

Message

From: Grady, Victoria C (HHSC) [Victoria.Grady@hhs.texas.gov]
Sent: 2/7/2024 3:28:16 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) , (b)(6) Howe, Rory
, (b)(6)
CC: Silanskis, Jeremy (CMS/CMCS) , (b)(6) Morgan, Frances (HHSC)
[Frances.Morgan@hhs.texas.gov]; HHSC PFD LFM [PFD_LFM@hhs.texas.gov]; Griffith, Maggie (HHSC)
[Maggie.Griffith@hhs.texas.gov]; Davis, Kristin (HHSC) [Kristin.Davis08@hhs.texas.gov]; Arnold, Charlie (CMS/CMCS)
Clark, Jennifer
, (b)(6) Goldstein, Stuart
Subject: RE: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

Thank you for your response – I’m looking forward to our call this afternoon. To help you prep, I’m sharing below my understanding of CMS’ position so we can discuss further on the call if I am not understanding correctly what your email states.

- (1) I understand that to assess whether the specific tax applied by the Northeast Healthcare Provider Participation District would potentially require a review of the specific tax amount assessed, the Medicaid payments, etc. We are happy to provide approximate estimated amounts as you suggest for that purpose so they can be reviewed in view of 42 CFR 433.68(f).
- (2) The discussion between CMS and HHS when the state statute that created the ability for a joint jurisdiction provider tax to be created in 2019 surrounded whether there was a legal reason that a multi-jurisdiction could or could not exist and be compliant with the requirements of 42 CFR 433.68, regardless of the specific amounts taxed or paid to the providers. Our inquiry to CMS after the formation of the NHPPD was to see what the legal position of CMS is on such a jurisdiction, in general. Based upon your response below, I understand CMS’ position to be that there is no concern with the formation of a joint jurisdiction provider tax as a matter of course. And, a joint jurisdiction if formed will need to meet all the same requirements that a single jurisdiction LPPF would with respect to uniformity, broad-basis, and other requirements set forth in 433.68, including by not violating 433.68(f).

Thanks,
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, February 1, 2024 7:52 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Tori,

We wanted to share with you the following information in advance of our call on February 7, 2024.

On December 13, 2023, and December 14, 2023, the state of Texas indicated that it could not provide us with the tax amounts for the three hospitals located within the Northeast Healthcare Provider Participation District (the District). It also indicated that it could not provide to us amounts of Medicaid payments funded by the tax that the state will make to the hospitals. Texas claims that it is unable to obtain this information because the tax arrangement is not currently in place, the state has not accepted any IGTs from the District, the state does not know for which expenditures the funds will be used as nonfederal share, and the District has not been required by the state of Texas to report tax amounts.

In the absence of information about actual tax and payment amounts, we request that the state provide estimates for the information we have requested, using the best available information. For instance, the state could use historical revenue data for these providers and calculate what 6% of their inpatient and outpatient net patient revenue would be to calculate approximately how much tax they would pay in the new assessment. Similarly, the state could provide projected Medicaid payments providers would receive by recourse to the information that the state does have. In similar situations, some states have been able to provide projected tax amounts, and often projected Medicaid payments using historical data and other sources.

Absent this type of information, CMS is unable to provide its view of the permissibility or the impermissibility of the taxes in question, including in relation to the presence or absence of any hold harmless arrangements. Hold harmless arrangements exist when the state or other unit of government imposing the tax provides (directly or indirectly) for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax. Without receiving:

1. Information on tax amounts;
2. Information on payment amounts funded by taxes; and
3. A comparison of the first item to the second item

We are unable to give any opinions regarding permissibility of the health care-related tax with federal requirements and hold harmless issues. In the absence of receiving this information, all CMS can say is that while the health care-related tax imposed by the Northeast Healthcare Participation District appears to satisfy broad-based and uniformity requirements, CMS does not have enough information to form a view regarding whether any payments supported by the tax could result in an impermissible hold harmless arrangement.

Please let us know if we can be of any further assistance in this matter.

We look forward to talking with you on February 7, 2024. Thank you.

Best,
Jonathan

THOMAS000002

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, January 3, 2024 3:06 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hello all and Happy New Year!

