

Message

**From:** Howe, Rory (CMS/CMCS) (b)(6)  
(b)(6)  
**Sent:** 10/24/2022 12:31:35 PM  
**To:** Costello, Anne Marie (CMS/CMCS) (b)(6)  
(b)(6)  
**Subject:** RE: RE: NY-20-0024 QUESTIONS AND COMMENTS (2020 OP UPL)

Hi Anne Marie,

Thanks for the feedback, offer of assistance, and support. We definitely appreciate that this is a high-profile SPA with a rising temperature.

Your suggestion about state financing profiles is a really good one. It would have been a critically helpful resource on the NY SPAs at issue. At one point, FMG/the former ROs invested a lot of time and energy into developing (b)(5)

(b)(5)

Please let me know if you have any questions.

Thanks again,  
Rory

**From:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>  
**Sent:** Friday, October 21, 2022 3:18 PM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Subject:** RE: NY-20-0024 QUESTIONS AND COMMENTS (2020 OP UPL)

Thanks for the follow up email. See a few thoughts below.

Anne Marie

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Thursday, October 20, 2022 4:31 PM  
**To:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>  
**Subject:** RE: NY-20-0024 QUESTIONS AND COMMENTS (2020 OP UPL)

Hi Anne Marie,

Following up on our conversation from earlier, here are a few key next steps:

NY 20-0024

- I confirmed with DRR and Jeremy felt that New York is both 1) clear about what we need for approval and 2) confident that they can provide it to CMS.
- We will keep you in the loop on key developments on the SPA, including any delay in the state responding. At whatever point you need me to call the SMD I am happy to push them to be responsive.

Team Development – I really appreciate your leadership, along with Jeremy and Todd's. I also want to make sure you know that I think the team is doing what they believe is needed to effectively adjudicate the SPA. The challenge is they are starting a new and this has become somewhat of a high profile issue. The steps you describe below are all the right

things and I think will be helpful to all analysts as a reminder. One thing that has always impressed me about FMG is your recordkeeping and ability to produce a file or historic document almost instantly. Following that model, I wonder if you all would consider creating profiles of state financing so that a new analyst has a place to start from when reviewing SPAs or other actions. You may already have some of this in place. Just another idea to consider.

- I followed up with Todd again about ensuring that analysts limit written questions to those relating to approvability whenever possible, particularly for SPAs on the second clock and those that are time-sensitive. I provided additional clarity regarding expectations about non-federal share responses relating to SPA. I will also attend a DRR team meeting to emphasize these points.
- As previously planned, FMG will provide a group-wide, detailed training on non-federal share requirements. The slide deck is currently under FMG front office review. We will also provide additional DRR-specific training focusing on how to apply this knowledge as part of SPA review work (including highlighting the issues with recent NY SPAs).
- We are talking with our managers next week about FY 23 travel and I will re-raise that we should plan for an in-person meeting with NY's team given the substantial recent staff turnover.

I hope these help. Please let me know if you have other suggestions or would like to discuss further.

Rory

**From:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>  
**Sent:** Thursday, October 20, 2022 1:53 PM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** RE: NY-20-0024 QUESTIONS AND COMMENTS (2020 OP UPL)

Rory

Thanks. So for right now the ball is in the state's court to get us back a response which we think will be approvable?

Anne Marie

**From:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Sent:** Thursday, October 20, 2022 12:00 PM  
**To:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>  
**Subject:** RE: NY-20-0024 QUESTIONS AND COMMENTS (2020 OP UPL)

Hi Anne Marie,

We have continued to make progress with the state since our last update. FMG's last outstanding request involves the state confirming information on its non-federal share financing. This was one of two key issues that we flagged as outstanding in our last update. Barring an unexpected response from the state or a very delayed state response, we believe we can approve without the state pulling the SPA off the clock.

