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From: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>

Sent: Tuesday, March 28, 2023 6:59 AM

To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Hoffman, Janice (HHS/OGC) <Janice.Hoffman@HHS.GOV>; Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: RE: MO follow up

See if this works.

- Context:

- MO has a hospital tax with a voluntary hold harmless arrangement between hospitals, which we believe violates the statutory requirement that provider taxes apply to facilities uniformly.
- Over the past several years, CMS has been on the record indicating the impermissibility of this tax (see more detail below). However, details about the hold harmless arrangement were newly revealed to CMS over the past several years.
- Last month, CMS released guidance affirming that hold harmless arrangements of this type violate the statutory prohibition on hold harmless.

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

Sent: Monday, March 27, 2023 8:30 PM

To: Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>; Rodriguez, Paul (HHS/OGC) <PaulR.Rodriguez@hhs.gov>; Hoffman, Janice (HHS/OGC) <Janice.Hoffman@HHS.GOV>; Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: MO follow up

Atty client / privileged and confidential

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Message

From: Tsai, Daniel (CMS/CMCS); (b)(6)
(b)(6)
Sent: 4/26/2023 9:26:23 PM
To: Pryor, Rachel (HHS/OS/IOS); (b)(6)
(b)(6); Ciccone, Caroline
(HHS/ASPA); (b)(6)
(b)(6); Sommers, Benjamin
(HHS/ASPE); (b)(6)
(b)(6); Egorin, Melanie
(HHS/ASL); (b)(6)
(b)(6); Haffajee, Rebecca
(HHS/ASPE); (b)(6)
(b)(6); Lynch-Smith, Miranda
(OS/ASPE); (b)(6)
(b)(6); Delew, Nancy
(HHS/ASPE); (b)(6)
(b)(6)
Subject: Re: Re: CBO estimates on work requirements

Yup thanks

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From: Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>
Sent: Wednesday, April 26, 2023 4:19:15 PM
To: Ciccone, Caroline (HHS/ASPA) <Caroline.Ciccone@hhs.gov>; Sommers, Benjamin (HHS/ASPE) <Benjamin.Sommers@hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Egorin, Melanie (HHS/ASL) <Melanie.Egorin@hhs.gov>; Haffajee, Rebecca (HHS/ASPE) <Rebecca.Haffajee@hhs.gov>; Lynch-Smith, Miranda (OS/ASPE) <Miranda.LynchSmith@hhs.gov>; Delew, Nancy (HHS/ASPE) <Nancy.Delew@hhs.gov>
Subject: RE: CBO estimates on work requirements

Yes- dan should do it

From: Ciccone, Caroline (HHS/ASPA) <Caroline.Ciccone@hhs.gov>
Sent: Wednesday, April 26, 2023 4:18 PM
To: Sommers, Benjamin (HHS/ASPE) <Benjamin.Sommers@hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Egorin, Melanie (HHS/ASL) <Melanie.Egorin@hhs.gov>; Haffajee, Rebecca (HHS/ASPE) <Rebecca.Haffajee@hhs.gov>; Lynch-Smith, Miranda (OS/ASPE) <Miranda.LynchSmith@hhs.gov>; Delew, Nancy (HHS/ASPE) <Nancy.Delew@hhs.gov>
Subject: RE: CBO estimates on work requirements

I think these are both great points – probably better for Dan to give them tomorrow if asked, though we can prep the Secretary to understand the background as well.