I wanted to check in about CMS' review of our questions about the permissibility of joint jurisdiction provider taxes. This matter has been pending since the late summer and we are hopeful that we will be able to receive CMS' opinion as soon as possible. Please let us know when we can anticipate receiving your response.

Thanks,
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, December 14, 2023 9:20 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Victoria. I am acknowledging receipt of the State's responses.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
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THOMAS000003

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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, December 14, 2023 10:16 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Please find the answers to the other two questions below:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?

The Northeast Healthcare Provider Participation District (Northeast HCPPD) consists of three local governmental entities:

- Henderson County
- Hopkins County Hospital District
- Lamar County

There are three hospitals located within the Northeast HCPPD, according to HHSC's most recently available hospital licensure data.

NAME	COUNTY
UT HEALTH EAST TEXAS ATHENS HOSPITAL	HENDERSON
CHRISTUS MOTHER FRANCES HOSPITAL - SULPHUR SPRINGS	HOPKINS
PARIS REGIONAL MEDICAL CENTER NORTH CAMPUS	LAMAR

2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?

The tax rate for the Northeast HCPPD is 6.0 percent. However, HHSC does not have information on the tax amounts assessed by the Northeast HCPPD because HHSC did not accept IGT from them, and they were not required to report on the tax amounts.

From: Grady,Victoria C (HHSC)
Sent: Wednesday, December 13, 2023 5:03 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

We are happy to get you the answers to the first two questions. As we conveyed previously, HHSC has not accepted any local funding from the Northeast Healthcare Participation District, so there are no reportable amounts available for your third question. Nor do we have a listing of what programs they may wish to IGT for since IGT is transferred on a voluntary basis as.

We'll follow up ASAP with the information to response to your questions 1 and 2.
Tori

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

Sent: Wednesday, December 13, 2023 12:42 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Victoria,

We are continuing our review of Texas's question concerning the issue of joint jurisdiction and the Local Provider Participation Fund. At this time, we have the following questions:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?
2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?
3. Can Texas please provide the amounts of any Medicaid payments funded by the new Local Provider Participation Fund in the Northeast Healthcare Participation District?

Please let us know if our questions are unclear or require further explanation.

Best,

Jonathan

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Social Science Research Analyst
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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, December 4, 2023 11:18 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory –

Just checking in. Do you anticipate that you will have an update soon?

Thanks,
Tori

From: Grady,Victoria C (HHSC)
Sent: Wednesday, October 18, 2023 3:46 PM
To: 'Howe, Rory (CMS/CMCS)' <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory – I'll plan to check in again with you around December 1 then, if I haven't heard from you before then.

Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, October 18, 2023 3:43 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thanks again for taking the time to provide a verbal overview of the proposal and for the written responses to our questions. We are actively reviewing your responses. We might have follow-up questions, will need to draft a response internally, then cleared it through our CMS team. Our best estimate on a response is about 45 days, but it could take longer. We appreciate the urgency, particularly given the localities are interested in implementing as soon as possible.

Please let me know if you have questions or concerns on the estimated timeline.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, October 17, 2023 10:58 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hey Rory –

Just checking in to see if you have a timeline for responding with your position.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, October 5, 2023 6:55 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

We are acknowledging receipt. We appreciate the responses to our questions and the conversation last week. We will review the attached information as quickly as possible, then will reconnect on our anticipated response timeline.

Thank you,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, October 4, 2023 6:46 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory and team –

Thank you for visiting with us. Written responses to your questions are attached. We understand that CMS did not anticipate being able to provide us your position on this matter by October 15, 2023. If you could send us the anticipated date for your response, we would appreciate it.

Thanks!
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, September 28, 2023 2:48 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Dear Federal and Texas State Partners,

Please see the following questions attached. We look forward to talking with you tomorrow.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
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Centers for Medicare & Medicaid Services (CMS)
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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 3:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Thanks again, Tori. Jonathan Endelman from our team should be sending questions soon.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, September 28, 2023 2:55:36 PM

THOMAS000008

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

We definitely understand. Let's do a half hour starting at 11 and then if we need to follow up with another meeting we can. Do you anticipate still sending the questions in advance so we can make sure we use the time efficiently?