On a call yesterday morning, we provided clarification that we are not requiring NY to have formal IGT agreements. Instead, we communicated that we need to understand how NY's financing works and to ensure it appears to meet federal requirements. Of note, the state's funding responses do not indicate that the non-federal share is under state administrative control when it draws federal funds. This is an explicit regulatory requirement and though we anticipate the state is in compliance, we need confirmation.

I recognize that our team may be asking more questions about NY's non-federal share arrangement than in the recent past. Our NY SPA review team has essentially turned over completely in the past two years and NY's arrangements tend

to be atypical and complex. I also acknowledge the below IGT questions likely pressed NY more than we would typically press a state. However, it was our new team members attempting to ensure appropriate financing, not implement new requirements or slow the SPA review. Of note, Jeremy and I discovered this issue on the IGT questions before the email below, communicated it to the DRR team, and it led to the clarification to the state on yesterday's call.

Again, I hope we are very close and appear to be on track for approval (barring anything unexpected). I stressed the urgency with our DRR team again this morning.

I hope this helps. Please let me know if you have any questions.

Thanks,  
Rory

**From:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>  
**Sent:** Thursday, October 20, 2022 9:22 AM  
**To:** Howe, Rory (CMS/CMCS) <[Rory.Howe@cms.hhs.gov](mailto:Rory.Howe@cms.hhs.gov)>  
**Subject:** FW: NY-20-0024 QUESTIONS AND COMMENTS (2020 OP UPL)

**From:** Mann, Cindy <[CMann@manatt.com](mailto:CMann@manatt.com)>  
**Sent:** Wednesday, October 19, 2022 5:39 PM  
**To:** Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>  
**Cc:** Tsai, Daniel (CMS/CMCS) <[Daniel.Tsai@cms.hhs.gov](mailto:Daniel.Tsai@cms.hhs.gov)>  
**Subject:** RE: NY-20-0024 QUESTIONS AND COMMENTS (2020 OP UPL)

Resending as I had Dan's former email...

**Cindy Mann**  
Partner

**Manatt, Phelps & Phillips, LLP**  
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**From:** Mann, Cindy  
**Sent:** Wednesday, October 19, 2022 5:35 PM  
**To:** Anne Marie Costello <[annemarie.costello@cms.hhs.gov](mailto:annemarie.costello@cms.hhs.gov)>  
**Cc:** Tsai, Daniel (EHS) <[daniel.tsai@state.ma.us](mailto:daniel.tsai@state.ma.us)>  
**Subject:** NY-20-0024 QUESTIONS AND COMMENTS (2020 OP UPL)

I'm so sorry on many levels to come back to you with a no progress/step backward message regarding the back and forth between CMS and NYS/Health and Hospitals. I know you have spoken to the team but we still can't get the stop gap measure in place, never mind the fix NY is looking for regarding rates. Below is a few bullets on background, which I

Message

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**From:** Howe, Rory (CMS/CMCS) (b)(6)  
(b)(6)  
**Sent:** 9/7/2022 6:51:29 PM  
**To:** Costello, Anne Marie (CMS/CMCS) (b)(6)  
(b)(6)  
**Subject:** RE: RE: sorry but

Hi Anne Marie,

We believe we are close to approval on four SPAs that would extend the state's inpatient and outpatient hospital supplemental payment authority through 2020 and 2021 (presumably these are the SPAs at issue that would alleviate immediate cashflow concerns). The SPAs are moving on our end as quickly as they can. FMG has been working closely with the state following the 8/18 call, including meeting as recently as last Thursday. Currently, there are only two outstanding items, both of which are pending with the state:

1. Although we have no further questions on the non-federal share sources based on recent conversations with the state, we are waiting for the state to submit written responses that align with recent discussions.
2. During an 8/30 meeting, the state committed to provide additional support for its 2021 UPL demonstrations for inpatient and outpatient hospital services. Specifically, we need more information that demonstrates the state's proposed supplemental payments, when combined with all other supplemental and base payments, would be under the UPL.

The state did not share a specific timeline for responding, but our team is aware of provider cashflow concerns and is working the SPAs with urgency. I hope this helps. Please let me know if you have additional questions. Thanks again for the patience!

