt)
---	---

Patricia Boozang
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Senior Managing Director
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Message

From: Boozang, Patricia [PBoozang@manatt.com]
Sent: 9/16/2022 5:35:00 PM
To: Giles, John (CMS/CMCS) [john.giles1@cms.hhs.gov]; Gentile, Amy (CMS/CMCS) [amy.gentile@cms.hhs.gov]; Gibson, Alexis (CMS/CMCS) [alexis.gibson@cms.hhs.gov]
CC: Mann, Cindy [CMann@manatt.com]; O'Connor, Kaylee [KOConnor@manatt.com]; Serafi, Kinda [KSerafi@manatt.com]; Striar, Adam [AStriar@manatt.com]; Peterson, Alanna [APeterson@manatt.com]; Thomas W Schenck [TSCHENCK@mitre.org]; Johanna L Barraza-Cannon [jbarrazacannon@mitre.org]
Subject: MMC Access-Related Tools

John, Amy and Alexis,

Over the last week or so, we have given some thought to potential Medicaid-related access tools to improve access that Manatt Health, in partnership with MITRE and Aurrera Health Group. We focused on tools well-suited to development between September and December 2022, leveraging the access “sprint” work conducted to date. We’re planning to share with Karen Llanos the below “menu of options” from which priority deliverables would be chosen by OCD. The table shared with OCD will also include potential deliverables related to the other sprints – e.g., the Medicaid Advisory Committee, HCBS Direct Care Worker Payment Requirements.

Given the collaborative nature of our sprint work to date, we want to make sure that you had an opportunity to review and provide input. We welcome any feedback on the below proposals, whether there are other tools that would be high-value that we have not reflected here, and your thoughts on prioritization. We plan to share the proposals with Karen by Tuesday morning, so we’d ask for your thoughts **by EOD on Monday, 9/19**. We are sorry for the short notice – and we are happy to jump on the phone if you prefer to discuss.

Thanks,

Patti

	Proposed Tool	Lead Resource	Level of Effort	Description of Tools/Notes
Short-Term (October – December 2022) Proposed Tools to Promote Access				
1	Draft MMC Access Guidance (SMDL and FAQs) ^[1]	Manatt, MITRE	High	Following the release of MMC-related access requirements in regulation, CMS could release sub-regulatory guidance providing states with concrete guidelines and supportive technical information related to implementing and meeting the new regulatory requirements. Manatt could support CMS by developing draft sub-regulatory guidance in the following areas: <ul style="list-style-type: none">Implementing appointment wait-time standards, such as: how states should assess whether they/their plans are meeting the 90 percent threshold for the state’s appointment wait-time standards—including considerations related to sample size; defining “routine” for each provider type; allowable ways to select specialist provider types based on identified provider access issues and corresponding appointment wait-time standards; considerations for varying appointment wait-time standards (e.g., by adult vs. pediatric, geography, service type); and how/the degree to which states should apply telehealth in meeting the standards.

^[1] To develop this proposal by December 2022, Manatt would require draft regulations from CMS.

	Proposed Tool	Lead Resource	Level of Effort	Description of Tools/Notes
				<ul style="list-style-type: none"> Designing and implementing provider surveys, including secret and revealed shopper studies and mechanisms to identify disparities in access. The process for states to analyze, report to CMS, and publish on the state's website a percentage comparison of each contracted health plan's Medicaid payment rates, by provider type, to the most recently published Medicare payment rates effective for the time period; alternative benchmarks that could be used in instances where Medicare payment rates are not available; and how to account for supplemental payments.
2	First in the MMC Punch List Series: <i>Improving Provider Access in MMC</i>	Manatt, MITRE	Medium	Separate from the proposed rule, CMS could release a series of punch lists focused on best practice strategies for improving access in MMC. The first punch list in the series, "Improving Provider Access in MMC" would be tied to the MMC-related access requirements in regulation. It could amplify best practices and mitigation strategies for states to strengthen access to key provider types and diversity/cultural competency of provider networks. Topics could include assessing provider payment rates; coordinating and streamlining provider recruitment and credentialing; reducing provider administrative burden; issues specific to rural and frontier states; timely enforcement mechanisms; and identifying and addressing disparities in access.
3	Updated Access and Network Adequacy Assurances Reporting Tool ^[2]	Manatt, MITRE	Medium	CMS could update the Access and Network Adequacy Assurances Reporting Tool to provide states with a standardized template for reporting provider rate comparisons. Providing states with a standardized template for reporting this information would ease administrative burden on states and ensure CMS receives standardized, comparable datapoints across states. Ultimately, this tool will help promote greater transparency in Medicaid provider payment rates and enable CMS (and states) to monitor and mitigate payment-related access barriers and disparities.
4	Toolkit on promoting access to address health disparities	MITRE	Medium/High	Each sprint considered health disparities at some level and some of the tools proposed in this table consider health disparities specifically. We are proposing a specific tool aimed at improving access and eliminating health disparities that would cut across all access topics. The toolkit would expand on steps that states can take <i>now</i> to promote access in their Medicaid programs and address racial/ethnic inequities. More specifically, the toolkit could facilitate the development of access-related solutions (e.g., to provide sustainable and equitable Medicaid reimbursement for providers—such as those in rural areas; improve data resources that shed light on racism/disparities; and address inequities in quality of care). <i>Note: this punch list is not connected to specific regulations but across regulatory and sub-regulatory guidance.</i>
Longer-Term Proposed Tools to Promote Access				
5	MMC Provider Survey Toolkit	Manatt	High	Once the provider survey requirements are finalized, CMS could release a provider survey toolkit including information for states to field provider surveys to meet state-specific needs and comply with new federal requirements. Manatt could commence the work on developing the

^[2] To develop this proposal by December 2022, Manatt would require draft regulations from CMS.

	Proposed Tool	Lead Resource	Level of Effort	Description of Tools/Notes
				<p>provider survey toolkit in parallel to CMS' drafting of the proposed rule. Examples of tools may include:</p> <ul style="list-style-type: none"> • Example study protocol/methodological specifications. • Call scripts for different surveys (both secret shopper and revealed survey scenarios). • Provider sampling considerations and approaches to ensure adequate statistical accuracy and geographic and demographic representation. • Technical guidance on establishing straw model Medicaid shopping personas. • Guidance on timing and frequency of surveys. • Guidance on survey strategies to identify disparities in access related to race, ethnicity, primary language, gender/gender identity, sexual orientation. • Unique considerations related to secret and revealed surveys. • Detailed guidance on statistical approaches for analyzing survey results. • Provider survey design template that could be customized by the state and outlines the minimum components of a provider survey, consistent with CMS guidance, with fillable text fields, help text, and references to specific technical assistance tools related to each survey component. <p><i>Note: States that do not want to develop their own survey design and approach could essentially customize and implement the federal toolkit (i.e., "plug and play"). States that choose to develop their own approach (or modify their current approach to meet federal specifications) could use the toolkit as guidance and support.</i></p>
6	Cross-cutting tools, toolkit, on model state practices for promoting transparency for beneficiaries	MITRE	Medium	<p>Promoting transparency has come up in each sprint and across the topic of access. Could create toolkit that promotes transparency as a whole versus for specific access provisions or Medicaid program components. Could tie to work on state website requirements. For example, CMS could conduct consumer usability assessments of three to five state Medicaid/CHIP websites (using an independent UX vendor and not to be publicly shared) to uncover pain points and navigational challenges. This would lend credibility to and inform recommendations to state Medicaid and CHIP agencies on website.</p>
Parking Lot				
7	MMC Access Learning Collaborative	TBD (this work may be underway by a contractor)	High	<ul style="list-style-type: none"> • CMS could convene a series of learning collaborative meetings on the new access requirements, which could entail a review of federal requirements, description of policy and operational options and implementation considerations, direct technical assistance and subject matter expertise, state best practices, and cross-state information sharing discussions. To best position CMS to facilitate these webinars once the regulations are released, Manatt could commence work on developing webinar meeting materials that would be leveraged later. Topics could include: • Strategies for states to examine their current provider networks, identify access issues, and increase provider participation. • Best practices for ensuring diverse and culturally competent provider networks.

	Proposed Tool	Lead Resource	Level of Effort	Description of Tools/Notes
				<ul style="list-style-type: none"> • Best practices for identifying and addressing disparities in access. • Best practices for leveraging telehealth to address network adequacy and increase access. • Provider survey program design and implementation to facilitate cross-state learnings on methodological and operational best practices and key challenges. • Best practices for ensuring accuracy of provider directories. • Using Transformed Medicaid Statistical Information System (T-MSIS) and other state data sources to quantify Medicaid and Children's Health Insurance Program (CHIP) access issues.

Patricia Boozang

(she/hers)

Senior Managing Director

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Message

From: Gentile, Amy A. (CMS/CMCS); (b)(6)
(b)(6)
Sent: 8/18/2022 9:07:46 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6)
Subject: FW: FW: Questions on Rate Transparency
Attachments: Reimbursement analysis example for Mitre.xlsx

I've added some responses in green below, except for #3.
Thanks.

From: Boozang, Patricia <PBoozang@manatt.com>
Sent: Thursday, August 18, 2022 2:11 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gentile, Amy A. (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Gibson, Alexis E. (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Cc: Striar, Adam <AStriar@manatt.com>; O'Connor, Kaylee <KOConnor@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; Thomas W Schenck <TSCHENCK@mitre.org>
Subject: Questions on Rate Transparency
Importance: High

Hi John,

As we tackle your questions on MMC rate transparency guidance, we just have a couple of questions regarding CMS's rate transparency work that we were hoping you could clarify for us.

First, we want to make sure we understand how CMS would intend for states to populate the attached 207 "amendment". From our review of this spreadsheet template, it looks like CMS would be asking states to:

- Populate "Medicaid Spending" with total Medicaid expenditures for each provider type (e.g., primary care). As a simplified mathematical example:
 - Total Medicaid Spending = [Medicaid Utilization for Service #1] x [Medicaid Rate for Service #1] + [Medicaid Utilization for Service #2] x [Medicaid Rate for Service #2]...et seq...
- Populate "Medicare Equivalent" by substituting the Medicare rate for the Medicaid rate across an identical basket of services. As a simplified mathematical example:
 - Medicare Equivalent = [Medicaid Utilization for Service #1] x [**Medicare** Rate for Service #1] + [Medicaid Utilization for Service #2] x [**Medicare** Rate for Service #2]...et seq...
- Calculate the ratio of Medicaid Spending for the same basket of services as a percentage of the Medicare Equivalent

We also want to confirm our understanding of the goals of CMS's efforts around rate transparency on the managed care side. Our understanding is that:

- CMS is aiming for greater transparency of average rates by MMC plan in each state, relative to Medicare, for different provider types.

- In terms of supporting access, this would (1) allow states and CMS to understand where there are plans that generally pay less than others overall and for discrete provider types, and (2) if there are provider types in which plans/states are generally “underinvesting” for Medicaid enrollees.

Our questions (responses to which will really help make sure we are on the right track...):

Is our understanding on all of the above correct, or can you clarify for us?

If we are right about these assumptions, we actually don't see the risk that states are raising of individual providers within a plan network provider type may use the data to demonstrate that they are “underpaid” relative to others, and put upward pressure on states. Unless states believe that providers would be able to replicate the model based on their reimbursement levels and compare to the state averages. Is that what you think the concern is? Or would it relate to providers submitting FOI requests for the underlying data?

3. Can you say more about the extent to which you are coordinating rate transparency efforts across managed care and fee-for-service (i.e., are you coordinating with FMG)? And, any luck on identifying similar efforts underway for Medicare Advantage and the Marketplace? John??

Finally, on a related note, we wanted to highlight a [blog](#) that a few of our team members recently published on issues related to payment parity which may be of interest as you advance this work.

Thanks,
Patti

Patricia Boozang
Senior Managing Director
Manatt Health Strategies

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Message

From: Gentile, Amy (CMS/CMCS); (b)(6)
(b)(6)
Sent: 10/27/2022 11:44:39 AM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6)
Subject: FW: FW: Manatt: CMS Policy Sprint Working Session Agenda: 9/29
Attachments: MMC Access-Related Tools; Summary Document (One Stop Shop) Package of Preamble_Regulatory Language and Roadmap Deliverables 09.16.22.docx

Sorry, forgot to add: Manatt is to be told up front that they are to work independently on this; CMS does not have the bandwidth to have meetings on it or review it (except perhaps an outline of the contents).

From: Gentile, Amy (CMS/CMCS)
Sent: Thursday, October 27, 2022 7:42 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: Manatt: CMS Policy Sprint Working Session Agenda: 9/29

In the first attachment, let's offer to have Manatt work on #2 *First in the MMC Punch List Series: Improving Provider Access in MMC* or #4 *Toolkit on promoting access to address health disparities*. Both are fairly disconnected from the reg.

From: Boozang, Patricia <PBoozang@manatt.com>
Sent: Tuesday, September 27, 2022 3:27 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>
Cc: Thomas W Schenck <TSCHENCK@mitre.org>; Johanna L Barraza-Cannon <jbarrazacannon@mitre.org>; Rebecca Case <rebeccacase@mitre.org>; Mann, Cindy <CMann@manatt.com>; Serafi, Kinda <KSerafi@manatt.com>; O'Connor, Kaylee <KOConnor@manatt.com>; Striar, Adam <AStriar@manatt.com>; Peterson, Alanna <APeterson@manatt.com>
Subject: FW: CMS Policy Sprint Working Session Agenda: 9/29

John, Alexis and Amy – see below and attached. Let us know if you have any changes to our planned agenda for Thursday – look forward to speaking then,

Patti

Patricia Boozang
(she/hers)
Senior Managing Director
Manatt Health Strategies

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From: Boozang, Patricia <PBoozang@manatt.com>

Sent: Thursday, September 22, 2022 3:50 PM

To: john.giles1@cms.hhs.gov; alexis.gibson@cms.hhs.gov; amy.gentile@cms.hhs.gov

Cc: TSCHENCK@mitre.org; jbarrazacannon@mitre.org; rebeccacase@mitre.org; Serafi, Kinda <KSerafi@manatt.com>; Mann, Cindy <CMann@manatt.com>; O'Connor, Kaylee <KOConnor@manatt.com>; Striar, Adam <AStriar@manatt.com>; Peterson, Alanna <APeterson@manatt.com>

Subject: CMS Policy Sprint Working Session Agenda: 9/29

John, Amy, and Alexis—we wanted to check-in regarding our next CMCS Access Policy Sprint Working Session scheduled for Thursday, 9/29 at 10 am ET. We've included below a proposed agenda, and welcome any additions or changes you might have. Looking forward to reconnecting next week.

Thanks,
Patti

[External] CMCS Access Policy Sprint Working Session Thursday, Sept 29, 2022 10:00 am – 11:00 am	<ul style="list-style-type: none">• Check-In on NPRM Drafting and Any Updates on Work Underway (CMS)• Update on Proposed MMC Access-Related Tools (see attached) (Manatt)• Check-in on Access Interviews (Manatt)<ul style="list-style-type: none">○ Florida Medicaid Access Interview (9/15) (see attached “one stop shop” document)• Confirm Next Steps (Manatt)
---	---

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(she/hers)
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Message

From: Giles, John (CMS/CMCS); (b)(6)
(b)(6)
Sent: 12/21/2022 6:15:38 PM
To: Deboy, Alissa (CMS/CMCS); (b)(6)
(b)(6); Smith, Carrie
(CMS/CMCS); (b)(6)
CC: (b)(6)
Giles, John (CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: NY Safety Net Coalition backgrounder

Thanks! I will cover the meeting with Alexis and Tara – 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: 240-904-2341
E-mail: John.Giles1@cms.hhs.gov

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Sent: Wednesday, December 21, 2022 1:13 PM
To: Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: FW: NY Safety Net Coalition backgrounder

Noting I am unable to join. John – Feel free to bring others.