From: Sommers, Benjamin (HHS/ASPE) <Benjamin.Sommers@hhs.gov>
Sent: Wednesday, April 26, 2023 4:06 PM
To: Ciccone, Caroline (HHS/ASPA) <Caroline.Ciccone@hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Egorin, Melanie (HHS/ASL) <Melanie.Egorin@hhs.gov>; Haffajee, Rebecca (HHS/ASPE) <Rebecca.Haffajee@hhs.gov>; Lynch-Smith, Miranda (OS/ASPE) <Miranda.LynchSmith@hhs.gov>;

Delew, Nancy (HHS/ASPE) <Nancy.Delew@hhs.gov>

Subject: RE: CBO estimates on work requirements

Yes, that all looks good. We could

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From: Ciccone, Caroline (HHS/ASPA) <Caroline.Ciccone@hhs.gov>

Sent: Wednesday, April 26, 2023 4:00 PM

To: Sommers, Benjamin (HHS/ASPE) <Benjamin.Sommers@hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Egorin, Melanie (HHS/ASL) <Melanie.Egorin@hhs.gov>; Haffajee, Rebecca (HHS/ASPE) <Rebecca.Haffajee@hhs.gov>; Lynch-Smith, Miranda (OS/ASPE) <Miranda.LynchSmith@hhs.gov>; Delew, Nancy (HHS/ASPE) <Nancy.Delew@hhs.gov>

Subject: RE: CBO estimates on work requirements

Tough QA for press call tomorrow: This look all right?

Q

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A.

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From: Sommers, Benjamin (HHS/ASPE) <Benjamin.Sommers@hhs.gov>

Sent: Wednesday, April 26, 2023 9:54 AM

To: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Egorin, Melanie (HHS/ASL) <Melanie.Egorin@hhs.gov>; Haffajee, Rebecca (HHS/ASPE) <Rebecca.Haffajee@hhs.gov>; Lynch-Smith, Miranda (OS/ASPE) <Miranda.LynchSmith@hhs.gov>; Delew, Nancy (HHS/ASPE) <Nancy.Delew@hhs.gov>; Ciccone, Caroline (HHS/ASPA) <Caroline.Ciccone@hhs.gov>

Subject: RE: CBO estimates on work requirements

One more thought I mentioned to Dan earlier in the week.

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From: Sommers, Benjamin (HHS/ASPE)

Sent: Wednesday, April 26, 2023 9:49 AM

To: Tsai, Daniel (CMS/CMCS) <daniel.tsai@cms.hhs.gov>; Pryor, Rachel (HHS/OS/IOS) <Rachel.Pryor@hhs.gov>; Egorin, Melanie (HHS/ASL) <Melanie.Egorin@hhs.gov>; Haffajee, Rebecca (HHS/ASPE) <Rebecca.Haffajee@hhs.gov>; Lynch-Smith, Miranda (OS/ASPE) <Miranda.LynchSmith@hhs.gov>; Delew, Nancy (HHS/ASPE) <Nancy.Delew@hhs.gov>

Subject: CBO estimates on work requirements

Hi folks,

Dan asked me to send some thoughts on the CBO estimates around work requirements:

https://www.cbo.gov/system/files/2023-04/59102-Arrington-Letter_LSG%20Act_4-25-2023.pdf

States could disenroll people who do not satisfy the requirement or they could maintain those enrollments entirely with state funds. States could begin to receive federal Medicaid funding for enrollees at the start of the next calendar year, as long as those people continued to meet other eligibility requirements. CBO expects that about 15 million people could be subject to the Medicaid community engagement requirement each year, although many of those people would qualify for an exemption. CBO estimates that title III would decrease federal spending by about \$109 billion over the 2023–2033 period. Once all states established requirements, about 1.5 million adults, on average, would lose federal funding for their Medicaid coverage. CBO expects that many states would cover the cost of maintaining insurance coverage for affected people. In total, an estimated 60 percent (or about 900,000 people) would remain in their states’ Medicaid program under state-only funding and 40 percent (or about 600,000 people) would become uninsured.

(b)(5) Based on my team’s paper in NEJM in 2019 (Table 2), 10.4% of the low-income survey sample that was in the age range subject to the requirements lost Medicaid; notably, this is from a base of 70.5% with Medicaid. (b)(5)

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The HHS fact sheet this week indicated 21M subject to the requirement – (b)(5)

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Two smaller issues: (b)(5)

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Let me know if anything else would be helpful.