Rory

**From:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>  
**Sent:** Wednesday, September 7, 2022 12:05 PM  
**To:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Subject:** RE: sorry but

Thanks – I will look for your update this afternoon.

And no problem about not sending. I know things are crazy.

Anne Marie

**From:** Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>  
**Sent:** Wednesday, September 7, 2022 12:04 PM  
**To:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>  
**Subject:** RE: sorry but

Hi Anne Marie,

I apologize, but we drafted the below a few weeks ago and I never hit send. I am working with DRR to get an update of the 8/18 meeting with the state that is mentioned below and I will provide an update as soon as I can this afternoon. They are aware that we need something as soon as possible today. Please let me know if you have any questions in the interim and sorry that I dropped the ball a couple of weeks ago.

Please see below information from the team regarding NY's proposed SPAs at issue. I'm not sure there is a lot that we can say to H&H at this point, other than assure H&H that we understand the seriousness of the cash flow concerns, that we are meeting with the state this week to work toward approval, and that we are only asking questions that are relevant to the current proposal. Here is some additional background that might be helpful:

- New York proposed two SPAs (NY 20-0042 and 20-0043) that would convert their supplemental inpatient hospital payments and outpatient hospital payments from quarterly lump sum payments to rate add-ons. The SPAs aimed to improve the cash flow to providers.
- Upon initial review, CMS had to work closely with the state on its Upper Payment Limit (UPL) demonstrations (historically, we have experienced a number of challenges with NY provided the necessary UPL demo information timely).
- We also identified a few major concerns with the state's proposal:
  1. The state's methodology included payment based on managed care utilization. State are not permitted to make FFS payments based on managed care.
  2. The state's payment methodology could result in payments that exceed the UPLs, which are the aggregate limit for payments to a particular class of providers for a particular service. Unlike the state's existing lump sum supplemental payments, which are calculated based on the state's actual "UPL gap" (i.e. the difference between the UPL and the all underlying base payments), the proposed new supplemental payments would be calculated based on an estimate of the UPL gap. CMS is okay with the approach if the state's payment methodology reconciles the payments made based on the estimated UPL gap to the actual UPL gap once it becomes available. Otherwise, CMS would have no assurance the state's actual payments would fit under the UPL, which is required by regulations.
  3. The state needed to provide more information regarding the mechanism to fund the non-federal share.
- CMS conveyed the above concerns to the state, asked a series of clarifying questions, and requested a number of changes to their state plan language (the "eight pages of questions" referred to by H&H).
- The state did not commit to respond to the questions or make the requested changes. The reconciliation identified in number 2 above was a particular sticking point. Instead, in mid-July the state communicated to CMS that it:
  - 1) No longer intended to pursue its proposals to convert its lump sum supplemental payment to prospective add-on payments and that it would revisit them in a future fiscal year, and:
  - 2) Instead, would propose to extend its previous authority to make lump sum supplemental payments (which automatically sunsets every few years absent re-approval in the state plan).
- Following notice in July that NY intended to withdrawal its prospective supplemental payment proposals, FMG informed the state that to extend its previous authority for its lump sum supplemental payments, CMS still needed additional information to:
  - 1) Ensure the source of non-federal share meets federal requirements, and
  - 2) Ensure that NY's lump sum supplemental payments would cause NY to exceed its aggregate UPLs.
- CMS no longer needs the state to respond to the "eight pages of questions," unless the state puts is prospective UPL payments back on the table.
- FMG is meeting with the state on August 18<sup>th</sup> to discuss the most recent proposal. FMG anticipates that the state should be able to provide the information necessary for approval. Of note, around the submission time, the long-time FMG analyst responsible for NY SPAs retired. Our new reviewers might be asking questions about non-federal share sources that the state did not receive from the prior analyst due to his detailed knowledge of NY's program and close working relationship with the state.