Alissa Mooney DeBoy
Director, Disabled and Elderly Health Programs Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
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Mailstop S2-14-26
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Email: Alissa.deboy1@cms.hhs.gov

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From: Mann, Cindy <CMann@manatt.com>
Sent: Wednesday, December 21, 2022 1:04 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Cc: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Brown, LaRay <labrown@interfaithmedical.org>; Bernstein, William S. <WBernstein@manatt.com>; Cantrell, Christopher <CCantrell@manatt.com>
Subject: NY Safety Net Coalition backgrounder

Hello

We are looking forward to the meeting with you tomorrow and the NY Safety Net Coalition leaders. As background, attached are some key facts and figures about the Coalition members, the issues they are confronting relative to reimbursement rates and the intersection with some key issues CMS is grappling with.

Thanks in advance for taking the time to meet-

Cindy

Cindy Mann
Partner

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CMann@manatt.com

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Message

From: Kuhn, Juliet L. (CMS/CMCS); (b)(6)
(b)(6)
Sent: 8/3/2022 7:00:44 PM
To: Giles, John (CMS/CMCS); (b)(6)
(b)(6); Snyder, Laura M.
(CMS/CMCS); (b)(6)
(b)(6)
Subject: FW: FW: Directed payments, safety nets, equity and structural reform
Attachments: NY Safety Net Hospital Coalition Briefing Overview 011822.pdf

From: Deboy, Alissa M. (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Sent: Wednesday, January 19, 2022 12:35 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kuhn, Juliet L. (CMS/CMCS) <Juliet.Kuhn@cms.hhs.gov>
Subject: FW: Directed payments, safety nets, equity and structural reform

Let me know your thoughts on this slide deck and the other NY letter sent earlier by Dan when you have a chance to evaluate this week.

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From: Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>
Sent: Wednesday, January 19, 2022 12:31 PM
To: Deboy, Alissa M. (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Smith, Carrie A. (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Cc: Cash, Judith (CMS/CMCS) <Judith.Cash@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Mallick, Aditi (CMS/CMCS) <Aditi.Mallick1@cms.hhs.gov>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: FW: Directed payments, safety nets, equity and structural reform

See attached...

From: Mann, Cindy <CMann@manatt.com>
Sent: Tuesday, January 18, 2022 7:57 PM
To: Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>
Subject: Directed payments, safety nets, equity and structural reform

Email bounced so trying again.

Cindy Mann
Partner

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From: Mann, Cindy
Sent: Tuesday, January 18, 2022 7:46 PM
To: daniel.tsai@cms.hhs.gov
Subject: Directed payments, safety nets, equity and structural reform

Hi Dan,

Not sure if you saw my email below relating to some decisions the CMS team is making about how to measure directed payments relative to commercial rates. Flagging it because I know it is a live issue the team is considering which has significant implications not just for the NY hospitals but for the broader structural reforms that you and Chiquita are seeking.

To help think about that question and the broader question of how CMS might consider ways to put its thumb on the scale to achieve structural rate reform with an equity lens, we've conducted additional analysis using Fair Health Data for NYC hospitals. Attached is a deck with showing that analysis, which was recently shared with NYS as part of a broader effort to deepen the NYS investment into anchor hospitals serving very poor communities/communities of color in a way that can realize longer term structural reform and the ability for those hospitals to thrive.

This analysis:

- parses out key differences for anchor institutions (those where Medicaid/uninsured account for at least 45% of inpatient and outpatient volume), compared to the next rung of "safety net" hospitals (the group for which NYS is current seeking directed payments) and for NYC hospitals overall
 - in particular see slides 7-9 on average commercial rates vs average Medicaid rates (even accounting for the new directed payment NYS is seeking and that our hospitals support)
- quantifies what the anchor safety net hospitals see as the gap remaining even with the new, proposed payment , with the level of need pegged to achieving an operating margin of 1.7% which is the statewide average for NY (you had asked me for the "delta" when we last spoke about this in December)
- provides data showing the link between these anchor institutions and race/poverty and the financial fragility of these hospitals viewed by comparisons of Medicaid payment rates (FFS and managed care) to commercial ;and Medicare FFS rates.

The idea here is to get to structural reform where base payments (which the state would direct MCOs to pay) are appropriately set, avoiding temporary, transitional, one-off payments. Given the immediate NY implications and the

broader national implications for safety net hospitals/equity, would it be helpful to set up a briefing to go through this data with some of the NY hospitals? Either way, hope this analysis is helpful.

Let me know what you think.

Thanks, Dan-

Cindy

Cindy Mann
Partner

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From: Mann, Cindy <CMann@manatt.com>
Sent: Wednesday, January 5, 2022 10:08 PM
To: daniel.tsai@cms.hhs.gov
Subject: Directed payments

Hi Dan.,

Sorry for directed payments to be the first email I send you in the new year but since this issue is under active discussion, I wanted to flag it for your consideration. This relates to the NYS proposed directed payments to a group of safety net hospitals that we discussed a few weeks ago. While we are seeking further action by the state to deepen the investment for the subgroup of these hospitals most at risk who are operating in very poor communities of color (preferably thru rate reform but potentially thru a target directed payment), we've been working with alongside the state in support of the payments they have proposed as they are sorely needed. The issue is that CMS asked the state to identify the average commercial for these hospitals presumably to consider whether to calibrate an acceptable directed payment amount off that base (see back and forth with Alexis below). This seems upside down. The hospitals with the lowest commercial rates are the most distressed in part because of those low rates. Setting directed payments off that base will perpetuate disparities and undermine efforts to use directed payments to support access and improve quality where it is needed most. We are working on gathering other data for CMS to consider but meanwhile wanted to see if this issue had yet bubbled up to you.

Thanks,

Cindy

Anne,

Thanks for the quick response. We appreciate Manatt's comments, and this remains an active area of policy for the agency. At this point that is the extent of the feedback we are able to offer.

Thanks,
Alexis

From: Karl, Anne O. <AKarl@manatt.com>
Sent: Wednesday, January 5, 2022 10:57 AM
To: Gibson, Alexis E. (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Subject: RE: Happy New Year! And question

Hi Alexis,

Thanks so much. Unfortunately, comparing for the applicable hospital class does not entirely solve the problem. Since the applicable hospital class is safety net hospitals, all the qualifying hospitals are in the largely similar position of having limited negotiating leverage due to the fact that they are safety net hospitals. In other words, the populations these hospitals serve mean they are not "must have" hospitals for commercial networks, which perpetuates the inequities and historic underinvestment in these facilities. We think the better benchmark is all hospitals in the geographic area, which blends together those with stronger and less strong negotiating positions to better reflect the true average negotiated rate, so that these hospitals can be on more sustainable and equitable footing.

I really appreciate the insights.

Thanks so much,
Anne

Anne Karl
Partner

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AKarl@manatt.com

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From: Gibson, Alexis E. (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Sent: Wednesday, January 5, 2022 9:47 AM
To: Karl, Anne O. <AKarl@manatt.com>
Subject: RE: Happy New Year! And question

Dear Anne,

Good to hear from you, and Happy New Year.

I reached out to our Reimbursement team on this issue. They own the state directed payment process. I was informed that they met with the state yesterday. During the meeting they recommended NY provide the reimbursement analysis compared to a benchmark for the applicable hospital class (and not the individual hospital). We think this cleared up the issue for the state, but let me know if I am wrong.

Thanks,
Alexis

From: Karl, Anne O. <AKarl@manatt.com>
Sent: Tuesday, January 4, 2022 2:59 PM
To: Gibson, Alexis E. (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Subject: Happy New Year! And question

Hi Alexis,

I hope 2022 is off to a great start and that you were able to catch your breath over the holiday week. I wanted to reach out with a question about the right comparison group for assessing the level of directed payments.

We are supporting a coalition of safety net hospitals in New York City that are working with NYSDOH to establish a directed payment that would promote sustainable and equitable payments for the safety net hospitals. We understand that CMS has requested that the State provide data comparing the proposed directed payments to average commercial rates **for each individual hospital**. We had thought a more representative example of an appropriate arms' length negotiated rate would be the average commercial rate for hospitals in the geographic area, and we wanted to understand more what CMS's policy aims were. Our concern is that safety net hospitals often have low average commercial rates, often below even Medicare, that reflect their lack of negotiating power with payers and historical redlining of low-income communities. Comparing payments to each individual hospital's average commercial rates only perpetuates inequities and historic underinvestment in these safety net facilities. We agree that directed payments need to be evaluated against benchmarks to ensure they are reasonable, but our question is about what is the appropriate benchmark. We wanted to see if you might have any more insights into how CMS is thinking about this.

Thanks so much for any thoughts.

Best,
Anne

Anne Karl
Partner

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Message

From: Birch, Sue (HCA) [sue.birch@hca.wa.gov]
Sent: 3/28/2023 9:26:54 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
Subject: FW: FW: Hospital Accountability Measures
Attachments: hospital accountabilities with revenue changes 1-23 edits.docx

Here is what we suggested and has been disregarded.

Susan E. Birch, MBA, BSN, RN

Director

Washington State Health Care Authority

P.O. Box 45502

Olympia, WA 98504-5502

Pronouns: she/her

Executive Assistant – Michelle Cleary

360-725-1040

Michelle.cleary@hca.wa.gov

**My work hours may not align with yours; I only
expect responses within your normal work day!**

Washington State
Health Care Authority

www.hca.wa.gov



Twitter: @WaHCADirector

From: Birch, Sue (HCA)
Sent: Tuesday, March 28, 2023 9:58 AM
To: Mann, Cindy <CMann@manatt.com>
Subject: FW: Hospital Accountability Measures

Susan E. Birch, MBA, BSN, RN

Director

Washington State Health Care Authority

P.O. Box 45502

Olympia, WA 98504-5502

Pronouns: she/her

Executive Assistant – Michelle Cleary

360-725-1040

Michelle.cleary@hca.wa.gov

**My work hours may not align with yours; I only
expect responses within your normal work day!**

Washington State
Health Care Authority



Twitter: @WaHCADirector

From: Birch, Sue (HCA) <sue.birch@hca.wa.gov>

Sent: Monday, March 27, 2023 12:30 PM

To: William Kramer <WKramer@pbgh.org>

Subject: Fwd: Hospital Accountability Measures

From: Klein, Evan (HCA) <evan.klein@hca.wa.gov>

Sent: Monday, March 27, 2023 1:19:51 PM

To: Birch, Sue (HCA) <sue.birch@hca.wa.gov>

Subject: Hospital Accountability Measures

Evan Klein

Special Assistant, Legislative & Policy Affairs

Office: (360) 725-9808 | **Cell:** (b)(6)

Email: Evan.klein@hca.wa.gov

Pronouns: he/him

Washington State
Health Care Authority

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DRAFT Health Care Accountabilities with Revenue Changes

The following would be best placed in the **SNAF bill** and are in priority order:

- **Additional hospital data reporting requirements** – with additional funding/capacity for analytic review of new data with DOH staff or analytic contracts:
 - Require hospitals to post complete machine readable files (MRF) in compliance with [[HYPERLINK "https://www.cms.gov/hospital-price-transparency/hospitals"](https://www.cms.gov/hospital-price-transparency/hospitals)]; a complete MRF should including pricing data for cash, list, and negotiated rates.
 - Emergency department data (ex. patient volume, ED boarding, admitted vs. not)
 - Modify charity/uncompensated care reporting to DOH (ex. specific definitions and reporting - including audit templates about charity care finances, and have DOH reject reports with missing information). Require qualitative details about staff training on charity care policies including eligibility, work flows, related employee performance expectations/incentives, etc. Require hospitals to fund independent review or audits for charity care policies/procedures.
 - Add new outpatient, professional, and ancillary services-related financial data
 - Require submission of electronic health data to the Clinical Data Repository
- **Increase analytic capacity** tied to Health Care Cost Transparency Board with focus on hospital price and cost analytics and/or external auditors to inform hospital cost growth targets and new hospital reporting through DOH.
- **Further limit facility fees** – reduce the number of services/locations where facility fees can be charged.
 - Facility fees may only be applied to certain services provided at a facility that includes a licensed hospital emergency department.
 - Facility fees are prohibited for outpatient evaluation and management services regardless of service location. Facility fees may be prohibited for other outpatient, diagnostic, or imaging services identified by HCA. Providers are required to report all services subject to facility fees and are subject to fines if this information is not available in a specified format. HCA will annually identify services subject to facility fees that may be safely and effectively provided in other settings.
- **SDOH and z codes** - require hospitals to screen ED patients for SDOH and SUD treatment needs and make use of existing codes to help connect patients to appropriate community-based care coordinators

The following would be best placed in the budget as a **proviso** and are in priority order:

- **340B pharmacy transparency** – require reporting on where and how funds are spent
- **Continued support for Washington Medical Coordination Center** – require hospitals and SNFs to accept patients directed by WMCC (run out of Harborview)
- **Refine hospital quality program** – *(This may need to be in statute tied to SNAF - CMS is adding accountability requirements tied to the directed payments – we are trying to get a copy)*
 - Some percentage of rate increase is earned through quality performance (tailored to hospital population and services)

****DRAFT****

- Measures could include safety ratings, vaginal births after c-sections, use of SDOH (z) codes, hospital acquired infections, use of PreManage, closed loop referrals to SUD providers, potentially avoidable utilization, climate change efforts, others
- Regulate outpatient facilities – outpatient clinics have to meet certain CMS requirements to receive Medicare/Medicaid funds, but they are not regulated like other facilities in the state. Set up a structure for regulating outpatient facilities (that are not already regulated) – *could be proviso to have DOH study what it would take to regulate, or a separate bill to set up regulation.*

Message

From: Tricia Brooks [pab62@georgetown.edu]
Sent: 4/6/2023 10:00:08 PM
To: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
CC: ak72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Elizabeth Edwards [edwards@healthlaw.org]; Joan Alker [jca25@georgetown.edu]; Jennifer Wagner [jwagner@cbpp.org]; Kim Lewis [lewis@healthlaw.org]; Mara Youdelman [youdelman@healthlaw.org]; Jane Perkins [perkins@healthlaw.org]; Tsai, Daniel (CMS/CMCS)
(b)(6); Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6); Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6)
Subject: Re: Re: ID/AZ data

Hi Hannah - thanks. I try to emphasize the importance of assessing data in context; that no one number tells the complete story. In a recent blog, I noted that not all procedural disenrollments represent loss of coverage of an eligible person. I know from NAMD and SVHS that states are sensitive to people misunderstanding the data. And you do have to connect the dots on how the state is prioritizing renewals, if they've flagged ineligibles and are targeting them, and the list goes on. On my to-do list is a blog to walk through some of the key data and add context similar to what you shared here.

Best,
Tricia

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

On Apr 6, 2023, at 5:02 PM, Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov> wrote:

Hi all — we wanted to share a bit more detail (below) on the data coming out of ID and AZ. This is not for public attribution. Let us know if you have any questions.

Idaho: <https://healthandwelfare.idaho.gov/dhw-voice/dhw-director-dave-jeppesen-dhw-has-processed-re-evaluations-32898-people-medicaid>

- Based on the statement released by Idaho, it looks like Idaho is only reporting data on renewals for those in their COVID protected population. We do not know how many renewals they may have initiated/processed for individuals not in the COVID protected group.