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 1:51 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. We have a mandatory meeting tomorrow that just popped up at 11:30 CDT tomorrow. We are happy to start the meeting at 10:30 CDT instead of 11 or keep it to a half hour between 11 CDT and 11:30. Please let us know your preference and thanks in advance for your understanding.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, September 26, 2023 9:36 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory -I updated the invitation to Friday, September 29 at 11am CDT. We appreciate your flexibility for us.

Looking forward to chatting.
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, September 26, 2023 7:02 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. Unfortunately, we have a conflict at 2PM CDT. We could make any time between 9AM CDT and 2PM CDT work. Would any time during this window work for you? Thanks again.

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, September 25, 2023 8:22 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

2pm central on the 29th works on this side. Would that work for you?

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

Sent: Monday, September 25, 2023 2:40:16 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

No problem at all. Do you have any availability on Friday the 29th?

Thanks,

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, September 25, 2023 9:54 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

My apologies, but we've had a different call with a different area of CMS get booked for the same time that we scheduled this one. Is there any chance we can move this to a different time or date? Please let me know if there is an alternative that works on your side.

Thanks,

THOMAS000010

Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 21, 2023 7:01 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you. Thursday the 28th at 10 CDT would work for us. If you include me on the appointment, I will share with our CMS team. We plan to share questions by email before the meeting.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 5:40 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory -

We can make the following dates and times (central) work:

Monday 9/25 1-2
Thursday 9/28 10-11
Friday 9/29 2-3

Let me know what works for you and we can send a calendar invite with a Teams link.

If you are able to send questions in advance, we'd be happy to take a look and do whatever research we can to make sure we are prepared.

Thank you!
Tori

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 3:58:52 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you for offering a call. We believe a call would be helpful to obtain additional details regarding the state's request and to provide an opportunity to talk through some preliminary questions that we have. Do you and your team have any availability next week? After the call, we will be able to provide a better estimate on the timing for the full response.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, September 20, 2023 11:32 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Rory –

I hope your team and you are doing well. I wanted to follow up on my email below to see if you have determined whether a call would be helpful to assist you.

I also wanted to touch base about the timing for CMS to provide us the full response to our request; we had indicated that we were hoping for a response by October 15, 2023 in our initial communication. Do you think that timeframe will be achievable? If not, would you please let us know what time frame will work for you all so we can let our stakeholders know when we expect to receive the feedback?

Thanks,
Tori

From: Grady,Victoria C (HHSC)

Sent: Friday, August 25, 2023 2:49 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Rory - If a call would be helpful, please let us know and we'll get something on the books.

Have a good weekend.
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, August 25, 2023 2:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

WARNING: This email is from outside the HHS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Tori,

Please accept this as acknowledgement of HHSC's request. CMS is actively reviewing your request and intends to respond as expeditiously as possible. We will contact you if we have any questions in the interim. Please feel free to do the same.

I hope you have a great weekend.

Regards,
Rory

Rory Howe
Director
Financial Management Group
CMS/CMCS

, (b)(6)

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, August 15, 2023 1:17 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Rory,

On May 21, 2019, CMS sent HHSC some questions related to local provider participation funds (LPPFs) in Texas. One of the questions related to Texas House Bill (H.B.) 4289, 86th Texas Legislature, Regular Session, 2019. H.B. 4289 added Chapter 300A to the Texas Health and Safety Code, which contemplated multiple hospital districts, counties, and municipalities acting collectively. Based on CMS' feedback, HHSC understood there was an increased likelihood of CMS more closely scrutinizing a local provider tax in jurisdictions with a sole community provider or where providers received payments in excess of their tax burden – not because payments were tied to the tax, but because those facilities, by virtue of the limited venues of service, happened to provide Medicaid services sufficient to entitle them to payments in excess of their tax. To alleviate CMS' concern, Chapter 300A authorized two or more already existing LGEs that only had one provider in each of their jurisdictions to combine service areas to establish and operate one LPPF.

For reference, out of Texas' 254 counties, 183 counties have at least one hospital, 119 counties have only one hospital, and 71 counties do not have any hospitals. Unlike many states, where the Medicaid population is concentrated in larger urban areas, a significant portion of services to Texas Medicaid beneficiaries are provided in rural communities.