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

**Sent:** Wednesday, September 7, 2022 10:55 AM

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

**Subject:** FW: sorry but

Can you please resend me the info on the NY SPAs related to HHC. Thanks. I am talking to Cindy this evening.

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

**Sent:** Tuesday, September 6, 2022 2:57 PM

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

**Subject:** sorry but

Need to circle around with you on two issues you were following up on:

- econsult policy . any word on when/how guidance will be issued?
- NYC Health and Hospitals. I just got back from vacation so I haven't heard anything more on this but I will check; just checking to see if you've had a chance to follow up with the cmcs team to get this payment SPA moving.

Thank you.

**Cindy Mann**

Partner

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Message

**From:** Weiss, Alice (CMS/CMCS); (b)(6)  
(b)(6)

**Sent:** 7/3/2023 7:01:05 PM

**To:** Briskin, Perrie (CMS/CMCS); (b)(6)  
(b)(6) Spector, Sarah  
(CMS/CMCS); (b)(6)  
(b)(6) Costello, Anne Marie  
(CMS/CMCS); (b)(6)  
(b)(6) Tsai, Daniel  
(CMS/CMCS); (b)(6)  
(b)(6) Vitolo, Sara (CMS/CMCS)  
(b)(6)

**CC:** Steinberg, Marc (CMS/CMCS); (b)(6)  
(b)(6) Delone, Sarah  
(CMS/CMCS); (b)(6)  
(b)(6) Hollis (she/her), Annie  
(CMS/CMCS); (b)(6)  
(b)(6) Cesnik, Matthew  
(CMS/CMCS); (b)(6)  
(b)(6) Kahn, Abby  
(CMS/CMCS); (b)(6)  
(b)(6) Barry, Meg (CMS/CMCS)  
(b)(6); Clark, Liz (CMS/CMCS)  
(b)(6) Rashid, Mehreen  
(CMS/CMCS); (b)(6)  
(b)(6)

**Subject:** RE: RE: Florida Executive Order on Illegal Immigrants

Hi Perrie –

I don't think we have done direct outreach with FL on this yet, but agree some engagement with the state on Medicaid requirements would be helpful.

CAHPG will discuss internally and follow up. Thanks.

Have a great Fourth holiday!

Alice

**From:** Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>  
**Sent:** Sunday, July 2, 2023 8:35 PM  
**To:** Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Spector, Sarah (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>  
**Cc:** Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>; Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>; Hollis (she/her), Annie (CMS/CMCS) <Annie.Hollis@cms.hhs.gov>; Cesnik, Matthew (CMS/CMCS) <Matthew.Cesnik@cms.hhs.gov>; Kahn, Abby (CMS/CMCS) <Abigail.Kahn@cms.hhs.gov>; Barry, Meg (CMS/CMCS) <meg.barry@cms.hhs.gov>; Clark, Liz (CMS/CMCS) <Elizabeth.Clark@cms.hhs.gov>; Rashid, Mehreen (CMS/CMCS) <mehreen.rashid@cms.hhs.gov>  
**Subject:** RE: Florida Executive Order on Illegal Immigrants

Hi Alice,

On this issue, because the state law is now in effect since July 1 – has CAHPG had any conversations with the state on this? Is it worth raising our concerns with the state, even though this is a provider issue and not directly action the Medicaid agency is taking?