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Arizona: https://www.azahcccs.gov/Resources/Downloads/PopulationStatistics/2023/PopulationByCategory_04012023.pdf

- AZ posted its monthly enrollment data which indicates a decline in enrollment of 35,107 people.
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- According to the states Renewal Distribution Plan the state initiated renewals for 110,000 household / 9% of their population
- Based on the information in the Renewal Distribution Plan, if the state initiated renewals for about 9% of 2.5 million beneficiaries they would be conducting renewals for approximately 200,000 people. A decline of 35,000 individuals would be about 15% of the renewal cohort. This is just a rough estimate based on what we see in the reports. We do not know if there are renewals that have not been completed for the month. We will not have the state's data until May.

Message

From: Allison Orris [aorris@cbpp.org]
Sent: 4/12/2023 2:00:15 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6); Joan Alker [jca25@georgetown.edu]
CC: Rachel Bogdan [rb1686@georgetown.edu]
Subject: RE: RE: today

Hi again. Joan is driving at the moment, but we confirmed that she can do 11:30 so let's go with that!

Thanks for reaching out!

Allison Orris (she/her/hers)
Senior Fellow
Center on Budget and Policy Priorities
(202) 325-8347 | aorris@cbpp.org

From: Allison Orris <aorris@cbpp.org>
Sent: Wednesday, April 12, 2023 9:35 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Joan Alker <jca25@georgetown.edu>
Subject: Re: today

Hi Dan. 11 is better for me than 11:30 but I can make either work.

Allison

Allison Orris (she/her)
Senior Fellow
Center on Budget and Policy Priorities

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Wednesday, April 12, 2023 9:30:31 AM
To: Joan Alker <jca25@georgetown.edu>; Allison Orris <aorris@cbpp.org>
Subject: today

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you know the content is safe.

Good morning – it was great seeing you both the other week

Any chance you both have some time between 11-12p today to connect?

If not – let me know any slots in the next day or so.

Thanks
-Dan

Message

From: Allison Orris [aorris@cbpp.org]

Sent: 4/7/2023 5:29:13 PM

To: Tsai, Daniel (CMS/CMCS); (b)(6)

(b)(6)

Subject: A further thought

Hi Dan. Thanks again for reaching out and for the time last week. I wanted to share a thought about another conversation you might want to have: Liz Kaplan (ekaplan@law.harvard.edu) at Harvard's Center for Health Law & Policy Innovation now leads the Chronic Illness and Disability Partnership (CIDP), which includes a lot of patient groups (previously led by Robert Greenawald). You may well know her from your time in Massachusetts, but I thought worth noting.

Have a great weekend,
Allison

Allison Orris (she/her/hers)

Senior Fellow

Center on Budget and Policy Priorities

(202) 325-8347 | aorris@cbpp.org

Message

From: Joan Alker [jca25@georgetown.edu]
Sent: 3/28/2023 3:54:30 PM
To: Hebert, Krista (CMS/CMCS) (b)(6)
CC: CMS CMCS_Scheduling (b)(6); Tsai, Daniel (b)(6) (CMS/CMCS) (b)(6); Edwin.Park@georgetown.edu; Sara Rosenbaum [sarar@gwu.edu]; Mann, Cindy [CMann@manatt.com]; Allison Orris [aorris@cbpp.org]; Deboy, Alissa (CMS/CMCS) (b)(6)
Subject: Re: Re: CMCS Policy Topics

I am a maybe for in person on Thursday so could you put me on the list? Edwin is in CA so he is definitely going to be on zoom.

Thank you! Look forward to the discussion.

Joan Alker
Executive Director, Research Professor
Center for Children and Families
Georgetown University McCourt School of Public Policy
(202)306-8383
jca25@georgetown.edu

Visit us on the web ccf.georgetown.edu
Join us on [Facebook](#)
Follow me on [Twitter](#)

On Tue, Mar 28, 2023 at 8:43 AM Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov> wrote:

Good morning all,

Dan is going to be in DC on Thursday and wanted to invite you to join us in person at the CMS Humphrey Building if it works for your schedule, however zoom is definitely also an option. If you'd like to join us in-person, please let me know so that we can ensure to have you on the security list.

Best,

Krista

-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Thursday, March 23, 2023 12:22 PM

To: CMS CMCS_Scheduling; Tsai, Daniel (CMS/CMCS); jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum; Mann, Cindy; Allison Orris; Deboy, Alissa M. (CMS/CMCS); Hebert, Krista (CMS/CMCS)

Cc: ecp57@georgetown.edu; Sara Rosenbaum

Subject: CMCS Policy Topics

When: Thursday, March 30, 2023 12:15 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: CMS C3-06-21 (Zoom Enabled);

<https://cms.zoomgov.com/join/91234567890> (b)(6)

CMCS_Scheduling@cms.hhs.gov is inviting you to a scheduled ZoomGov meeting.

Join ZoomGov Meeting

<https://cms.zoomgov.com/join/91234567890> (b)(6)

Meeting ID: 91234567890 (b)(6)

Password: 1234567890 (b)(6)

One tap mobile

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+1 912 345 6789 US (New York)

Dial by your location

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Meeting ID: 91234567890 (b)(6)

Find your local number: <https://cms.zoomgov.com/join/91234567890>

Join by SIP

Password: (b)(6)

sip (b)(6)

This meeting may be recorded. The host is responsible for maintaining any official recordings/transcripts of this meeting. If recorded, this meeting becomes an official record and shall be retained by the host in their files for 3 years or if longer needed for agency business. If a recording intends be fully transcribed or is being captured for the purpose of creating meeting minutes, the host shall retain the record in their files for 3 years or if no longer needed for agency business, whichever is later.

Message

From: Mann, Cindy [CMann@manatt.com]
Sent: 4/11/2023 4:19:03 PM
To: Vikki Wachino (b)(6); Tsai, Daniel (CMS/CMCS) (b)(6)
CC: westmort@georgetown.edu; (b)(6); Costello, Anne Marie (CMS/CMCS)
(b)(6) Vitolo, Sara
(CMS/CMCS) (b)(6)
(b)(6) Hebert, Krista
(CMS/CMCS) (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS) (b)(6)
(b)(6)
Subject: RE: RE: July 25 / CMCS leadership meeting

I'll be out of DC by then but happy to get to Woodlawn for this gathering. Thanks for the invitation.

Cindy Mann
Partner

Manatt, Phelps & Phillips, LLP
Washington Square
1050 Connecticut Avenue, NW, Suite 600
Washington, DC 20036
D (202) 585-6572 F (202) 595-0933
CMann@manatt.com

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From: Vikki Wachino (b)(6)
Sent: Tuesday, April 11, 2023 11:26 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Mann, Cindy <CMann@manatt.com>; westmort@georgetown.edu; (b)(6); Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: Re: July 25 / CMCS leadership meeting

Spending time with the CMCS team in Woodlawn sounds like a great way to spend a summer afternoon. Looking forward to it!

On Tue, Apr 11, 2023 at 10:52 AM Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov> wrote:

Cindy, Vikki and Tim (hoping one of these email addresses gets to you Tim!)

We'd love to invite you on Tues July 25 to come join our CMCS leadership team in Woodlawn during our strategic planning / step back retreat

We'll have our CMCS whole leadership team assembled in person (all Group Directors/Deputies and Division Directors and Deputies), so 75-100 people, and we'd love to have a session that includes you all as former Center Directors on reflections, lessons learned. Hopefully it will be fun and informative for the whole team. Note we will also extend an invite to Calder Lynch as well

We're hoping you'd all be able to make afternoon ~3p on July 25 and will consider sticking around for a happy hour ~5/530p with the whole team.

Let us know if you're able to make this work, looking forward to it

-Dan

Message

From: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Sent: 4/6/2023 9:02:57 PM
To: akg72@georgetown.edu; Allison Orris [aorris@cbpp.org]; edwards@healthlaw.org; jca25@georgetown.edu; Jennifer Wagner [jwagner@cbpp.org]; Kim Lewis [lewis@healthlaw.org]; Mara Youdelman [youdelman@healthlaw.org]; perkins@healthlaw.org; Tricia Brooks [pab62@georgetown.edu]
CC: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6); Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6); Briskin, Perrie (CMS/CMCS); (b)(6)
(b)(6)
Subject: ID/AZ data

Hi all — we wanted to share a bit more detail (below) on the data coming out of ID and AZ. This is not for public attribution. Let us know if you have any questions.

Idaho: <https://healthandwelfare.idaho.gov/dhw-voice/dhw-director-dave-jeppesen-dhw-has-processed-re-evaluations-32898-people-medicaid>

- Based on the statement released by Idaho, it looks like Idaho is only reporting data on renewals for those in their COVID protected population. We do not know how many renewals they may have initiated/processed for individuals not in the COVID protected group.
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not know if there are renewals that have not been completed for the month. We will not have the state's data until May.

Message

From: Vikki Wachino; (b)(6)
Sent: 4/7/2023 8:26:50 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
CC: Mann, Cindy [CMann@manatt.com]
Subject: Re:

What a great idea. Last email address I have for tim is westmort@georgetown.edu

On Fri, Apr 7, 2023 at 4:16 PM Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov> wrote:

Hi – either of you have Tim Westmoreland's email?

We're going to invite former center directors to come join our whole leadership team (all group directors, deputy group directors, our front office, senior advisors) in person in Woodlawn on July 25th if you're able to make it. We're doing a strategic planning / step back time with the whole team, and we thought it would be fun / beneficial to have a discussion with you all on your reflections.

Plus we'll be doing a happy hour afterwards with the team

I'll send out a follow up note next week

Thanks

Message

From: Joan Alker [jca25@georgetown.edu]
Sent: 4/6/2023 9:17:29 PM
To: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
CC: ak72@georgetown.edu; Allison Orris [Aorris@cbpp.org]; edwards@healthlaw.org; Jennifer Wagner [jwagner@cbpp.org]; Kim Lewis [lewis@healthlaw.org]; Mara Youdelman [youdelman@healthlaw.org]; perkins@healthlaw.org; Tricia Brooks [pab62@georgetown.edu]; Tsai, Daniel (CMS/CMCS)
(b)(6) Costello, Anne Marie
(CMS/CMCS) (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS) (b)(6)
(b)(6)
Subject: Re: Re: ID/AZ data

Thanks Hannah. Just to compare notes (which you probably know better than me!) my understanding of Idaho both from what I've heard and also the statement is that the number of people processed (c 33k) definitely includes some not in the covid protected group who reached out to the state on their own volition. So yes there are some folks not accounted for with procedural issues that aren't fully resolved yet. I didn't highlight that in my blog below as that seems a good thing in my view.

My quick blog here on the early news. <https://ccf.georgetown.edu/2023/04/06/first-round-of-medicaid-disenrollment-data-is-in-quickly-what-we-know-and-dont-know/>

It's interesting that we got more data publicly and quickly than we were expecting.

Happy spring to all.

Joan Alker
Research Professor/Executive Director
Georgetown University Center for Children and Families
P: 202/306-8383
Twitter: @JoanAlker1
Web: ccf.georgetown.edu

Sent from my iPhone

On Apr 6, 2023, at 5:03 PM, Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov> wrote:

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Message

From: Timothy Westmoreland [Timothy.Westmoreland@georgetown.edu]
Sent: 4/11/2023 3:32:03 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
CC: Mann, Cindy [CMann@manatt.com]; Vikki Wachino (b)(6);
(b)(6) Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6) Vitolo, Sara
(CMS/CMCS); (b)(6)
(b)(6) Hebert, Krista
(CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6)
Subject: Re: Re: July 25 / CMCS leadership meeting

Dear Dan and all,

First, this email address is fine, as is the '(b)(6)'
one.

Second, while I agree with Vikki that it sounds like fun, we will be in Nova Scotia for all of July and August. (That's retirement....)

Thanks for the invitation, and I hope the session goes well.

See you sometime, I hope.

Tim

On Tue, Apr 11, 2023 at 10:52 AM Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov> wrote:

Cindy, Vikki and Tim (hoping one of these email addresses gets to you Tim!)

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Let us know if you're able to make this work, looking forward to it

-Dan

Message

From: Vikki Wachino; (b)(6)
Sent: 4/11/2023 3:26:06 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
CC: Mann, Cindy [CMann@manatt.com]; westmort@georgetown.edu; (b)(6) Costello, Anne
Marie (CMS/CMCS); (b)(6)
(b)(6) Vitolo, Sara
(CMS/CMCS); (b)(6)
(b)(6) Hebert, Krista
(CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
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Subject: Re: Re: July 25 / CMCS leadership meeting

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-Dan

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Message

From: Jennifer Wagner [jwagner@cbpp.org]
Sent: 4/25/2023 1:08:16 PM
To: CMS CMCS_Unwinding; (b)(6)
(b)(6)
akg72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg (CMS/CMCS); (b)(6)
(b)(6)
Bonelli, Anna (CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Delone, Sarah
(CMS/CMCS); (b)(6)
(b)(6) edwards@healthlaw.org;
Harris, Monica (CMS/CMCS); (b)(6)
(b)(6) Idil Samantar
[isamantar@cbpp.org]; Joan Alker [jca25@georgetown.edu]; Kim Lewis [lewis@healthlaw.org]; Lovejoy, Shannon
(CMS/CMCS); (b)(6)
(b)(6)
youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); (b)(6)
(b)(6)
perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); (b)(6)
(b)(6) Setala, Ashley
(CMS/CMCS); (b)(6)
(b)(6) Spector, Sarah
(CMS/CMCS); (b)(6)
(b)(6) Steinberg, Marc
(CMS/CMCS); (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
(b)(6)
(b)(6) pab62@georgetown.edu;
Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6) Weiss, Alice (CMS/CMCS)
(b)(6)
(b)(6) Unwinding Support
[UnwindingSupport@mathematica-mpr.com]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Ginnis, Kate (CMS/CMCS); (b)(6)
(b)(6)

Subject: RE: RE: Unwinding Stakeholder Small-Group

Hello –

Our proposed agenda for this week's meeting is:

1. CMCS updates
 - a. Data
 - b. Other items
2. Issues/Questions
 - a. What are requirements for enrollee who is transferred from Medicaid to CHIP through an *ex parte* process? What must the notice say? Do they have Medicaid appeal rights?
 - b. Feedback on CCIIO contract with Cognosante

3. Feedback from states

- a. Arkansas - lots of systems issues being reported; people were erroneously terminated due to a systems issue and the state is trying to go back and reinstate coverage for all of the individuals; when assisters/navigators are going in to look at their renewal dates for clients in the online portal the clients aren't showing up even if they still have Medicaid coverage (was mention specific to Spanish speakers and Marshallees population).
- b. Georgia - questions raised about the state potentially starting timeline early (termination were done April 1st for individuals who had a SNAP renewal or change of circumstance in February)
- c. Kentucky - people are receiving scam calls about short term insurance/junk plans that are very sophisticated, including spoofing the state agency area code and prefix and showing as CDC on the caller ID. Advocates are asking for social media/PSA warnings and whether there is anything administration can do to protect people, including getting their \$ back and getting enrolled in decent coverage.
- d. Missouri - Advocates said issues persist with no adverse notice when moved to less comprehensive benefit package (MPW to expansion); no pre-populated renewal letter when kids moving from Medicaid to CHIP premium or within CHIP to premium; not reviewing expansion group for disability-based categories if disability box not checked on original application.