Ben

Message

From: Kaminsky, Stephanie (CMS/CMCS) (b)(6)
(b)(6)
Sent: 4/11/2023 3:16:19 PM
To: Silanskis, Jeremy (CMS/CMCS) (b)(6)
(b)(6)
CC: Howe, Rory (CMS/CMCS) (b)(6)
(b)(6) Maccarroll, Amber
(CMS/CMCS) (b)(6)
(b)(6) Brown, Sharon
(CMS/CMCS) (b)(6)
(b)(6) Raymundo, Joseph
(CMS/CMCS) (b)(6)
(b)(6) Mcmillion, Todd
(CMS/CMCS) (b)(6)
(b)(6)
Subject: RE: RE: [External]RE: Cancelling Fri 3-24-23 CalAIM Behavioral Health (BH) Payment Reform

Will discuss with the team this afternoon. Not sure if we should lean anymore on OGC without your say so- given what OGD has said is on the OGC plate

I will try to summarize the OGC advice- though honestly Jeremy, I would really welcome a few minutes to talk through some pieces with you. I just don't feel clear about (b)(5) which was the basis of my questions at 3:4 this a.m. (as well as my q's to OGC). But will discuss with the team this afternoon.

From: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Sent: Tuesday, April 11, 2023 11:11 AM
To: Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Brown, Sharon (CMS/CMCS) <Sharon.Brown@cms.hhs.gov>; Raymundo, Joseph (CMS/CMCS) <Joseph.Raymundo@cms.hhs.gov>
Subject: RE: [External]RE: Cancelling Fri 3-24-23 CalAIM Behavioral Health (BH) Payment Reform

Thanks. Has the team discussed internally or would it be helpful to have a conversation with OGC to walk through with them?

From: Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>
Sent: Tuesday, April 11, 2023 11:08 AM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Brown, Sharon (CMS/CMCS) <Sharon.Brown@cms.hhs.gov>; Raymundo, Joseph (CMS/CMCS) <Joseph.Raymundo@cms.hhs.gov>
Subject: RE: [External]RE: Cancelling Fri 3-24-23 CalAIM Behavioral Health (BH) Payment Reform

We can try. I don't think I understand OGC's feedback- but I'll report out as best I can.

From: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Sent: Tuesday, April 11, 2023 9:26 AM
To: Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Brown, Sharon (CMS/CMCS) <Sharon.Brown@cms.hhs.gov>; Raymundo, Joseph

(CMS/CMCS) <Joseph.Raymundo@cms.hhs.gov>

Subject: RE: [External]RE: Cancelling Fri 3-24-23 CalAIM Behavioral Health (BH) Payment Reform

Can we use the FMG clearance meeting time tomorrow? I think it would be good for Rory and Amber to hear the OGC feedback as well. Thanks.

From: Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>

Sent: Tuesday, April 11, 2023 9:16 AM

To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Brown, Sharon (CMS/CMCS) <Sharon.Brown@cms.hhs.gov>; Raymundo, Joseph (CMS/CMCS) <Joseph.Raymundo@cms.hhs.gov>

Subject: FW: [External]RE: Cancelling Fri 3-24-23 CalAIM Behavioral Health (BH) Payment Reform

Jeremy-

By any chance would it be okay to put 30 min on calendar to talk this through with you today or tomorrow? I want to drive this to closure (b)(5)

Thanks very much-
sk

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From: Kaminsky, Stephanie (CMS/CMCS)

Sent: Wednesday, April 5, 2023 9:50 AM

To: Fitzgerald, Brian@DHCS <Brian.Fitzgerald@dhcs.ca.gov>; Young, Cheryl (CMS/CMCS) <Cheryl.Young@cms.hhs.gov>; Anders, Charles@DHCS <Charles.Anders@dhcs.ca.gov>