In August 2019, HHSC responded to CMS' May 2019 questions and indicated that we were "not aware of any governmental units having been formed pursuant to House Bill 4289." In that August 2019 correspondence, we also stated: "HHSC would not accept funds from such a governmental unit until it has completed its discussions with CMS on the issue. HHSC and CMS held a conference call about the issue of jurisdictions joining together on April 2, 2019. CMS identified concerns to HHSC and HHSC agreed to provide a document with reasoning as to why joining jurisdictions together should be legal. HHSC submitted this information to CMS on April 15, 2019. HHSC has not received any comments or objections from CMS."

LPPF funds generated under the authority granted by Chapter 300A have not been used as the non-federal share to date. However, HHSC has now been notified that, pursuant to Chapter 300A, Texas Health and Safety Code, certain governmental entities have elected to create the "Northeast Health Care Provider Participation District." In keeping with our prior commitment that we would not accept funds from such a governmental unit until we completed our discussions with CMS, we are notifying CMS of the formation of the district. We request that CMS provide its position on whether HHSC is legally prohibited from using transfers from such new unit of local government as the non-federal share. If CMS believes this source of local funding is prohibited, we request CMS describe the legal basis for that position.

HHSC seeks CMS' collaboration to navigate the unique circumstance presented by rural safety net hospitals in Texas, which are critical to provide care to the Medicaid population.

On a separate note, we recently re-submitted responses to RAIs for two SPAs related to payments for hospital services. Both RAIs included questions from CMS regarding LPPFs. CMS' RAI for SPA 19-0020 requested additional information regarding how many "LPPFs has the Texas legislature approved...[o]f those, how many consist of more than one county grouped together to form an LPPF?" HHSC indicated in our responses to the RAIs that all funds currently accepted for use as the non-federal share are from local governmental entities (LGEs)- including hospital districts, counties, and cities - that existed prior to the enactment of state laws permitting those LGEs to operate LPPFs. We consider this question about the use of LPPF revenues from a multi-jurisdictional district to be distinct from CMS' review of the SPA RAIs because the potential acceptance of revenues from a district formed by multiple jurisdictions has not yet occurred **and will not occur until our conversations with CMS are complete.**

Due to the fact that more than 4 years have passed since we last discussed this specific matter in detail and HHSC provided our responses to your questions, we understand that you may need time to refresh yourselves on the specifics of the correspondence we exchanged in 2019. Our local governments, however, are waiting for CMS and HHSC to respond to their formation of the district. To ensure that they receive a timely response, we are hopeful that we will be able to conclude this matter within the next 60 days and request that CMS send us their position on the matter in that time frame.

Tori Grady
Director of Provider Finance
Texas Health and Human Services Commission

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb (CMS/CMCS) <Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover, Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan,

I think we should ask OGC to weigh in on the unit of government and if we can request the additional information highlighted below.

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP

, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, December 20, 2023 2:05 PM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb (CMS/CMCS) <Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover, Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>
Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

Dear all,

Please see the Joint Jurisdiction memo below. As I stated in the tax meeting, I think the next step is to ask OGC to weigh in on the unit of government issue.

Best,

Jonathan

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

From: Endelman (he/him), Jonathan (CMS/CMCS)
Sent: Wednesday, December 20, 2023 8:50 AM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

On December 14, 2023, Victoria Grady, Director of Provider Finance for the State of Texas's Health and Human Services Commission, also known as the Texas Medicaid Agency, responded to a list of questions that we asked on December 13, 2023. These questions concerned what is known as the "joint jurisdiction" issue. Three units of local government in Northeast Texas, Henderson County, Hopkins County Hospital District, and Lamar County wish to combine to form a new unit of local government, the Northeast Healthcare Provider Participation District. The State of Texas originally approached CMS on August 15 2023. From responses we have received from the state of Texas, each of three units of local government have one (1) single hospital within its borders. As a result, three hospitals will be participating in the new Northeast Healthcare Provider Participation District. The three hospitals are: University of Texas Health East Texas Athens Hospital in Henderson County, Christus Mother Frances Hospital in Hopkins County Hospital District, and Paris Regional Medical Center in Lamar County. These three counties, each with one hospital, are combining to form a single Healthcare Participation District as a way to lessen the hold harmless concerns that would exist if each unit of local government imposed a healthcare-related tax on the only hospital that was located within its borders. , (b)(5)