Thanks,
Jen

Jennifer H. Wagner
Director of Medicaid Eligibility and Enrollment
Center on Budget and Policy Priorities
(312) 636-7437

-----Original Appointment-----

From: CMS CMCS_Unwinding <CMCSUnwinding@cms.hhs.gov>

Sent: Friday, February 24, 2023 5:50 PM

To: CMS CMCS_Unwinding; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; Joan Alker; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Setala, Ashley (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS)

Subject: Unwinding Stakeholder Small-Group

When: Thursday, April 27, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/join/9212876543> (b)(6)

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Message

From: Jennifer Wagner [jwagner@cbpp.org]
Sent: 4/11/2023 5:35:29 PM
To: CMS CMCS_Unwinding; (b)(6)
(b)(6) Kahlaa Cannady
[KCannady@mathematica-mpr.com]; ak72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg
(CMS/CMCS); (b)(6)
(b)(6); Bonelli, Anna
(CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Delone, Sarah
(CMS/CMCS); (b)(6)
(b)(6); edwards@healthlaw.org;
Harris, Monica (CMS/CMCS); (b)(6)
(b)(6) Idil Samantar
[isamantar@cbpp.org]; Joan Alker [jca25@georgetown.edu]; Kim Lewis [lewis@healthlaw.org]; Lovejoy, Shannon
(CMS/CMCS); (b)(6)
(b)(6)
youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); (b)(6)
(b)(6)
perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); (b)(6)
(b)(6) Setala, Ashley
(CMS/CMCS); (b)(6)
(b)(6) Spector, Sarah
(CMS/CMCS); (b)(6)
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(CMS/CMCS); (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
(b)(6)
pab62@georgetown.edu;
Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6) Weiss, Alice (CMS/CMCS)
(b)(6)
Unwinding Support
[UnwindingSupport@mathematica-mpr.com]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Ginnis, Kate (CMS/CMCS); (b)(6)
(b)(6) Kuhn, Juliet
(CMS/CMCS); (b)(6)
(b)(6)

Subject: RE: RE: Unwinding Stakeholder Small-Group

Hello –

Please see below agenda for this week's meeting.

1. CMCS Updates
2. Data – will county-administered states have to report call wait times for all counties?
3. Areas where more guidance may be needed:

- a. Informal appeals process – we are hearing that some states may have a conference as a first step, which could delay filing the appeal beyond the deadline. In addition, workers often discourage filing of an appeal or pressure enrollees to withdraw appeals.
 - b. Non-MAGI policy – we are hearing of a lot of confusion around lookback periods, treatment of economic impact payments, and how to treat level of care evaluations in waiver programs. We are also interested in how we could support states attempting manual *ex parte* renewals for non-MAGI groups.
4. State updates
- a. Georgia – plans on sending renewal forms April 17 for May 30 terminations, which seems to cut it very close.
 - b. Pennsylvania – disagrees with CMS interpretation on overpayments/recoupments. For non-COVID protected enrollees, plan to establish overpayments if changes not reported going forward.
 - c. Virginia – some counties sent large numbers of renewal packets ahead of scheduled renewal dates.

Thanks so much!

Jen

Jennifer H. Wagner
Director of Medicaid Eligibility and Enrollment
Center on Budget and Policy Priorities
(312) 636-7437

-----Original Appointment-----

From: CMS CMCS_Unwinding <CMCSUnwinding@cms.hhs.gov>

Sent: Wednesday, April 5, 2023 10:13 AM

To: CMS CMCS_Unwinding; Kahlaa Cannady; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; Joan Alker; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Setala, Ashley (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS); Kuhn, Juliet (CMS/CMCS)

Subject: Unwinding Stakeholder Small-Group

When: Thursday, April 13, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/join/9212345678> (b)(6)

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Message

From: Joan Alker [jca25@georgetown.edu]
Sent: 4/3/2023 6:00:43 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
Subject: Indiana - health equity impacts of HIP contributions

Hi Dan,

Good to see you last week. Per the Indiana Section 1115 issue we discussed, the evaluation underscored the racially disparate impacts of the required contributions which apply under the poverty level. Here is a short summary of the situation.

Basics of HIP Program

Individuals are subject to premiums for HIP Plus if they have incomes over 100% FPL or will receive the HIP Basic benefits and be subject to copayments for most services if they are below 100% FPL and do not pay a monthly premium. (The copayment amounts for HIP Basic can be [found on page 19](#)). If a person has an income over 100% FPL and does not pay their monthly premiums, they will be disenrolled from coverage.

Evaluation

In 2018, over 110,000 individuals enrolled in HIP were black, accounting for 19% of enrollees. By comparison, 9% of Indiana's state population in 2017 was black. According to the state's evaluation, "black HIP Plus members had a higher likelihood of disenrolling due to non-payment of premiums or other reasons compared to non-Hispanic White members" ([page 159 of evaluation](#)). Black individuals with HIP Plus also had a higher likelihood of moving to HIP Basic (where they are subject to copayments for most services) compared to non-Hispanic White members (pg. 160 of evaluation).

Black HIP members were more likely to be enrolled in HIP Basic coverage (pg. 140 of evaluation). The state's evaluation found that those in HIP Basic had a lower utilization of care compared to those with HIP Plus who were more likely to use primary, specialty, preventive, and urgent care than Basic members. The state acknowledged in its evaluation that HIP Basic members "found copayments a disincentive to seeking appropriate care, particularly filling prescriptions and getting primary care" and expressed concern for "the potential that HIP Basic copayments are contributing to this difference ([pg. 42 of application](#))." Black HIP members, according to the evaluation, use 0.9 less average services per year than non-Hispanic white members (pg. 122 of evaluation).

This data can be found in the [Indiana evaluation starting on page 41 of the evaluation](#).

- The participation rate for any medical service was 73.3% for HIP Basic enrollees in 2018 compared to 93.2% for HIP Plus enrollees
- In 2018, 36.9% of HIP Basic enrollees received a preventative service compared to 62.9% of HIP Plus enrollees
 - The HIP Plus participation rate for preventative care services averaged 1.5 to 1.7 times that of HIP Basic from 2015 to 2018
- HIP Basic enrollees had a lower prescription drug adherence rate than HIP Plus enrollees (3.6 percentage points lower in 2018)

Summary

Individuals above 100% FPL are required to pay a monthly premium and failure to do so within 60 days will result in disenrollment from coverage. Black HIP members have a higher likelihood of being disenrolled from coverage as well as of moving from HIP Plus to Basic coverage (where there are copayments and a

reduced benefit package), and are more likely to be enrolled in HIP Basic coverage in general where individuals are less likely to use care.

Best,
Joan

Joan Alker
Executive Director, Research Professor
Center for Children and Families
Georgetown University McCourt School of Public Policy
(202)306-8383
jca25@georgetown.edu

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Message

From: Allison Orris [aorris@cbpp.org]
Sent: 4/12/2023 1:35:11 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6) Joan Alker
[jca25@georgetown.edu]
Subject: Re: Re: today

Hi Dan. 11 is better for me than 11:30 but I can make either work.

Allison

Allison Orris (she/her)
Senior Fellow
Center on Budget and Policy Priorities

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Wednesday, April 12, 2023 9:30:31 AM
To: Joan Alker <jca25@georgetown.edu>; Allison Orris <aorris@cbpp.org>
Subject: today

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Good morning – it was great seeing you both the other week

Any chance you both have some time between 11-12p today to connect?

If not – let me know any slots in the next day or so.

Thanks
-Dan

Message

From: Tricia Brooks [pab62@georgetown.edu]
Sent: 4/27/2023 6:41:20 PM
To: Jennifer Wagner [jwagner@cbpp.org]
CC: CMS CMCS_Unwinding (b)(6)
(b)(6)
akg72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg (CMS/CMCS) (b)(6)
(b)(6)
Bonelli, Anna (CMS/CMCS) (b)(6)
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(b)(6) Mara Youdelman
[youdelman@healthlaw.org]; O'Connor, Sarah (CMS/CMCS) (b)(6)
(b)(6) Jane Perkins
[perkins@healthlaw.org]; Seng, Suzette (CMS/CMCS) (b)(6)
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(b)(6) Tsai, Daniel (CMS/CMCS)
(b)(6) Weiss, Alice (CMS/CMCS)
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(b)(6)
Ginnis, Kate (CMS/CMCS) (b)(6)
(b)(6)

Subject: Add TMA to today's call please

Hi all - could we get some insight into TMA since we don't see that it was specifically addressed in guidance. Questions include:

1. If a beneficiary was in the 6- or 12-month TMS period in March 2020, are they still in the same point of the TMA period at the time of redetermination?
2. If a beneficiary was in the 1931 eligibility group in March 2020 and at some point between then and March 2023 increased their earnings so as to trigger TMA, how should the state treat them at redetermination now? Does the TMA coverage period start to run in April? Or can the state simply terminate coverage and send them to

the Marketplace? Does it matter at what point over the past 3 years the beneficiary went over the 1931 threshold due to earnings?

We know that a large number of disenrollees in AZ were TMA folks. There is feedback from TN that TMA folks are being disenrolled but I'm trying to clarify if a full renewal was conducted first. I assume that applies even to the TMA group.

Thanks,
Tricia

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

On Apr 25, 2023, at 9:08 AM, Jennifer Wagner <jwagner@cbpp.org> wrote:

Hello –

Our proposed agenda for this week's meeting is:

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 - a. Data
 - b. Other items
2. Issues/Questions
 - a. What are requirements for enrollee who is transferred from Medicaid to CHIP through an *ex parte* process? What must the notice say? Do they have Medicaid appeal rights?
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3. Feedback from states
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 - c. Kentucky - people are receiving scam calls about short term insurance/junk plans that are very sophisticated, including spoofing the state agency area code and prefix and showing as CDC on the caller ID. Advocates are asking for social media/PSA warnings and whether there is anything administration can do to protect people, including getting their \$ back and getting enrolled in decent coverage.
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Thanks,
Jen

Jennifer H. Wagner
Director of Medicaid Eligibility and Enrollment
Center on Budget and Policy Priorities
(312) 636-7437

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From: CMS CMCS_Unwinding <CMCSUnwinding@cms.hhs.gov>

Sent: Friday, February 24, 2023 5:50 PM

To: CMS CMCS_Unwinding; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; Joan Alker; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Setala, Ashley (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS)

Subject: Unwinding Stakeholder Small-Group

When: Thursday, April 27, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/join/91606992382> (b)(6)

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Message

From: Tricia Brooks [pab62@georgetown.edu]
Sent: 4/28/2023 4:03:39 PM
To: Costello, Anne Marie (CMS/CMCS); (b)(6); (b)(6); Stephens, Jessica (CMS/CMCS); (b)(6); Ginnis, Kate (CMS/CMCS); (b)(6)
CC: CMS CMCS_Unwinding; (b)(6); (b)(6); akg72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg (CMS/CMCS); (b)(6); Bonelli, Anna (CMS/CMCS); (b)(6); Briskin, Perrie (CMS/CMCS); (b)(6); Delone, Sarah (CMS/CMCS); (b)(6); Elizabeth Edwards [edwards@healthlaw.org]; Harris, Monica (CMS/CMCS); (b)(6); Idil Samantar [isamantar@cbpp.org]; Joan Alker [jca25@georgetown.edu]; Kim Lewis [lewis@healthlaw.org]; Lovejoy, Shannon (CMS/CMCS); (b)(6); Mara Youdelman [youdelman@healthlaw.org]; O'Connor, Sarah (CMS/CMCS); (b)(6); Jane Perkins [perkins@healthlaw.org]; Seng, Suzette (CMS/CMCS); (b)(6); Setala, Ashley (CMS/CMCS); (b)(6); Spector, Sarah (CMS/CMCS); (b)(6); Steinberg, Marc (CMS/CMCS); (b)(6); Teal, Lela (CMS/CMCS); (b)(6); Tsai, Daniel (CMS/CMCS); (b)(6); Weiss, Alice (CMS/CMCS); (b)(6); Unwinding Support [UnwindingSupport@mathematica-mpr.com]; Katch (she/her), Hannah (CMS/OA); (b)(6); Jennifer Wagner [jwagner@cbpp.org]; (b)(6)
Subject: Re: Re: Add TMA to today's call please

Here's an example from TN.

"Under the TennCare Rules the definition for Transitional Medicaid is Medicaid authorized for enrollees who lose Child MAGI or Caretaker Relative MAGI eligibility due to increased earnings and whose household income prior to losing eligibility was at or below the current Caretaker Relative MAGI income standard for three (3) of the six (6) months immediately preceding the month eligibility is lost. Tenn. Comp. R. & Regs. 1200-13-20-.02 (133).

In this case the family's income change happened on 12/17/2022 and they completed the redetermination questions on 4/6/2023. Their income is below 142% so their children are still eligible through the Child MAGI

category, but their information is still being processed. The parents are set to be terminated on May 1, 2023. We are going to file an appeal but are workshopping an argument."

The advocate's view is that when the state redetermined eligibility in April and found that the parent's income was above the 82% FPL1931 income limit due to earned income, the state at that point should have extended the first 6 months of TMA coverage to the parent, with the possibility of an additional 6 months if the reporting requirements were met and the income (net of child care) remained under 185% FPL.

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

On Apr 27, 2023, at 2:41 PM, Tricia Brooks <pab62@georgetown.edu> wrote:

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Jennifer H. Wagner
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(CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS)

Subject: Unwinding Stakeholder Small-Group

When: Thursday, April 27, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/> (b)(6)

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Password: (b)(6)

sip: (b)(6)

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Message

From: Spector, Sarah (CMS/CMCS); (b)(6)
(b)(6)
Sent: 4/28/2023 4:04:56 PM
To: Tricia Brooks [pab62@georgetown.edu]; Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6)
Stephens, Jessica (CMS/CMCS); (b)(6)
(b)(6) Ginnis, Kate (CMS/CMCS)
CC: CMS CMCS_Unwinding; (b)(6)
(b)(6)
akg72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg (CMS/CMCS); (b)(6)
(b)(6)
Bonelli, Anna (CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6) Delone, Sarah
(CMS/CMCS); (b)(6)
(b)(6) Elizabeth Edwards
[edwards@healthlaw.org]; Harris, Monica (CMS/CMCS); (b)(6)
(b)(6) Idil Samantar
[isamantar@cbpp.org]; Joan Alker [jca25@georgetown.edu]; Kim Lewis [lewis@healthlaw.org]; Lovejoy, Shannon
(CMS/CMCS); (b)(6)
(b)(6) Mara Youdelman
[youdelman@healthlaw.org]; O'Connor, Sarah (CMS/CMCS); (b)(6)
(b)(6) Jane Perkins
[perkins@healthlaw.org]; Seng, Suzette (CMS/CMCS); (b)(6)
(b)(6) Setala, Ashley
(CMS/CMCS); (b)(6)
(b)(6) Steinberg, Marc
(CMS/CMCS); (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
(b)(6) Tsai, Daniel (CMS/CMCS)
(b)(6) Weiss, Alice (CMS/CMCS)
(b)(6) Unwinding Support
[UnwindingSupport@mathematica-mpr.com]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Jennifer Wagner [jwagner@cbpp.org]
Subject: RE: RE: Add TMA to today's call please

Thank you, Tricia. This is very helpful.

Best,
Sarah

From: Tricia Brooks <pab62@georgetown.edu>
Sent: Friday, April 28, 2023 12:04 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Ginnis, Kate (CMS/CMCS) <katherine.ginnis@cms.hhs.gov>
Cc: CMS CMCS_Unwinding <CMCSUnwinding@cms.hhs.gov>; akg72@georgetown.edu; Allison Orris <aorris@cbpp.org>; Barry, Meg (CMS/CMCS) <meg.barry@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Briskin,

Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>; Elizabeth Edwards <edwards@healthlaw.org>; Harris, Monica (CMS/CMCS) <Monica.Harris@cms.hhs.gov>; Idil Samantar <isamantar@cbpp.org>; Joan Alker <jca25@georgetown.edu>; Kim Lewis <lewis@healthlaw.org>; Lovejoy, Shannon (CMS/CMCS) <Shannon.Lovejoy@cms.hhs.gov>; Mara Youdelman <youdelman@healthlaw.org>; O'Connor, Sarah (CMS/CMCS) <Sarah.OConnor@cms.hhs.gov>; Jane Perkins <perkins@healthlaw.org>; Seng, Suzette (CMS/CMCS) <Suzette.Seng@cms.hhs.gov>; Setala, Ashley (CMS/CMCS) <Ashley.Setala@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Unwinding Support <UnwindingSupport@mathematica-mpr.com>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Jennifer Wagner <jwagner@cbpp.org>
Subject: Re: Add TMA to today's call please

Here's an example from TN.