Best,  
Perrie

**From:** Weiss, Alice (CMS/CMCS) <[Alice.Weiss@cms.hhs.gov](mailto:Alice.Weiss@cms.hhs.gov)>  
**Sent:** Wednesday, June 21, 2023 5:10 PM  
**To:** Briskin, Perrie (CMS/CMCS) <[Perrie.Briskin@cms.hhs.gov](mailto:Perrie.Briskin@cms.hhs.gov)>; Spector, Sarah (CMS/CMCS) <[Sarah.Spector@cms.hhs.gov](mailto:Sarah.Spector@cms.hhs.gov)>; Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Tsai, Daniel (CMS/CMCS) <[Daniel.Tsai@cms.hhs.gov](mailto:Daniel.Tsai@cms.hhs.gov)>; Vitolo, Sara (CMS/CMCS) <[Sara.Vitolo@cms.hhs.gov](mailto:Sara.Vitolo@cms.hhs.gov)>  
**Cc:** Steinberg, Marc (CMS/CMCS) <[Marc.Steinberg@cms.hhs.gov](mailto:Marc.Steinberg@cms.hhs.gov)>; Delone, Sarah (CMS/CMCS) <[Sarah.Delone2@CMS.hhs.gov](mailto:Sarah.Delone2@CMS.hhs.gov)>; Hollis (she/her), Annie (CMS/CMCS) <[Annie.Hollis@cms.hhs.gov](mailto:Annie.Hollis@cms.hhs.gov)>; Cesnik, Matthew (CMS/CMCS) <[Matthew.Cesnik@cms.hhs.gov](mailto:Matthew.Cesnik@cms.hhs.gov)>; Kahn, Abby (CMS/CMCS) <[Abigail.Kahn@cms.hhs.gov](mailto:Abigail.Kahn@cms.hhs.gov)>; Barry, Meg (CMS/CMCS) <[meg.barry@cms.hhs.gov](mailto:meg.barry@cms.hhs.gov)>; Clark, Liz (CMS/CMCS) <[Elizabeth.Clark@cms.hhs.gov](mailto:Elizabeth.Clark@cms.hhs.gov)>; Rashid, Mehreen (CMS/CMCS) <[mehreen.rashid@cms.hhs.gov](mailto:mehreen.rashid@cms.hhs.gov)>  
**Subject:** RE: Florida Executive Order on Illegal Immigrants

Thanks for the heads up on this and update on law going into effect on July 1, Perrie. CAHPG agrees with the approach proposed in the media response by OC. We don't typically comment on state legislation so wouldn't have any comment here. Thanks.

Alice

**From:** Briskin, Perrie (CMS/CMCS) <[Perrie.Briskin@cms.hhs.gov](mailto:Perrie.Briskin@cms.hhs.gov)>  
**Sent:** Wednesday, June 21, 2023 2:01 PM  
**To:** Weiss, Alice (CMS/CMCS) <[Alice.Weiss@cms.hhs.gov](mailto:Alice.Weiss@cms.hhs.gov)>; Spector, Sarah (CMS/CMCS) <[Sarah.Spector@cms.hhs.gov](mailto:Sarah.Spector@cms.hhs.gov)>; Costello, Anne Marie (CMS/CMCS) <[AnneMarie.Costello@cms.hhs.gov](mailto:AnneMarie.Costello@cms.hhs.gov)>; Tsai, Daniel (CMS/CMCS) <[Daniel.Tsai@cms.hhs.gov](mailto:Daniel.Tsai@cms.hhs.gov)>; Vitolo, Sara (CMS/CMCS) <[Sara.Vitolo@cms.hhs.gov](mailto:Sara.Vitolo@cms.hhs.gov)>  
**Cc:** Steinberg, Marc (CMS/CMCS) <[Marc.Steinberg@cms.hhs.gov](mailto:Marc.Steinberg@cms.hhs.gov)>; Delone, Sarah (CMS/CMCS) <[Sarah.Delone2@CMS.hhs.gov](mailto:Sarah.Delone2@CMS.hhs.gov)>; Hollis (she/her), Annie (CMS/CMCS) <[Annie.Hollis@cms.hhs.gov](mailto:Annie.Hollis@cms.hhs.gov)>; Cesnik, Matthew (CMS/CMCS) <[Matthew.Cesnik@cms.hhs.gov](mailto:Matthew.Cesnik@cms.hhs.gov)>; Cash, Judith (CMS/CMCS) <[Judith.Cash@cms.hhs.gov](mailto:Judith.Cash@cms.hhs.gov)>; Kahn, Abby (CMS/CMCS) <[Abigail.Kahn@cms.hhs.gov](mailto:Abigail.Kahn@cms.hhs.gov)>; Barry, Meg (CMS/CMCS) <[meg.barry@cms.hhs.gov](mailto:meg.barry@cms.hhs.gov)>; Lutzky, Amy (CMS/CMCS) <[Amy.Lutzky@cms.hhs.gov](mailto:Amy.Lutzky@cms.hhs.gov)>  
**Subject:** RE: Florida Executive Order on Illegal Immigrants