Cc: Khan, Jennifer@DHCS <Jennifer.Khan@dhcs.ca.gov>; Rodriguez, Luis@DHCS <Luis.Rodriguez@dhcs.ca.gov>; Lam, Jacob@DHCS <Jacob.Lam@dhcs.ca.gov>; Rhodes, Kenneth@DHCS <Kenneth.Rhodes@dhcs.ca.gov>; Holt, Blake (CMS/CMCS) <Blake.Holt@cms.hhs.gov>; Brown, Sharon (CMS/CMCS) <Sharon.Brown@cms.hhs.gov>; Heitt, Melissa (CMS/FCHCO) <Melissa.Heitt@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Delvecchio, Lynn (CMS/CMCS) <Lynn.DelVecchio@cms.hhs.gov>; Raymundo, Joseph (CMS/CMCS) <Joseph.Raymundo@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>

Subject: RE: [External]RE: Cancelling Fri 3-24-23 CalAIM Behavioral Health (BH) Payment Reform

Hi Brian-

As I noted last week, we briefed our leadership last week and we met with our counsel yesterday to discuss the CA request. As I noted last week, our leadership was considering the proposal, provided certain safeguards were in place,

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With counsel, we discussed

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Otherwise, counsel is

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I know that the timing is getting very tight here, and am sorry. We are very aware of the state's request.

Happy to set up time to talk further, but we are awaiting some more guidance from our counsel now.

Stephanie

Stephanie Kaminsky | Senior Policy Advisor, Financial Management Group |
stephanie.kaminsky@cms.hhs.gov

From: Fitzgerald, Brian@DHCS <Brian.Fitzgerald@dhcs.ca.gov>

Sent: Tuesday, April 4, 2023 7:35 PM

To: Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Young, Cheryl (CMS/CMCS) <Cheryl.Young@cms.hhs.gov>; Anders, Charles@DHCS <Charles.Anders@dhcs.ca.gov>

Cc: Khan, Jennifer@DHCS <Jennifer.Khan@dhcs.ca.gov>; Rodriguez, Luis@DHCS <Luis.Rodriguez@dhcs.ca.gov>; Lam, Jacob@DHCS <Jacob.Lam@dhcs.ca.gov>; Rhodes, Kenneth@DHCS <Kenneth.Rhodes@dhcs.ca.gov>; Holt, Blake (CMS/CMCS) <Blake.Holt@cms.hhs.gov>; Brown, Sharon (CMS/CMCS) <Sharon.Brown@cms.hhs.gov>; Heitt, Melissa (CMS/FCHCO) <Melissa.Heitt@cms.hhs.gov>

Subject: RE: [External]RE: Cancelling Fri 3-24-23 CalAIM Behavioral Health (BH) Payment Reform

Good Afternoon Stephanie,

I wanted to follow up on the below request. DHCS is hoping to get an informal approval from CMS on the financing for administration and Utilization Review and Quality Assurance (UR/QA) this week if possible. DHCS is needing to provide updated contract language to counties which includes payment methods for these activities. As noted below, counties will need board approval for these contracts which can take several months.

Happy to jump on a call to tie up any loose ends you may have as well,

Brian Fitzgerald, Chief
Local Governmental Financing Division
Department of Health Care Services



From: Fitzgerald, Brian@DHCS

Sent: Friday, March 24, 2023 8:23 AM

To: Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Young, Cheryl (CMS/CMCS) <Cheryl.Young@cms.hhs.gov>; Anders, Charles@DHCS <Charles.Anders@dhcs.ca.gov>

Cc: Khan, Jennifer@DHCS <Jennifer.Khan@dhcs.ca.gov>; Rodriguez, Luis@DHCS <Luis.Rodriguez@dhcs.ca.gov>; Lam, Jacob@DHCS <Jacob.Lam@dhcs.ca.gov>; Rhodes, Kenneth@DHCS <Kenneth.Rhodes@dhcs.ca.gov>; Holt, Blake (CMS/CMCS) <Blake.Holt@cms.hhs.gov>; Brown, Sharon (CMS/CMCS) <Sharon.Brown@cms.hhs.gov>; Heitt, Melissa (CMS/FCHCO) <Melissa.Heitt@cms.hhs.gov>; Raymundo, Joseph (CMS/CMCS) <Joseph.Raymundo@cms.hhs.gov>