"Under the TennCare Rules the definition for Transitional Medicaid is Medicaid authorized for enrollees who lose Child MAGI or Caretaker Relative MAGI eligibility due to increased earnings and whose household income prior to losing eligibility was at or below the current Caretaker Relative MAGI income standard for three (3) of the six (6) months immediately preceding the month eligibility is lost. Tenn. Comp. R. & Regs. 1200-13-20-.02 (133).

In this case the family's income change happened on 12/17/2022 and they completed the redetermination questions on 4/6/2023. Their income is below 142% so their children are still eligible through the Child MAGI category, but their information is still being processed. The parents are set to be terminated on May 1, 2023. We are going to file an appeal but are workshopping an argument."

The advocate's view is that when the state redetermined eligibility in April and found that the parent's income was above the 82% FPL1931 income limit due to earned income, the state at that point should have extended the first 6 months of TMA coverage to the parent, with the possibility of an additional 6 months if the reporting requirements were met and the income (net of child care) remained under 185% FPL.

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

On Apr 27, 2023, at 2:41 PM, Tricia Brooks <pab62@georgetown.edu> wrote:

Hi all - could we get some insight into TMA since we don't see that it was specifically addressed in guidance. Questions include:

1. If a beneficiary was in the 6- or 12-month TMS period in March 2020, are they still in the same point of the TMA period at the time of redetermination?
2. If a beneficiary was in the 1931 eligibility group in March 2020 and at some point between then and March 2023 increased their earnings so as to trigger TMA, how should the state treat them at redetermination now? Does the TMA coverage period start to run in April? Or can the state simply terminate coverage and send them to the Marketplace? Does it matter at what point over the past 3 years the beneficiary went over the 1931 threshold due to earnings?

We know that a large number of disenrollees in AZ were TMA folks. There is feedback from TN that TMA folks are being disenrolled but I'm trying to clarify if a full renewal was conducted first. I assume that applies even to the TMA group.

Thanks,
Tricia

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

On Apr 25, 2023, at 9:08 AM, Jennifer Wagner <jwagner@cbpp.org> wrote:

Hello –

Our proposed agenda for this week's meeting is:

1. CMCS updates
 - a. Data
 - b. Other items
2. Issues/Questions
 - a. What are requirements for enrollee who is transferred from Medicaid to CHIP through an *ex parte* process? What must the notice say? Do they have Medicaid appeal rights?
 - b. Feedback on CCIIO contract with Cognosante
3. Feedback from states
 - a. Arkansas - lots of systems issues being reported; people were erroneously terminated due to a systems issue and the state is trying to go back and reinstate coverage for all of the individuals; when assisters/navigators are going in to look at their renewal dates for clients in the online portal the clients aren't showing up even if they still have Medicaid coverage (was mention specific to Spanish speakers and Marshallees population).
 - b. Georgia - questions raised about the state potentially starting timeline early (termination were done April 1st for individuals who had a SNAP renewal or change of circumstance in February)
 - c. Kentucky - people are receiving scam calls about short term insurance/junk plans that are very sophisticated, including spoofing the state agency area code and prefix and showing as CDC on the caller ID. Advocates are asking for social media/PSA warnings and whether there is anything administration can do to protect people, including getting their \$ back and getting enrolled in decent coverage.
 - d. Missouri - Advocates said issues persist with no adverse notice when moved to less comprehensive benefit package (MPW to expansion); no pre-populated renewal letter when kids moving from Medicaid to CHIP premium or within CHIP to premium; not reviewing expansion group for

disability-based categories if disability box not checked on original application.

Thanks,
Jen

Jennifer H. Wagner
Director of Medicaid Eligibility and Enrollment
Center on Budget and Policy Priorities
(312) 636-7437

-----Original Appointment-----

From: CMS CMCS_Unwinding <CMCSUnwinding@cms.hhs.gov>

Sent: Friday, February 24, 2023 5:50 PM

To: CMS CMCS_Unwinding; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; Joan Alker; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); yodelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Setala, Ashley (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS)

Subject: Unwinding Stakeholder Small-Group

When: Thursday, April 27, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/join/91234567890> (b)(6)

(b)(6)

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Formerly known as NHELP and CBPP Meeting with CMCS

CMS CMCS Unwinding is inviting you to a scheduled ZoomGov meeting.

Join ZoomGov Meeting

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Dial by your location

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833 568 8864 US Toll-free

Meeting ID: (b)(6)

Find your local number: <https://cms.zoomgov.com/j/abWqD3eYC9>

Join by SIP

Password: (b)(6)

sip (b)(6)

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Message

From: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)

Sent: 5/18/2023 7:57:07 PM

To: Joan Alker [jca25@georgetown.edu]; Tricia Brooks [pab62@georgetown.edu]; Allison Orris [aorris@cbpp.org]; Jennifer Wagner [jwagner@cbpp.org]; Mara Youdelman [youdelman@healthlaw.org]

CC: Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6); Tsai, Daniel
(CMS/CMCS); (b)(6)
(b)(6); Kochanski, Joseph
(CMS/CMCS); (b)(6)
(b)(6)

Subject: Regroup on unwinding data

Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

Message

From: Tricia Brooks [pab62@georgetown.edu]
Sent: 9/9/2022 12:46:14 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Lynk, Beth (CMS/OC)
(b)(6) Cross-Call, Jesse
(OS/IEA); (b)(6)
(b)(6)
CC: Joan Alker [jca25@georgetown.edu]; Alexa Gardner [akg72@georgetown.edu]
Subject: Our unwinding tracker

Hello CMS friends -

CCF launched its unwinding tracker on Wednesday. I'm happy to take a few minutes to share my screen to orient national partners on our call today if there's time and interest.

Thanks,
Tricia

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

Message

From: Joan Alker [jca25@georgetown.edu]
Sent: 5/10/2023 2:43:01 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
Subject: "Polling" from Foundation for Govt Accountability Arkansas affiliate

<https://www.opportunityarkansas.org/resources/message-testing-medicaid-redeterminations>

Helpful when they share their message testing publicly!

Joan Alker
Executive Director, Research Professor
Center for Children and Families
Georgetown University McCourt School of Public Policy
(202)306-8383
jca25@georgetown.edu

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Message

From: Kochanski, Joseph (CMS/CMCS); (b)(6)
(b)(6)
Sent: 5/18/2023 9:40:30 PM
To: Mara Youdelman [youdelman@healthlaw.org]; Joan Alker [jca25@georgetown.edu]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6); Teal, Lela (CMS/CMCS); (b)(6)
CC: (b)(6)
Tricia Brooks [pab62@georgetown.edu]; Allison Orris [aorris@cbpp.org]; Jennifer Wagner [jwagner@cbpp.org]; Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6); Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6); Rachel Bogdan [rb1686@georgetown.edu]; Elizabeth Edwards [edwards@healthlaw.org]; Emma Parker-Newton [parker-newton@healthlaw.org]; Briskin, Perrie (CMS/CMCS); (b)(6)
(b)(6); Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: Regroup on unwinding data

Team – 4:30 – 5pm on Mon. 5/22 might be the best time to make this happen, with hectic schedules next week.

- Currently, Dan, Hannah, Rachel – CCF can make it work.

Looping in Lela for Anne Marie's calendar too.

Best,

Joe

From: Mara Youdelman <youdelman@healthlaw.org>
Sent: Thursday, May 18, 2023 5:07 PM
To: Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>; Emma Parker-Newton <parker-newton@healthlaw.org>
Subject: RE: Regroup on unwinding data

And adding Elizabeth Edwards for substance and Emma Parker-Newton for NHeLP scheduling coordination.

From: Joan Alker [mailto:jca25@georgetown.edu]
Sent: Thursday, May 18, 2023 4:09 PM
To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Mara Youdelman <youdelman@healthlaw.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>
Subject: Re: Regroup on unwinding data

Adding Rachel on our end to help find a time.

Joan Alker
Executive Director, Research Professor
Center for Children and Families
Georgetown University McCourt School of Public Policy
(202)306-8383
jca25@georgetown.edu

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On Thu, May 18, 2023 at 3:57 PM Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov> wrote:
Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

Message

From: Stephens, Jessica (CMS/CMCS); (b)(6)
(b)(6)
Sent: 9/9/2022 1:24:44 PM
To: Tricia Brooks [pab62@georgetown.edu]; Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6); Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6); Lynk, Beth (CMS/OC)
(b)(6)
(b)(6)
(b)(6)
(OS/IEA); (b)(6)
(b)(6)
CC: Joan Alker [jca25@georgetown.edu]; Alexa Gardner [akg72@georgetown.edu]
Subject: RE: RE: Our unwinding tracker

Good morning,

Thanks for sharing, Tricia, and congrats on getting this out. We will certainly have time today, perhaps in the open discussion section? We will pass to you. Thanks for offering to share!

Talk later,
Jessica

From: Tricia Brooks <pab62@georgetown.edu>
Sent: Friday, September 9, 2022 8:46 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Lynk, Beth (CMS/OC) <Florence.Lynk@cms.hhs.gov>; Cross-Call, Jesse (OS/IEA) <Jesse.Cross-call@hhs.gov>
Cc: Joan Alker <jca25@georgetown.edu>; Alexa Gardner <akg72@georgetown.edu>
Subject: Our unwinding tracker

Hello CMS friends -

CCF launched its unwinding tracker on Wednesday. I'm happy to take a few minutes to share my screen to orient national partners on our call today if there's time and interest.

Thanks,
Tricia

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

Message

From: Joan Alker [jca25@georgetown.edu]

Sent: 5/10/2023 2:38:27 PM

To: Tsai, Daniel (CMS/CMCS) (b)(6)

(b)(6)

Subject: op-ed

<https://www.foxnews.com/opinion/biden-hurting-special-needs-son-sarah-huckabee-sanders-helping>

Joan Alker
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(202)306-8383
jca25@georgetown.edu

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Message

From: Rachel Bogdan [rb1686@georgetown.edu]
Sent: 5/18/2023 8:57:16 PM
To: Kochanski, Joseph (CMS/CMCS); (b)(6)
(b)(6)
CC: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6) Tricia Brooks
[pab62@georgetown.edu]; Allison Orris [aorris@cbpp.org]; Jennifer Wagner [jwagner@cbpp.org]; Mara Youdelman
[youdelman@healthlaw.org]; Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6) Joan Alker
[jca25@georgetown.edu]; Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
Subject: Re: Re: Regroup on unwinding data

Hi Joe,

CCF is available Monday 5/22 9-10am and 4-5pm ET. Happy to pass along some slots for Tuesday if none of these work!

Best,
Rachel

*Rachel Bogdan
Policy Associate
Georgetown University Center for Children and Families
McCourt School of Public Policy, Health Policy Institute
202.687.2253*



On Thu, May 18, 2023 at 4:09 PM Joan Alker <jca25@georgetown.edu> wrote:
Adding Rachel on our end to help find a time.

Joan Alker
Executive Director, Research Professor
Center for Children and Families
Georgetown University McCourt School of Public Policy
(202)306-8383
jca25@georgetown.edu

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Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

Message

From: Mara Youdelman [youdelman@healthlaw.org]
Sent: 5/18/2023 9:07:01 PM
To: Joan Alker [jca25@georgetown.edu]; Katch (she/her), Hannah (CMS/OA) (b)(6)
CC: (b)(6)
Tricia Brooks [pab62@georgetown.edu]; Allison Orris [aorris@cbpp.org]; Jennifer Wagner [jwagner@cbpp.org]; Costello, Anne Marie (CMS/CMCS) (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS) (b)(6)
(b)(6) Kochanski, Joseph
(CMS/CMCS) (b)(6)
(b)(6) Rachel Bogdan
[rb1686@georgetown.edu]; Elizabeth Edwards [edwards@healthlaw.org]; Emma Parker-Newton [parker-newton@healthlaw.org]
Subject: RE: RE: Regroup on unwinding data

And adding Elizabeth Edwards for substance and Emma Parker-Newton for NHeLP scheduling coordination.

From: Joan Alker [mailto:jca25@georgetown.edu]
Sent: Thursday, May 18, 2023 4:09 PM
To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Mara Youdelman <youdelman@healthlaw.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>
Subject: Re: Regroup on unwinding data

Adding Rachel on our end to help find a time.

Joan Alker
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jca25@georgetown.edu

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On Thu, May 18, 2023 at 3:57 PM Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov> wrote:
Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

Message

From: Joan Alker [jca25@georgetown.edu]
Sent: 5/18/2023 8:09:00 PM
To: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
CC: Tricia Brooks [pab62@georgetown.edu]; Allison Orris [aorris@cbpp.org]; Jennifer Wagner [jwagner@cbpp.org]; Mara Youdelman [youdelman@healthlaw.org]; Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6)
Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6); Kochanski, Joseph
(CMS/CMCS); (b)(6)
(b)(6) Rachel Bogdan
[rb1686@georgetown.edu]
Subject: Re: Re: Regroup on unwinding data

Adding Rachel on our end to help find a time.

Joan Alker
Executive Director, Research Professor
Center for Children and Families
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(202)306-8383
jca25@georgetown.edu

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On Thu, May 18, 2023 at 3:57 PM Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov> wrote:
Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

Message

From: Weiss, Alice (CMS/CMCS); (b)(6)
(b)(6)

Sent: 5/12/2023 8:08:48 PM

To: CMS CMCS Unwinding (b)(6)
(b)(6); Kahlaa Cannady
[KCannady@mathematica-mpr.com]; ak722@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg
(CMS/CMCS); (b)(6)
(b)(6); Bonelli, Anna
(CMS/CMCS); (b)(6)
(b)(6); Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6); Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6); Delone, Sarah
(CMS/CMCS); (b)(6)
(b)(6); edwards@healthlaw.org;
Harris, Monica (CMS/CMCS); (b)(6)
(b)(6); Idil Samantar
[isamantar@cbpp.org]; jca25@georgetown.edu; Jennifer Wagner [jwagner@cbpp.org]; Kim Lewis
[lewis@healthlaw.org]; Lovejoy, Shannon (CMS/CMCS); (b)(6)
(b)(6); Mara Youdelman
[youdelman@healthlaw.org]; O'Connor, Sarah (CMS/CMCS); (b)(6)
(b)(6); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); (b)(6)
(b)(6); Spector, Sarah
(CMS/CMCS); (b)(6)
(b)(6); Steinberg, Marc
(CMS/CMCS); (b)(6)
(b)(6); Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6); Teal, Lela (CMS/CMCS)
(b)(6); Tricia Brooks
[pab62@georgetown.edu]; Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6); Unwinding Support
[UnwindingSupport@mathematica-mpr.com]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Ginnis, Kate (CMS/CMCS); (b)(6)
(b)(6); Kuhn, Juliet
(CMS/CMCS); (b)(6)
(b)(6)

Subject: RE: RE: Unwinding Stakeholder Small-Group

Good Afternoon –

Wanted to share that our CAA Unwinding FAQs covering topics like returned mail, premium reinstatement, SSI renewals, data sharing, and FFCC eligibility hierarchy are now posted on the Medicaid.gov/Unwinding page [here](#).

Have a great weekend!