, (b)(5)

Texas is inquiring about CMS's view concerning the permissibility of this new arrangement under federal statute and regulation. CMS originally asked Texas written questions on September 28, 2023. CMS and Texas met on September 29, 2023, at which point Texas provided some verbal responses to these questions. Texas provided original written responses on October 4, 2023. Texas's responses from October 4 and subsequent responses from December 14 have provided some useful information that could help CMS determine the permissibility of this structure. However, at this point, we continue to believe that we lack the information necessary to make a definitive determination as to the permissibility of this structure. In addition, there are several confounding factors that make providing technical assistance difficult at this point.

, (b)(5)

, (b)(5)

, (b)(5)

, (b)(5)

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
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7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Endelman (he/him), Jonathan (CMS/CMCS)

Sent: Friday, December 15, 2023 11:39 AM

To: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>;
Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>;
Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb (CMS/CMCS)
<Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover, Matthew
(CMS/CMCS) <matthew.schoonover@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

, (b)(5)

Best,

Jonathan

THOMAS000018

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
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410.786.4738
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Mail Stop, S3-14-28
Baltimore, MD 21244-1850

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

Sent: Friday, December 15, 2023 10:02 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb (CMS/CMCS) <Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover, Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

I agree with your follow-up questions.

, (b)(5)

, (b)(5)

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

Sent: Thursday, December 14, 2023 10:24 AM

To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb (CMS/CMCS) <Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover, Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>

Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

A couple of thoughts:

, (b)(5)

Best,

THOMAS000019

Jonathan

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

From: Endelman (he/him), Jonathan (CMS/CMCS)
Sent: Thursday, December 14, 2023 10:20 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Victoria. I am acknowledging receipt of the State's responses.

Best,

Jonathan

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

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, December 14, 2023 10:16 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Please find the answers to the other two questions below:

THOMAS000020

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?

The Northeast Healthcare Provider Participation District (Northeast HCPPD) consists of three local governmental entities:

- Henderson County
- Hopkins County Hospital District
- Lamar County

There are three hospitals located within the Northeast HCPPD, according to HHSC's most recently available hospital licensure data.

NAME	COUNTY
UT HEALTH EAST TEXAS ATHENS HOSPITAL	HENDERSON
CHRISTUS MOTHER FRANCES HOSPITAL - SULPHUR SPRINGS	HOPKINS
PARIS REGIONAL MEDICAL CENTER NORTH CAMPUS	LAMAR

2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?

The tax rate for the Northeast HCPPD is 6.0 percent. However, HHSC does not have information on the tax amounts assessed by the Northeast HCPPD because HHSC did not accept IGT from them, and they were not required to report on the tax amounts.

From: Grady,Victoria C (HHSC)

Sent: Wednesday, December 13, 2023 5:03 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

We are happy to get you the answers to the first two questions. As we conveyed previously, HHSC has not accepted any local funding from the Northeast Healthcare Participation District, so there are no reportable amounts available for your third question. Nor do we have a listing of what programs they may wish to IGT for since IGT is transferred on a voluntary basis as.

We'll follow up ASAP with the information to response to your questions 1 and 2.
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, December 13, 2023 12:42 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Victoria,

We are continuing our review of Texas's question concerning the issue of joint jurisdiction and the Local Provider Participation Fund. At this time, we have the following questions:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?
2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?
3. Can Texas please provide the amounts of any Medicaid payments funded by the new Local Provider Participation Fund in the Northeast Healthcare Participation District?

Please let us know if our questions are unclear or require further explanation.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
Division of Financial Policy (DFP)
410.786.4738
jonathan.endelman@cms.hhs.gov
7500 Security Blvd.
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Baltimore, MD 21244-1850

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, December 4, 2023 11:18 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory –

Just checking in. Do you anticipate that you will have an update soon?