Subject: RE: [External]RE: Cancelling Fri 3-24-23 CalAIM Behavioral Health (BH) Payment Reform

Thanks for the quick response, Stephanie. Happy to discuss guardrails/reporting requirements as needed. As this is a priority for DHCS please let me know if you would like to meet and I will make sure the appropriate teams are available.

Thanks again,

Brian Fitzgerald, Chief

Local Governmental Financing Division

Department of Health Care Services



From: Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>

Sent: Friday, March 24, 2023 6:44 AM

To: Young, Cheryl (CMS/CMCS) <Cheryl.Young@cms.hhs.gov>; Fitzgerald, Brian@DHCS <Brian.Fitzgerald@dhcs.ca.gov>; Anders, Charles@DHCS <Charles.Anders@dhcs.ca.gov>

Cc: Khan, Jennifer@DHCS <Jennifer.Khan@dhcs.ca.gov>; Rodriguez, Luis@DHCS <Luis.Rodriguez@dhcs.ca.gov>; Lam, Jacob@DHCS <Jacob.Lam@dhcs.ca.gov>; Rhodes, Kenneth@DHCS <Kenneth.Rhodes@dhcs.ca.gov>; Holt, Blake (CMS/CMCS) <Blake.Holt@cms.hhs.gov>; Brown, Sharon (CMS/CMCS) <Sharon.Brown@cms.hhs.gov>; Heitt, Melissa (CMS/FCHCO) <Melissa.Heitt@cms.hhs.gov>; Raymundo, Joseph (CMS/CMCS) <Joseph.Raymundo@cms.hhs.gov>

Subject: [External]RE: Cancelling Fri 3-24-23 CalAIM Behavioral Health (BH) Payment Reform

Brian and Chuck-

I want you to know that we received your note yesterday about the urgent need for resolution on the admin claiming side. We coincidentally briefed leadership yesterday. They had some questions which we are responding to.

The big issue was whether there could/would be any safeguards put in place. A few were suggested in the meeting. I am circling back with leadership this am to see if they are okay with my moving forward with the state—and beginning to discuss possible safeguards.

Hope this makes sense.

More soon.

Stephanie

Stephanie Kaminsky | Senior Policy Advisor, Financial Management Group |
stephanie.kaminsky@cms.hhs.gov

From: Young, Cheryl (CMS/CMCS) <Cheryl.Young@cms.hhs.gov>

Sent: Thursday, March 23, 2023 7:26 PM

To: Fitzgerald, Brian@DHCS <Brian.Fitzgerald@dhcs.ca.gov>; Anders, Charles@DHCS <Charles.Anders@dhcs.ca.gov>

Cc: Khan, Jennifer@DHCS <Jennifer.Khan@dhcs.ca.gov>; luis.rodriquez@dhcs.ca.gov; Lam, Jacob@DHCS <Jacob.Lam@dhcs.ca.gov>; Rhodes, Kenneth@DHCS <Kenneth.Rhodes@dhcs.ca.gov>; Holt, Blake (CMS/CMCS) <Blake.Holt@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>

Subject: Cancelling Fri 3-24-23 CalAIM Behavioral Health (BH) Payment Reform

Hi Brian and Chuck: I'm cancelling tomorrow's CalAIM Behavioral Health (BH) Payment Reform call since Blake is on leave. The next scheduled meeting is Friday, 4/7/23.

Thanks.

Cheryl Young
U.S. Department of Health & Human Services
Centers for Medicare & Medicaid Services
Medicaid and CHIP Operations Group
Division of Program Operations, West Branch
San Francisco Office

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