Alice

Alice Weiss
Deputy Director, Children and Adults Health Programs Group

Centers for Medicaid and CHIP Services (CMCS)

CMS

alice.weiss@cms.hhs.gov

cell: (b)(6)



-----Original Appointment-----

From: CMS CMCS_Unwinding <CMCSUnwinding@cms.hhs.gov>

Sent: Wednesday, April 5, 2023 11:13 AM

To: CMS CMCS_Unwinding; Kahlaa Cannady; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; jca25@georgetown.edu; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); Mara Youdelman; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); Tricia Brooks; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS); Kuhn, Juliet (CMS/CMCS)

Subject: Unwinding Stakeholder Small-Group

When: Thursday, May 11, 2023 4:30 PM-5:15 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/join/9211111111> (b)(6)

Agenda:

1. CMCS updates
2. Arkansas
3. Call centers – some requiring case/member ID to be entered before accessing hold queue
4. Some states saying “we have to do x or we will lose federal funding”
 - a. WV – can’t do your redetermination early; we will lose federal funding if we do more than 1/9 of our caseload each month
 - b. KS – all renewals have to be in our possession by the 15th of the month or we’ll lose federal funding
5. State updates
 - a. Arizona – Mail being sent with one address on outside, another on notice inside
 - b. Pennsylvania – Transitions to CHIP will likely cause gaps/delays – long processing times for new apps
 - c. Florida – telling clients they **will** have to repay benefits paid pending appeal, but policy is **may**
 - d. South Dakota – state prioritizing those who may be ineligible, which includes many who will likely be eligible for expansion 7/1/23

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Password: (b)(6)

sig (b)(6)

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Message

From: Emma Parker-Newton [parker-newton@healthlaw.org]
Sent: 5/19/2023 1:13:37 PM
To: Mara Youdelman [youdelman@healthlaw.org]
CC: Joan Alker [jca25@georgetown.edu]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Tricia Brooks [pab62@georgetown.edu]; Allison Orris [aorris@cbpp.org]; Jennifer Wagner [jwagner@cbpp.org];
Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS); (b)(6)
(b)(6) Kochanski, Joseph
(CMS/CMCS); (b)(6)
(b)(6) Rachel Bogdan
[rb1686@georgetown.edu]; Elizabeth Edwards [edwards@healthlaw.org]
Subject: Re: Re: Regroup on unwinding data

Good morning everyone,

Mara and Elizabeth Edwards are available 5/22 11am-12:30pm ET or Mara and Alicia Emanuel are available 1:30-3:30pm ET. Unfortunately NHeLP isn't available at 4:30pm.

Thank you!
Emma

On Thu, May 18, 2023 at 5:07 PM Mara Youdelman <youdelman@healthlaw.org> wrote:

And adding Elizabeth Edwards for substance and Emma Parker-Newton for NHeLP scheduling coordination.

From: Joan Alker [mailto:jca25@georgetown.edu]
Sent: Thursday, May 18, 2023 4:09 PM
To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Mara Youdelman <youdelman@healthlaw.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>
Subject: Re: Regroup on unwinding data

Adding Rachel on our end to help find a time.

Joan Alker
Executive Director, Research Professor
Center for Children and Families
Georgetown University McCourt School of Public Policy

(202)306-8383
jca25@georgetown.edu

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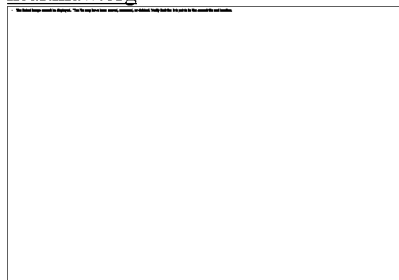
Follow me on [Twitter](#)

On Thu, May 18, 2023 at 3:57 PM Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov> wrote:

Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

--

Emma Parker-Newton (she/her)
Administrative Assistant
National Health Law Program
1444 I Street, NW, Suite 1105
Washington, DC 20005
(202) 621-1025
parker@healthlaw.org
healthlaw.org



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Message

From: Jennifer Wagner [jwagner@cbpp.org]
Sent: 5/10/2023 1:59:12 PM
To: CMS CMCS_Unwinding; (b)(6); (b)(6); Kahlaa Cannady [KCannady@mathematica-mpr.com]; akgt72@georgetown.edu; Allison Orris [aorris@cbpp.org]; Barry, Meg (CMS/CMCS); (b)(6); (b)(6); Bonelli, Anna (CMS/CMCS); (b)(6); (b)(6); Briskin, Perrie (CMS/CMCS); (b)(6); Costello, Anne Marie (CMS/CMCS); (b)(6); Delone, Sarah (CMS/CMCS); (b)(6); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); (b)(6); Idil Samantar [isamantar@cbpp.org]; Joan Alker [jca25@georgetown.edu]; Kim Lewis [lewis@healthlaw.org]; Lovejoy, Shannon (CMS/CMCS); (b)(6); youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); (b)(6); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); (b)(6); Spector, Sarah (CMS/CMCS); (b)(6); Steinberg, Marc (CMS/CMCS); (b)(6); Stephens, Jessica (CMS/CMCS); (b)(6); Teal, Lela (CMS/CMCS); (b)(6); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); (b)(6); Weiss, Alice (CMS/CMCS); (b)(6); Unwinding Support [UnwindingSupport@mathematica-mpr.com]; Katch (she/her), Hannah (CMS/OA); (b)(6); Ginnis, Kate (CMS/CMCS); (b)(6); Kuhn, Juliet (CMS/CMCS); (b)(6); (b)(6)

Subject: RE: RE: Unwinding Stakeholder Small-Group

Hello –

For tomorrow's conversation, here is a proposed agenda:

1. CMCS updates
2. Arkansas
3. Call centers – some requiring case/member ID to be entered before accessing hold queue
4. Some states saying “we have to do x or we will lose federal funding”
 - a. WV – can't do your redetermination early; we will lose federal funding if we do more than 1/9 of our caseload each month

- b. KS – all renewals have to be in our possession by the 15th of the month or we'll lose federal funding
5. State updates
- a. Arizona – Mail being sent with one address on outside, another on notice inside
 - b. Pennsylvania – Transitions to CHIP will likely cause gaps/delays – long processing times for new apps
 - c. Florida – telling clients they **will** have to repay benefits paid pending appeal, but policy is **may**
 - d. South Dakota – state prioritizing those who may be ineligible, which includes many who will likely be eligible for expansion 7/1/23

Looking forward to the meeting!

Thanks,
Jen

Jennifer H. Wagner
Director of Medicaid Eligibility and Enrollment
Center on Budget and Policy Priorities
(312) 636-7437

-----Original Appointment-----

From: CMS CMCS_Unwinding <CMCSUnwinding@cms.hhs.gov>

Sent: Wednesday, April 5, 2023 10:13 AM

To: CMS CMCS_Unwinding; Kahlaa Cannady; akg72@georgetown.edu; Allison Orris; Barry, Meg (CMS/CMCS); Bonelli, Anna (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Delone, Sarah (CMS/CMCS); edwards@healthlaw.org; Harris, Monica (CMS/CMCS); Idil Samantar; Joan Alker; Jennifer Wagner; Kim Lewis; Lovejoy, Shannon (CMS/CMCS); youdelman@healthlaw.org; O'Connor, Sarah (CMS/CMCS); perkins@healthlaw.org; Seng, Suzette (CMS/CMCS); Spector, Sarah (CMS/CMCS); Steinberg, Marc (CMS/CMCS); Stephens, Jessica (CMS/CMCS); Teal, Lela (CMS/CMCS); pab62@georgetown.edu; Tsai, Daniel (CMS/CMCS); Weiss, Alice (CMS/CMCS); Unwinding Support; Katch (she/her), Hannah (CMS/OA); Ginnis, Kate (CMS/CMCS); Kuhn, Juliet (CMS/CMCS)

Subject: Unwinding Stakeholder Small-Group

When: Thursday, May 11, 2023 4:30 PM-5:15 PM (UTC-05:00) Eastern Time (US & Canada).

Where: [\(b\)\(6\)](https://cms.zoomgov.com/j/>(b)(6))

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Password: (b)(6)

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Message

From: Allison Orris [aorris@cbpp.org]
Sent: 5/18/2023 9:58:41 PM
To: Kochanski, Joseph (CMS/CMCS); (b)(6)
(b)(6)
youdelman@healthlaw.org; Joan Alker [jca25@georgetown.edu]; Katch (she/her), Hannah (CMS/OA)
(b)(6) Teal, Lela
(CMS/CMCS); (b)(6)
CC: (b)(6)
pab62@georgetown.edu; Jennifer Wagner [jwagner@cbpp.org]; Costello, Anne Marie (CMS/CMCS)
(b)(6) Tsai, Daniel
(CMS/CMCS); (b)(6)
(b)(6) Rachel Bogdan
[rb1686@georgetown.edu]; Elizabeth Edwards [edwards@healthlaw.org]; Emma Parker-Newton [parker-
newton@healthlaw.org]; Briskin, Perrie (CMS/CMCS); (b)(6)
(b)(6) Hebert, Krista
(CMS/CMCS); (b)(6)
(b)(6)
Subject: Re: Re: Regroup on unwinding data

That works for CBPP too.

Allison Orris (she/her)
Senior Fellow
Center on Budget and Policy Priorities

From: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Sent: Thursday, May 18, 2023 5:40:30 PM
To: youdelman@healthlaw.org <youdelman@healthlaw.org>; Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>
Cc: pab62@georgetown.edu <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>; Emma Parker-Newton <parker-newton@healthlaw.org>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: RE: Regroup on unwinding data

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Team – 4:30 – 5pm on Mon. 5/22 might be the best time to make this happen, with hectic schedules next week.

- Currently, Dan, Hannah, Rachel – CCF can make it work.

Looping in Lela for Anne Marie's calendar too.

Best,

Joe

From: Mara Youdelman <youdelman@healthlaw.org>

Sent: Thursday, May 18, 2023 5:07 PM

To: Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>; Emma Parker-Newton <parker-newton@healthlaw.org>

Subject: RE: Regroup on unwinding data

And adding Elizabeth Edwards for substance and Emma Parker-Newton for NHeLP scheduling coordination.

From: Joan Alker [mailto:jca25@georgetown.edu]

Sent: Thursday, May 18, 2023 4:09 PM

To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Mara Youdelman <youdelman@healthlaw.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>

Subject: Re: Regroup on unwinding data

Adding Rachel on our end to help find a time.

Joan Alker

Executive Director, Research Professor

Center for Children and Families

Georgetown University McCourt School of Public Policy

(202)306-8383

jca25@georgetown.edu

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On Thu, May 18, 2023 at 3:57 PM Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov> wrote:

Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

Message

From: Kochanski, Joseph (CMS/CMCS); (b)(6)
(b)(6)
Sent: 5/19/2023 2:07:57 PM
To: Emma Parker-Newton [parker-newton@healthlaw.org]; Mara Youdelman [youdelman@healthlaw.org]
CC: Joan Alker [jca25@georgetown.edu]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Tricia Brooks [pab62@georgetown.edu]; Allison Orris [aorris@cbpp.org]; Jennifer Wagner [jwagner@cbpp.org];
Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS); (b)(6)
(b)(6) Rachel Bogdan
[rb1686@georgetown.edu]; Elizabeth Edwards [edwards@healthlaw.org]
Subject: RE: RE: Regroup on unwinding data

Thanks – Let's do 2:30 – 3pm on 5/22. Does that work for all?

Best,

Joe

From: Emma Parker-Newton <parker-newton@healthlaw.org>
Sent: Friday, May 19, 2023 9:14 AM
To: Mara Youdelman <youdelman@healthlaw.org>
Cc: Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>
Subject: Re: Regroup on unwinding data

Good morning everyone,

Mara and Elizabeth Edwards are available 5/22 11am-12:30pm ET or Mara and Alicia Emanuel are available 1:30-3:30pm ET. Unfortunately NHeLP isn't available at 4:30pm.

Thank you!
Emma

On Thu, May 18, 2023 at 5:07 PM Mara Youdelman <youdelman@healthlaw.org> wrote:

And adding Elizabeth Edwards for substance and Emma Parker-Newton for NHeLP scheduling coordination.

From: Joan Alker [mailto:jca25@georgetown.edu]
Sent: Thursday, May 18, 2023 4:09 PM
To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Mara Youdelman <youdelman@healthlaw.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph

(CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>

Subject: Re: Regroup on unwinding data

Adding Rachel on our end to help find a time.

Joan Alker
Executive Director, Research Professor
Center for Children and Families
Georgetown University McCourt School of Public Policy

(202)306-8383
jca25@georgetown.edu

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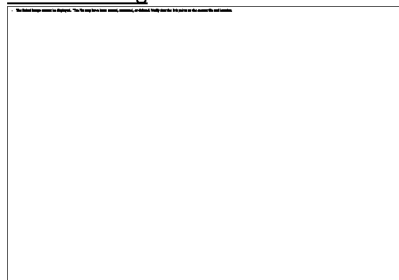
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On Thu, May 18, 2023 at 3:57 PM Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov> wrote:

Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

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Emma Parker-Newton (she/her)
Administrative Assistant
National Health Law Program
1444 I Street, NW, Suite 1105
Washington, DC 20005
(202) 621-1025
parker@healthlaw.org
healthlaw.org



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Message

From: Tricia Brooks [pab62@georgetown.edu]
Sent: 9/9/2022 1:27:04 PM
To: Stephens, Jessica (CMS/CMCS); (b)(6)
(b)(6)
CC: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Lynk, Beth (CMS/OC)
(b)(6) Cross-Call, Jesse
(OS/IEA); (b)(6)
(b)(6) Joan Alker
[jca25@georgetown.edu]; Allexa Gardner [akg72@georgetown.edu]
Subject: Re: Re: Our unwinding tracker

Sounds good - thanks.

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

On Sep 9, 2022, at 9:24 AM, Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov> wrote:

Good morning,

Thanks for sharing, Tricia, and congrats on getting this out. We will certainly have time today, perhaps in the open discussion section? We will pass to you. Thanks for offering to share!

Talk later,
Jessica

From: Tricia Brooks <pab62@georgetown.edu>
Sent: Friday, September 9, 2022 8:46 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Lynk, Beth (CMS/OC) <Florence.Lynk@cms.hhs.gov>; Cross-Call, Jesse (OS/IEA) <Jesse.Cross-call@hhs.gov>
Cc: Joan Alker <jca25@georgetown.edu>; Allexa Gardner <akg72@georgetown.edu>
Subject: Our unwinding tracker

Hello CMS friends -

CCF launched its unwinding tracker on Wednesday. I'm happy to take a few minutes to share my screen to orient national partners on our call today if there's time and interest.

Thanks,
Tricia

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

Message

From: Teal, Lela (CMS/CMCS); (b)(6)
(b)(6)
Sent: 5/21/2023 2:08:55 PM
To: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS); (b)(6)
(b)(6) Kochanski, Joseph
(CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6) Hebert, Krista
(CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: Regroup on unwinding data

No worries - we will work on moving it

From: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Sent: Saturday, May 20, 2023 1:02 PM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: RE: Regroup on unwinding data

That's my fault – I was hoping we could divide and conquer, but it seems clear from your conversations yesterday that we can't. Joe and Lela – thanks for your flexibility!

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Saturday, May 20, 2023 11:01 AM
To: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Subject: FW: Regroup on unwinding data

Hi team - I saw this landed for Tues at 2p, which conflicts with the call Hannah, Rachel and I have with the coalition of parents with kids with special needs

We'll need to adjust the time (and add Rachel as well)

Krista/Joe, making sure – is the call with the parent coalition confirmed for 2p on Tues?

If so we should leave that, and then Lela or Joe (not sure who has point) can we update the time for the unwinding discussion w ccf et al and add Rachel?