Hi All,

Re-upping this issue on FL and their use of the healthcare system to collect information on a person's immigration status. We received the attached media inquiry that flags that on July 1, a FL measure goes into effect that requires hospitals that receive Medicaid to ask every patient about their immigration status on the patient admission or registration form.

I believe this is also an OCR/CCSQ issue but wanted to flag for this group as well. Here, as a reminder, is the 2022 CAHPG paper on FL's EO on Immigrants and potential implications for Medicaid.

<https://share.cms.gov/>

(b)(6)

(b)(6)



**From:** Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>  
**Sent:** Tuesday, July 19, 2022 5:10 PM  
**To:** Spector, Sarah L (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>; Vitolo, Sara (CMS/FCHCO) <Sara.Vitolo@cms.hhs.gov>  
**Cc:** Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>; Hollis, Annie R. (CMS/CMCS) <Annie.Hollis@cms.hhs.gov>; Cesnik, Matthew (CMS/CMCS) <Matthew.Cesnik@cms.hhs.gov>; Cash, Judith (CMS/CMCS) <Judith.Cash@cms.hhs.gov>  
**Subject:** RE: Florida Executive Order on Illegal Immigrants

Hello all – The meeting with OCR will land for next week, either next Thursday 7/28 or Friday 7/29.

In prep for the meeting with OCR, and in order to avoid another meeting on the calendar, can CAHPG bring to CAHPG Clearance on 7/26 a summary of their analysis here, elaborating on these three points sent by Sarah, and whether there is a role for Medicaid here?

- 1)
- 2)
- 3)

(b)(5)

**From:** Spector, Sarah L (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>  
**Sent:** Tuesday, July 19, 2022 10:46 AM  
**To:** Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>; Vitolo, Sara (CMS/FCHCO) <Sara.Vitolo@cms.hhs.gov>  
**Cc:** Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>; Hollis, Annie R. (CMS/CMCS) <Annie.Hollis@cms.hhs.gov>; Cesnik, Matthew (CMS/CMCS) <Matthew.Cesnik@cms.hhs.gov>; Cash, Judith (CMS/CMCS) <Judith.Cash@cms.hhs.gov>  
**Subject:** RE: Florida Executive Order on Illegal Immigrants

Yes, we can join. Thanks.

**From:** Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>  
**Sent:** Tuesday, July 19, 2022 10:41 AM  
**To:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Spector, Sarah L (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>; Vitolo, Sara (CMS/FCHCO) <Sara.Vitolo@cms.hhs.gov>  
**Cc:** Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>; Hollis, Annie R. (CMS/CMCS) <Annie.Hollis@cms.hhs.gov>; Cesnik, Matthew (CMS/CMCS) <Matthew.Cesnik@cms.hhs.gov>; Cash, Judith (CMS/CMCS)

<Judith.Cash@cms.hhs.gov>

**Subject:** RE: Florida Executive Order on Illegal Immigrants

Annie and Matt – Can this please be a walk-on item at the end of today’s CAHPG clearance so we can talk briefly through next steps?

OA/OCR would like to meet with CMCS, but before that meeting it would be helpful to understand if/how there is a role for Medicaid here.

Thank you!

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

**Sent:** Friday, July 8, 2022 6:28 PM

**To:** Spector, Sarah L (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>; Vitolo, Sara (CMS/FCHCO) <Sara.Vitolo@cms.hhs.gov>

**Cc:** Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>; Hollis, Annie R. (CMS/CMCS) <Annie.Hollis@cms.hhs.gov>; Cesnik, Matthew (CMS/CMCS) <Matthew.Cesnik@cms.hhs.gov>; Cash, Judith (CMS/CMCS) <Judith.Cash@cms.hhs.gov>

**Subject:** RE: Florida Executive Order on Illegal Immigrants

Thanks for flagging. Let’s connect after vacation. I think we will need to think through the (b)(5) issues very carefully.