Thanks

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

Sent: Friday, May 19, 2023 12:23 PM

To: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Mara Youdelman <youdelman@healthlaw.org>; Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>; Emma Parker-Newton <parker-newton@healthlaw.org>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Kuhn, Juliet (CMS/CMCS) <Juliet.Kuhn@cms.hhs.gov>

Subject: RE: Regroup on unwinding data

Good Afternoon;

Thank you all for your patience. We are moving the meeting to Tuesday, May 23rd 2:00 – 2:30 pm. We ask that if you are unable to attend that you please send an alternative.

Lela Teal

Center for Medicaid and CHIP Services - iPhone (b)(6) lela.teal@cms.hhs.gov

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From: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>

Sent: Thursday, May 18, 2023 5:41 PM

To: Mara Youdelman <youdelman@healthlaw.org>; Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>

Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>; Emma Parker-Newton <parker-newton@healthlaw.org>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: RE: Regroup on unwinding data

Team – 4:30 – 5pm on Mon. 5/22 might be the best time to make this happen, with hectic schedules next week.

- Currently, Dan, Hannah, Rachel – CCF can make it work.

Looping in Lela for Anne Marie's calendar too.

Best,

Joe

From: Mara Youdelman <youdelman@healthlaw.org>

Sent: Thursday, May 18, 2023 5:07 PM

To: Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>; Emma Parker-Newton <parker-newton@healthlaw.org>

Subject: RE: Regroup on unwinding data

And adding Elizabeth Edwards for substance and Emma Parker-Newton for NHeLP scheduling coordination.

From: Joan Alker [mailto:jca25@georgetown.edu]

Sent: Thursday, May 18, 2023 4:09 PM

To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Mara Youdelman <youdelman@healthlaw.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>

Subject: Re: Regroup on unwinding data

Adding Rachel on our end to help find a time.

Joan Alker

Executive Director, Research Professor

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Georgetown University McCourt School of Public Policy

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jca25@georgetown.edu

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On Thu, May 18, 2023 at 3:57 PM Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov> wrote:

Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

Message

From: Joan Alker [jca25@georgetown.edu]
Sent: 5/19/2023 2:48:50 PM
To: Kochanski, Joseph (CMS/CMCS); (b)(6)
(b)(6)
CC: Emma Parker-Newton [parker-newton@healthlaw.org]; Mara Youdelman [youdelman@healthlaw.org]; Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6); Tricia Brooks [pab62@georgetown.edu]; Allison Orris [aorris@cbpp.org]; Jennifer Wagner [jwagner@cbpp.org]; Costello, Anne Marie (CMS/CMCS); (b)(6)
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(b)(6); Rachel Bogdan [rb1686@georgetown.edu]; Elizabeth Edwards [edwards@healthlaw.org]
Subject: Re: Re: Regroup on unwinding data

I can make anything work on Monday except 12-1 and 2-3.

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On Fri, May 19, 2023 at 10:47 AM Joan Alker <jca25@georgetown.edu> wrote:

I can't do 2:30. Sorry have doctors appt.

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From: Emma Parker-Newton <parker-newton@healthlaw.org>

Sent: Friday, May 19, 2023 9:14 AM

To: Mara Youdelman <youdelman@healthlaw.org>

Cc: Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>

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Thank you!

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Emma Parker-Newton (she/her)

Administrative Assistant

National Health Law Program

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(202) 621-1025
parker@healthlaw.org
healthlaw.org



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Message

From: Katch (she/her), Hannah (CMS/OA) (b)(6)
(b)(6)
Sent: 5/20/2023 5:02:25 PM
To: Tsai, Daniel (CMS/CMCS) (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
(b)(6) Kochanski, Joseph
(CMS/CMCS) (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS) (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS) (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS) (b)(6)
(b)(6) Hebert, Krista
(CMS/CMCS) (b)(6)
(b)(6)
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Sent: Saturday, May 20, 2023 11:01 AM
To: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
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If so we should leave that, and then Lela or Joe (not sure who has point) can we update the time for the unwinding discussion w ccf et al and add Rachel?

Thanks

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Subject: RE: Regroup on unwinding data

Good Afternoon;

Thank you all for your patience. We are moving the meeting to Tuesday, May 23rd 2:00 – 2:30 pm. We ask that if you are unable to attend that you please send an alternative.

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Sent: 5/22/2023 1:11:49 PM
To: Teal, Lela (CMS/CMCS) (b)(6)
(b)(6), Katch (she/her), Hannah (CMS/OA) (b)(6)
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(b)(6) Briskin, Perrie (CMS/CMCS) (b)(6)
(b)(6)
Subject: RE: RE: Regroup on unwinding data

Confirming that the call with Parent Stakeholders is confirmed for 2PM tomorrow and that Dan, Hannah, and Rachel are all on that stakeholder call.

Best,
Krista

From: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>
Sent: Sunday, May 21, 2023 10:09 AM
To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
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No worries - we will work on moving it

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<Daniel.Tsai@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>;

Emma Parker-Newton <parker-newton@healthlaw.org>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>;

Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: RE: Regroup on unwinding data

Team – 4:30 – 5pm on Mon. 5/22 might be the best time to make this happen, with hectic schedules next week.

- Currently, Dan, Hannah, Rachel – CCF can make it work.

Looping in Lela for Anne Marie's calendar too.

Best,

Joe

From: Mara Youdelman <youdelman@healthlaw.org>

Sent: Thursday, May 18, 2023 5:07 PM

To: Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>; Emma Parker-Newton <parker-newton@healthlaw.org>

Subject: RE: Regroup on unwinding data

And adding Elizabeth Edwards for substance and Emma Parker-Newton for NHeLP scheduling coordination.

From: Joan Alker [mailto:jca25@georgetown.edu]

Sent: Thursday, May 18, 2023 4:09 PM

To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Mara Youdelman <youdelman@healthlaw.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>

Subject: Re: Regroup on unwinding data

Adding Rachel on our end to help find a time.

Joan Alker

Executive Director, Research Professor

Center for Children and Families

Georgetown University McCourt School of Public Policy

(202)306-8383

jca25@georgetown.edu

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On Thu, May 18, 2023 at 3:57 PM Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov> wrote:

Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

Message

From: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Sent: 5/22/2023 1:25:17 PM
To: Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
(b)(6) Tsai, Daniel (CMS/CMCS)
(b)(6) Kochanski, Joseph
(CMS/CMCS) (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS) (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS) (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS) (b)(6)
(b)(6)
Subject: RE: RE: Regroup on unwinding data

I think the answer is probably no – but could we make the meeting with parents 30 minutes starting at 2:30? Does it need an hour?

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Sent: Monday, May 22, 2023 9:12 AM
To: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: RE: Regroup on unwinding data

Confirming that the call with Parent Stakeholders is confirmed for 2PM tomorrow and that Dan, Hannah, and Rachel are all on that stakeholder call.

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Sent: Sunday, May 21, 2023 10:09 AM
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(CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: RE: Regroup on unwinding data

That's my fault – I was hoping we could divide and conquer, but it seems clear from your conversations yesterday that we can't. Joe and Lela – thanks for your flexibility!

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Sent: Saturday, May 20, 2023 11:01 AM

To: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Subject: FW: Regroup on unwinding data

Hi team - I saw this landed for Tues at 2p, which conflicts with the call Hannah, Rachel and I have with the coalition of parents with kids with special needs

We'll need to adjust the time (and add Rachel as well)

Krista/Joe, making sure – is the call with the parent coalition confirmed for 2p on Tues?

If so we should leave that, and then Lela or Joe (not sure who has point) can we update the time for the unwinding discussion w ccf et al and add Rachel?

Thanks

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

Sent: Friday, May 19, 2023 12:23 PM

To: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Mara Youdelman <youdelman@healthlaw.org>; Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>; Emma Parker-Newton <parker-newton@healthlaw.org>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Kuhn, Juliet (CMS/CMCS) <Juliet.Kuhn@cms.hhs.gov>

Subject: RE: Regroup on unwinding data

Good Afternoon;

Thank you all for your patience. We are moving the meeting to Tuesday, May 23rd 2:00 – 2:30 pm. We ask that if you are unable to attend that you please send an alternative.

Lela Teal

Center for Medicaid and CHIP Services - iPhone: (b)(6) | lela.teal@cms.hhs.gov

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From: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Sent: Thursday, May 18, 2023 5:41 PM
To: Mara Youdelman <youdelman@healthlaw.org>; Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>
Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>; Emma Parker-Newton <parker-newton@healthlaw.org>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: RE: Regroup on unwinding data

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Subject: RE: Regroup on unwinding data

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Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Mara Youdelman <youdelman@healthlaw.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>
Subject: Re: Regroup on unwinding data

Adding Rachel on our end to help find a time.

Joan Alker
Executive Director, Research Professor
Center for Children and Families
Georgetown University McCourt School of Public Policy

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jca25@georgetown.edu

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Join us on [Facebook](#)
Follow me on [Twitter](#)

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Hi friends — can we regroup on unwinding data on Monday? Joe can help us find time. Thank you!

Message

From: Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6)
Sent: 5/23/2023 1:22:47 PM
To: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6) Deboy, Alissa
(CMS/CMCS); (b)(6) Denemark, Cindy
(CMS/CMCS); (b)(6) Coster, John
(CMS/CMCS); (b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6) Vitolo, Sara
(CMS/CMCS); (b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
Subject: RE: RE: CMS Stakeholder Call - Announcement

FYI – Per Dan’s request, I have scheduled this 4:30PM ET Stakeholder Call with NAMD, NASHP, and Patient Advocates regarding the Drug Misclassification Rollout. If I have missed anyone from CMCS, please let me know and I will happily add them to the invite!

-----Original Appointment-----

From: CMS CMCS_Scheduling <CMCS_Scheduling@cms.hhs.gov>

Sent: Tuesday, May 23, 2023 9:00 AM

To: CMS CMCS_Scheduling; Tsai, Daniel (CMS/CMCS); Hebert, Krista (CMS/CMCS); jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum; Mann, Cindy; Allison Orris; Deboy, Alissa (CMS/CMCS); ecp57@georgetown.edu; Sara Rosenbaum; Denemark, Cindy (CMS/CMCS); Coster, John (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Dianne Hassleman; Hannah Maniates; Jack Rollins; Vitolo, Sara (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Kate McEvoy

Subject: CMS Stakeholder Call - Announcement

When: Tuesday, May 23, 2023 4:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/join/9876543210> (b)(6)

CMS invites you to join Medicaid & CHIP Director Dan Tsai to discuss a CMS Announcement later today.

--

CMCS_Scheduling@cms.hhs.gov is inviting you to a scheduled ZoomGov meeting.

Join ZoomGov Meeting

<https://cms.zoomgov.com/join/9876543210> (b)(6)

Meeting ID: (b)(6)

Password: (b)(6)

One tap mobile

(b)(6)

US (San Jose)

US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

833 568 8864 US Toll-free

Meeting ID: (b)(6)

Find your local number: <https://cms.zoomgov.com/join/acMPT3RHY>

Join by SIP

Password: (b)(6)

sig: (b)(6)

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Message

From: Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6)
Sent: 5/23/2023 1:28:01 PM
To: Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS); (b)(6)
(b)(6) Deboy, Alissa
(CMS/CMCS); (b)(6)
(b)(6); Denemark, Cindy
(CMS/CMCS); (b)(6)
(b)(6) Coster, John
(CMS/CMCS); (b)(6)
(b)(6); Vitolo, Sara (CMS/CMCS)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: CMS Stakeholder Call - Announcement

This conflicts with the CMCS Unwinding Center Coordination meeting so I will not be able to join

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Sent: Tuesday, May 23, 2023 9:23 AM
To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Denemark, Cindy (CMS/CMCS) <Cynthia.Denemark@cms.hhs.gov>; Coster, John (CMS/CMCS) <John.Coster@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: RE: CMS Stakeholder Call - Announcement

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Sent: Tuesday, May 23, 2023 9:00 AM
To: CMS CMCS_Scheduling; Tsai, Daniel (CMS/CMCS); Hebert, Krista (CMS/CMCS); jca25@georgetown.edu; Edwin.Park@georgetown.edu; Sara Rosenbaum; Mann, Cindy; Allison Orris; Deboy, Alissa (CMS/CMCS); ecp57@georgetown.edu; Sara Rosenbaum; Denemark, Cindy (CMS/CMCS); Coster, John (CMS/CMCS); Costello, Anne Marie (CMS/CMCS); Dianne Hassleman; Hannah Maniates; Jack Rollins; Vitolo, Sara (CMS/CMCS); Briskin, Perrie (CMS/CMCS); Kate McEvoy
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Meeting ID: (b)(6)

Password: (b)(6)

One tap mobile

(b)(6) US (San Jose)
(b)(6) US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

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Message

From: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6)
Sent: 5/22/2023 2:06:58 PM
To: Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6) Teal, Lela (CMS/CMCS)
(b)(6) Tsai, Daniel (CMS/CMCS)
(b)(6) Kochanski, Joseph
(CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
Subject: Re: Re: Regroup on unwinding data

Makes sense. Ok let's find another time with the consumer groups.

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Sent: Monday, May 22, 2023 10:01:19 AM
To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: RE: Regroup on unwinding data

Hi Hannah,

No, I don't think shortening to 30 minutes with this group is going to be possible. We are anticipating a very large group (~1000 parents) and they have been asking for this call for quite some time – I think we should keep it to 60 minutes.

Best,
Krista

From: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Sent: Monday, May 22, 2023 9:25 AM
To: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
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Sent: Friday, May 19, 2023 12:23 PM

To: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Mara Youdelman <youdelman@healthlaw.org>; Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Cc: Tricia Brooks <pab62@georgetown.edu>; Allison Orris <aorris@cbpp.org>; Jennifer Wagner <jwagner@cbpp.org>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Elizabeth Edwards <edwards@healthlaw.org>; Emma Parker-Newton <parker-newton@healthlaw.org>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Kuhn, Juliet (CMS/CMCS) <Juliet.Kuhn@cms.hhs.gov>

Subject: RE: Regroup on unwinding data

Good Afternoon;

Thank you all for your patience. We are moving the meeting to Tuesday, May 23rd 2:00 – 2:30 pm. We ask that if you are unable to attend that you please send an alternative.

Lela Teal

Center for Medicaid and CHIP Services - iPhone (b)(6) lela.teal@cms.hhs.gov

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Sent: Thursday, May 18, 2023 5:41 PM

To: Mara Youdelman <youdelman@healthlaw.org>; Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>

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Subject: RE: Regroup on unwinding data

Team – 4:30 – 5pm on Mon. 5/22 might be the best time to make this happen, with hectic schedules next week.

- Currently, Dan, Hannah, Rachel – CCF can make it work.

Looping in Lela for Anne Marie's calendar too.

Best,

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From: Mara Youdelman <youdelman@healthlaw.org>

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Subject: Re: Regroup on unwinding data

Adding Rachel on our end to help find a time.