Anne Marie

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

**Sent:** Friday, July 8, 2022 1:50 PM

**To:** Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/FCHCO) <Sara.Vitolo@cms.hhs.gov>

**Cc:** Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>; Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>; Hollis, Annie R. (CMS/CMCS) <Annie.Hollis@cms.hhs.gov>; Cesnik, Matthew (CMS/CMCS) <Matthew.Cesnik@cms.hhs.gov>; Cash, Judith (CMS/CMCS) <Judith.Cash@cms.hhs.gov>

**Subject:** FW: Florida Executive Order on Illegal Immigrants

Dan/Ann Marie/Sara –

Sending some very quick thoughts before I head out on leave for the rest of the day and next week. Wanted you to know we’ve done a bit of thinking on this and also that OGC (Mike Meister and Caroline) have reached out to us as well, they are being asked to look into (b)(5) Annie, Matt and Marc are connected.

- 1)
- 2)
- 3)

(b)(5)

4)

(b)(5)

You are in good hands with Annie and Matt, if you need more on this in the next week.

All the best,  
Sarah

**From:** Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>  
**Sent:** Tuesday, July 5, 2022 7:12 PM  
**To:** Spector, Sarah L (CMS/CMCS) <Sarah.Spector@cms.hhs.gov>; Steinberg, Marc (CMS/CMCS) <Marc.Steinberg@cms.hhs.gov>; Hollis, Annie R. (CMS/CMCS) <Annie.Hollis@cms.hhs.gov>; Cesnik, Matthew (CMS/CMCS) <Matthew.Cesnik@cms.hhs.gov>  
**Cc:** Weiss, Alice (CMS/CMCS) <Alice.Weiss@cms.hhs.gov>  
**Subject:** FW: Florida Executive Order on Illegal Immigrants

We're not being asked to do anything at this point and AMC said she thinks this is something that should (b)(5) (b)(5) but can you take a look at the FL EO and Cindy's email and let me know what you think? Thanks.

**From:** Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>  
**Sent:** Tuesday, July 5, 2022 5:36 PM  
**To:** Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/FCHCO) <Sara.Vitolo@cms.hhs.gov>; Cash, Judith (CMS/CMCS) <Judith.Cash@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>  
**Cc:** Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>  
**Subject:** RE: Florida Executive Order on Illegal Immigrants

<https://www.gainesville.com/story/news/2022/06/09/florida-hospitals-unable-meet-immigration-data-demand-desantis/7499186001/>

[https://www.flgov.com/wp-content/uploads/2021/09/EO\\_21-223.pdf](https://www.flgov.com/wp-content/uploads/2021/09/EO_21-223.pdf)

**From:** Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>  
**Sent:** Tuesday, July 5, 2022 5:00 PM  
**To:** Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/FCHCO) <Sara.Vitolo@cms.hhs.gov>; Cash, Judith (CMS/CMCS) <Judith.Cash@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>  
**Cc:** Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>  
**Subject:** RE: Florida Executive Order on Illegal Immigrants

I'm assuming Cindy attached the FL EO? Can someone forward?

**From:** Tsai, Daniel (CMS/OA) <Daniel.Tsai@cms.hhs.gov>  
**Sent:** Tuesday, July 5, 2022 4:22 PM  
**To:** Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/FCHCO) <Sara.Vitolo@cms.hhs.gov>; Delone, Sarah (CMS/CMCS) <Sarah.Delone2@CMS.hhs.gov>; Cash, Judith (CMS/CMCS) <Judith.Cash@cms.hhs.gov>; Miller, Courtney (CMS/CMCS) <Courtney.Miller@cms.hhs.gov>