Joan Alker
Executive Director, Research Professor
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(202)306-8383
jca25@georgetown.edu

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Message

From: Teal, Lela (CMS/CMCS); (b)(6)
(b)(6)
Sent: 5/19/2023 4:23:18 PM
To: Kochanski, Joseph (CMS/CMCS); (b)(6)
(b)(6) Mara Youdelman
[youdelman@healthlaw.org]; Joan Alker [jca25@georgetown.edu]; Katch (she/her), Hannah (CMS/OA)
(b)(6)
CC: Tricia Brooks [pab62@georgetown.edu]; Allison Orris [aorris@cbpp.org]; Jennifer Wagner [jwagner@cbpp.org];
Costello, Anne Marie (CMS/CMCS); (b)(6)
(b)(6) Tsai, Daniel
(CMS/CMCS); (b)(6)
(b)(6) Rachel Bogdan
[rb1686@georgetown.edu]; Elizabeth Edwards [edwards@healthlaw.org]; Emma Parker-Newton [parker-
newton@healthlaw.org]; Briskin, Perrie (CMS/CMCS); (b)(6)
(b)(6) Hebert, Krista
(CMS/CMCS); (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Kuhn, Juliet (CMS/CMCS)
(b)(6)
Subject: RE: RE: Regroup on unwinding data

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Lela Teal

Center for Medicaid and CHIP Services - iPhone (b)(6) | lela.teal@cms.hhs.gov

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Subject: Re: Regroup on unwinding data

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Follow me on [Twitter](#)

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Message

From: Allison Orris [aorris@cbpp.org]

Sent: 5/22/2023 11:18:20 PM

To: Tsai, Daniel (CMS/CMCS); (b)(6)

(b)(6)

Subject: RE: RE:

Sure – try my cell

(b)(6)

Allison Orris (she/her/hers)

Senior Fellow

Center on Budget and Policy Priorities

(202) 325-8347 | aorris@cbpp.org

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

Sent: Monday, May 22, 2023 7:17 PM

To: Allison Orris <aorris@cbpp.org>

Subject:

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you know the content is safe.

Hi Allison - have a minute to connect? I tried giving you a ring but couldn't get through.

Thanks

Message

From: Lynk, Beth (CMS/OC) (b)(6)
(b)(6)
Sent: 9/9/2022 1:32:16 PM
To: Tricia Brooks [pab62@georgetown.edu]; Stephens, Jessica (CMS/CMCS) (b)(6)
(b)(6)
CC: Tsai, Daniel (CMS/CMCS) (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS) (b)(6)
(b)(6) Cross-Call, Jesse
(OS/IEA) (b)(6)
(b)(6) Joan Alker
[jca25@georgetown.edu]; Allexa Gardner [akg72@georgetown.edu]
Subject: RE: RE: Our unwinding tracker

Tricia, this is really great and helpful. Thank you.

I'll follow up about the national stakeholder call we discussed as well.

Beth

From: Tricia Brooks <pab62@georgetown.edu>
Sent: Friday, September 9, 2022 9:27 AM
To: Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>
Cc: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Lynk, Beth (CMS/OC) <Florence.Lynk@cms.hhs.gov>; Cross-Call, Jesse (OS/IEA) <Jesse.Cross-call@hhs.gov>; Joan Alker <jca25@georgetown.edu>; Allexa Gardner <akg72@georgetown.edu>
Subject: Re: Our unwinding tracker

Sounds good - thanks.

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

On Sep 9, 2022, at 9:24 AM, Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov> wrote:

Good morning,

Thanks for sharing, Tricia, and congrats on getting this out. We will certainly have time today, perhaps in the open discussion section? We will pass to you. Thanks for offering to share!

Talk later,
Jessica

From: Tricia Brooks <pab62@georgetown.edu>
Sent: Friday, September 9, 2022 8:46 AM

To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Lynk, Beth (CMS/OC) <Florence.Lynk@cms.hhs.gov>; Cross-Call, Jesse (OS/IEA) <Jesse.Cross-call@hhs.gov>
Cc: Joan Alker <jca25@georgetown.edu>; Allexa Gardner <akg72@georgetown.edu>
Subject: Our unwinding tracker

Hello CMS friends -

CCF launched its unwinding tracker on Wednesday. I'm happy to take a few minutes to share my screen to orient national partners on our call today if there's time and interest.

Thanks,
Tricia

Tricia Brooks
Georgetown University Center for Children and Families
pab62@georgetown.edu

Message

From: Hebert, Krista (CMS/CMCS); (b)(6)
(b)(6)
Sent: 5/22/2023 2:01:19 PM
To: Katch (she/her), Hannah (CMS/OA); (b)(6)
(b)(6) Teal, Lela
(CMS/CMCS); (b)(6)
(b)(6) Tsai, Daniel (CMS/CMCS)
(b)(6)
(b)(6) Kochanski, Joseph
(CMS/CMCS); (b)(6)
(b)(6) Costello, Anne Marie
(CMS/CMCS); (b)(6)
(b)(6) Stephens, Jessica
(CMS/CMCS); (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS); (b)(6)
(b)(6)
Subject: RE: RE: Regroup on unwinding data

Hi Hannah,

No, I don't think shortening to 30 minutes with this group is going to be possible. We are anticipating a very large group (~1000 parents) and they have been asking for this call for quite some time – I think we should keep it to 60 minutes.

Best,
Krista

From: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Sent: Monday, May 22, 2023 9:25 AM
To: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: RE: Regroup on unwinding data

I think the answer is probably no – but could we make the meeting with parents 30 minutes starting at 2:30? Does it need an hour?

From: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Sent: Monday, May 22, 2023 9:12 AM
To: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Subject: RE: Regroup on unwinding data

Confirming that the call with Parent Stakeholders is confirmed for 2PM tomorrow and that Dan, Hannah, and Rachel are all on that stakeholder call.

Best,
Krista

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

Sent: Sunday, May 21, 2023 10:09 AM

To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: RE: Regroup on unwinding data

No worries - we will work on moving it

From: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Sent: Saturday, May 20, 2023 1:02 PM

To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: RE: Regroup on unwinding data

That's my fault – I was hoping we could divide and conquer, but it seems clear from your conversations yesterday that we can't. Joe and Lela – thanks for your flexibility!

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

Sent: Saturday, May 20, 2023 11:01 AM

To: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Subject: FW: Regroup on unwinding data

Hi team - I saw this landed for Tues at 2p, which conflicts with the call Hannah, Rachel and I have with the coalition of parents with kids with special needs

We'll need to adjust the time (and add Rachel as well)

Krista/Joe, making sure – is the call with the parent coalition confirmed for 2p on Tues?

If so we should leave that, and then Lela or Joe (not sure who has point) can we update the time for the unwinding discussion w ccf et al and add Rachel?

Thanks

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Sent: Friday, May 19, 2023 12:23 PM

To: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Mara Youdelman <youdelman@healthlaw.org>; Joan Alker <jca25@georgetown.edu>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

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Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Stephens, Jessica (CMS/CMCS) <Jessica.Stephens@cms.hhs.gov>; Kuhn, Juliet (CMS/CMCS) <Juliet.Kuhn@cms.hhs.gov>

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(b)(6)
Sent: 5/23/2023 2:35:39 PM
To: Tsai, Daniel (CMS/CMCS) (b)(6)
(b)(6)
CC: Kochanski, Joseph (CMS/CMCS) (b)(6)
(b)(6) Briskin, Perrie
(CMS/CMCS) (b)(6)
(b)(6)
Subject: FW: FW: Best person at CCF for 2023 Healthy Policy Conference?

FYI – I am not sure if you are planning to stay the night when you come into town on 6/22, but there is a hotel block.
Note – this is the week I was suggesting you Amtrak to NY too.

Cc' Joe and Perrie for awareness.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Tuesday, May 23, 2023 10:32 AM
To: Margaux Johnson-Green <Margaux.JohnsonGreen@georgetown.edu>; Ginnis, Kate (CMS/CMCS) <katherine.ginnis@cms.hhs.gov>
Cc: Anne Dwyer <ad1763@georgetown.edu>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: RE: Best person at CCF for 2023 Healthy Policy Conference?

Hi Margaux,

Thank you for checking. I am DC-based, so no need for a hotel. Defer to Kate if she needs anything.

Best,
Perrie

From: Margaux Johnson-Green <Margaux.JohnsonGreen@georgetown.edu>
Sent: Tuesday, May 23, 2023 10:30 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Ginnis, Kate (CMS/CMCS) <katherine.ginnis@cms.hhs.gov>
Cc: Anne Dwyer <ad1763@georgetown.edu>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: Re: Best person at CCF for 2023 Healthy Policy Conference?

Hi Perrie and Kate,

We are looking forward to seeing you two at the conference! As we are finalizing logistics, I wanted to circle back around about any necessary accommodations. CCF has a limited number of rooms reserved in a hotel block for attendees that may be traveling from out of town to attend the conference. The hotels are within walking distance from Georgetown's campus where the conference will be held. Would either of you be traveling and need a room in the hotel block?

Thank you,
Margaux

Margaux Johnson-Green
State Health Policy Analyst
Georgetown University Center for Children and Families

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Margaux.JohnsonGreen@georgetown.edu | (470) 234-7349 | she/her

On Wed, Apr 26, 2023 at 11:56 AM Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov> wrote:

Hi Anne,

Thank you. That sounds great. Kate Ginnis and I are holding that June 22, 10:45-12:15 time. Let me know if you need an intro to Katy Neas in ED, if you want her to join.

Best,
Perrie

From: Anne Dwyer <ad1763@georgetown.edu>

Sent: Friday, April 14, 2023 11:55 AM

To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Rachel Bogdan <rb1686@georgetown.edu>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Margaux.JohnsonGreen@georgetown.edu; Natalie Lawson <nl568@georgetown.edu>

Subject: Re: Best person at CCF for 2023 Healthy Policy Conference?

Perrie,

Great! We can follow up with more details as we finalize the run of show and other speakers but for your planning purposes the in-person school Medicaid session will be **10:45am to 12:15pm** (right before Dan's closing keynote) on **Thursday, June 22nd on the Georgetown University main campus.**

More details to come.

Thanks again and great to connect this morning,

Anne

On Wed, Apr 12, 2023 at 3:22 PM Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov> wrote:

Hi Anne,

Thank you for lifting up Medicaid and schools. We expect the claiming guide to be out by the conference, so there will be plenty to discuss. I would love to speak and, depending on how much space you have, would also recommend inviting Katy (Katherine) Neas in the Dept of ED, our close ED partner, and Kate Ginnis at CMCS. Defer to CCF on their preference.

Best,
Perrie

From: Anne Dwyer <ad1763@georgetown.edu>

Sent: Wednesday, April 5, 2023 3:51 PM

To: Joan Alker <jca25@georgetown.edu>

Cc: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Rachel Bogdan <rb1686@georgetown.edu>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Margaux.JohnsonGreen@georgetown.edu; Natalie Lawson <nl568@georgetown.edu>

Subject: Re: Best person at CCF for 2023 Healthy Policy Conference?

Perrie,

We're still finalizing but we're expecting to have a session on Medicaid and schools (lots of great interest from our state child health groups) and would love to have a speaker(s) from CMS given all of your work in this space. We'd anticipate the session to be in person sometime on Wednesday June 22nd or Thursday the 21st and can follow up with additional details as we finalize date and times and confirm interest and availability on your end.

Thanks much,

Anne

On Wed, Apr 5, 2023 at 2:26 PM Joan Alker <jca25@georgetown.edu> wrote:

This is great news re Dan! Yay!

We are thinking about how to include Kate so she can meet some of our folks and talk with them - perhaps more informally. So I will be in touch with her.

As for the rest of the sessions we are formulating them now but Anne can jump in on a likely CMS speaker we just discussed.

Joan Alker
Executive Director, Research Professor
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On Wed, Apr 5, 2023 at 9:04 AM Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov> wrote:

Hi Joan,

We checked with Dan and he is able to make the Thursday lunch time in-person. Please let us know what the best next step is to confirm logistics/planning. Krista Hebert, cc'd here, will be the lead on confirming those logistics.

And I removed Kate Ginnis from the thread for now. If there are others from CMCS you are interested to attend (e.g., Anne Marie), please also let us know. We can help coordinate for all of CMCS.

Thank you!

Best,

Perrie

From: Joan Alker <jca25@georgetown.edu>

Sent: Friday, March 24, 2023 12:27 PM

To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Rachel Bogdan <rb1686@georgetown.edu>; Anne Dwyer <ad1763@georgetown.edu>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Margaux.JohnsonGreen@georgetown.edu; Natalie Lawson <nl568@georgetown.edu>; Ginnis, Kate (CMS/CMCS) <katherine.ginnis@cms.hhs.gov>

Subject: Re: Best person at CCF for 2023 Healthy Policy Conference?

Hi Perrie,

We were really having some kind of mind meld this week as it was on my to do list to invite Dan to speak and you beat us to it. I would love to have Kate there but let us think about that - we limited attendance last year in our first post pandemic in person gathering to just our state partners for a variety of reasons. As we develop the agenda and think about attendance I promise to let Kate know -- and she is obviously welcome to come to Dan's session and hear what our folks have to say to him which should be helpful for her I think.

We are planning a one day public virtual conference for the fall but haven't gotten to that yet.

Also to follow up on Rachel's helpful email, we do traditionally have the Medicaid director as our closer on Thursday lunch. If that does not work, we can figure out other times on Weds or Thursday am. Tuesday welcome is really not the best time for us if we can figure out how to make Weds or Thursday work.

Best,

Joan

Joan Alker
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On Fri, Mar 24, 2023 at 12:16 PM Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov> wrote:

Thank you, Rachel! This is very helpful – and exciting to see the event back in-person this year.

We will check Dan's schedule and get back to you.

Additionally, if we have others that would like to join just to attend (e.g., Kate Ginnis, our new Senior Advisor for Child Health), should we sign up online or wait to receive a formal invite?

From: Rachel Bogdan <rb1686@georgetown.edu>

Sent: Friday, March 24, 2023 11:51 AM

To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Anne Dwyer <ad1763@georgetown.edu>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Joan Alker <jca25@georgetown.edu>; Margaux.JohnsonGreen@georgetown.edu; Natalie Lawson <nl568@georgetown.edu>

Subject: Re: Best person at CCF for 2023 Healthy Policy Conference?

Hi Perrie,

Thanks for reaching out, we would love to have Dan speak at our conference. The conference is in-person on the Georgetown University main campus from Tuesday, June 20 through Thursday, June 22. We discussed having Dan speak during our final plenary session on Thursday, June 22. We can be very flexible to accommodate his schedule, but any time before 2pm would be great. If Thursday doesn't work, we are happy to have him speak on Tuesday or Wednesday as well! Once we have a working draft agenda I will pass that along, but in the meantime our tentative run of show is:

Tuesday 6/20: Welcome dinner/reception

Wednesday 6/21: AM plenary session, PM plenary session, PM breakout sessions (2)

Thursday 6/22: AM plenary session, AM breakout sessions (2), **Lunch/closing speech** (this is the session we would love to have Dan speak!)

Best,

Rachel

Rachel Bogdan

Policy Associate

Georgetown University Center for Children and Families

McCourt School of Public Policy, Health Policy Institute

202.687.2253



On Fri, Mar 24, 2023 at 9:53 AM Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov> wrote:

Thank you, Anne!

Hi Joan and Rachel – We are planning Dan’s speaking/travel schedule and want to make sure CCF’s conference, especially if it’s in-person, is on the schedule.

Thank you!

From: Anne Dwyer <ad1763@georgetown.edu>

Sent: Friday, March 24, 2023 9:14 AM

To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Joan Alker <jca25@georgetown.edu>;
Margaux.JohnsonGreen@georgetown.edu; Rachel Bogdan <rb1686@georgetown.edu>

Subject: Re: Best person at CCF for 2023 Healthy Policy Conference?

Hi Perrie,

We are and we’d love to have Dan speak again. We were just doing planning and had Dan at the top of our speaker invitation list. I’m looping in Joan and Rachel (our conference scheduling lead) who can provide more details and work with Dan’s schedule.

Anne

On Fri, Mar 24, 2023 at 7:58 AM Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov> wrote:

Hi Anne and Margaux,

Hope you both are well. Happy Friday.

I was wondering if you could help me. Is CCF planning to do a virtual or in-person health policy conference this year and who would be the best person to speak with about it? If it is in-person, Dan is interested to join depending on the dates.

Thank you!

Best,

Perrie

Perrie Briskin

Policy Advisor, Office of the Center Director

Center for Medicaid and CHIP Services (CMCS)

Cell: (b)(6)

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Anne.Dwyer@georgetown.edu