Thanks,
Tori

From: Grady,Victoria C (HHSC)
Sent: Wednesday, October 18, 2023 3:46 PM
To: 'Howe, Rory (CMS/CMCS)' <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory – I'll plan to check in again with you around December 1 then, if I haven't heard from you before then.

Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, October 18, 2023 3:43 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thanks again for taking the time to provide a verbal overview of the proposal and for the written responses to our questions. We are actively reviewing your responses. We might have follow-up questions, will need to draft a response internally, then cleared it through our CMS team. Our best estimate on a response is about 45 days, but it could take longer. We appreciate the urgency, particularly given the localities are interested in implementing as soon as possible.

Please let me know if you have questions or concerns on the estimated timeline.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, October 17, 2023 10:58 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hey Rory –

Just checking in to see if you have a timeline for responding with your position.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, October 5, 2023 6:55 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

We are acknowledging receipt. We appreciate the responses to our questions and the conversation last week. We will review the attached information as quickly as possible, then will reconnect on our anticipated response timeline.

Thank you,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, October 4, 2023 6:46 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory and team –

Thank you for visiting with us. Written responses to your questions are attached. We understand that CMS did not anticipate being able to provide us your position on this matter by October 15, 2023. If you could send us the anticipated date for your response, we would appreciate it.

Thanks!
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, September 28, 2023 2:48 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Dear Federal and Texas State Partners,

Please see the following questions attached. We look forward to talking with you tomorrow.

Best,

Jonathan

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

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 3:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Thanks again, Tori. Jonathan Endelman from our team should be sending questions soon.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, September 28, 2023 2:55:36 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

We definitely understand. Let's do a half hour starting at 11 and then if we need to follow up with another meeting we can. Do you anticipate still sending the questions in advance so we can make sure we use the time efficiently?

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 1:51 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. We have a mandatory meeting tomorrow that just popped up at 11:30 CDT tomorrow. We are happy to start the meeting at 10:30 CDT instead of 11 or keep it to a half hour between 11 CDT and 11:30. Please let us know your preference and thanks in advance for your understanding.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, September 26, 2023 9:36 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory -I updated the invitation to Friday, September 29 at 11am CDT. We appreciate your flexibility for us.

Looking forward to chatting.
Tori

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

Sent: Tuesday, September 26, 2023 7:02 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. Unfortunately, we have a conflict at 2PM CDT. We could make any time between 9AM CDT and 2PM CDT work. Would any time during this window work for you? Thanks again.

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, September 25, 2023 8:22 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

2pm central on the 29th works on this side. Would that work for you?

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, September 25, 2023 2:40:16 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

No problem at all. Do you have any availability on Friday the 29th?

Thanks,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, September 25, 2023 9:54 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

My apologies, but we've had a different call with a different area of CMS get booked for the same time that we scheduled this one. Is there any chance we can move this to a different time or date? Please let me know if there is an alternative that works on your side.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 21, 2023 7:01 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you. Thursday the 28th at 10 CDT would work for us. If you include me on the appointment, I will share with our CMS team. We plan to share questions by email before the meeting.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 5:40 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory -

We can make the following dates and times (central) work:

Monday 9/25 1-2
Thursday 9/28 10-11
Friday 9/29 2-3

Let me know what works for you and we can send a calendar invite with a Teams link.

If you are able to send questions in advance, we'd be happy to take a look and do whatever research we can to make sure we are prepared.

Thank you!
Tori

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 3:58:52 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you for offering a call. We believe a call would be helpful to obtain additional details regarding the state's request and to provide an opportunity to talk through some preliminary questions that we have. Do you and your team have any availability next week? After the call, we will be able to provide a better estimate on the timing for the full response.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 11:32 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Rory –

I hope your team and you are doing well. I wanted to follow up on my email below to see if you have determined whether a call would be helpful to assist you.

I also wanted to touch base about the timing for CMS to provide us the full response to our request; we had indicated that we were hoping for a response by October 15, 2023 in our initial communication. Do you think that timeframe will be achievable? If not, would you please let us know what time frame will work for you all so we can let our stakeholders know when we expect to receive the feedback?

Thanks,
Tori

From: Grady,Victoria C (HHSC)

Sent: Friday, August 25, 2023 2:49 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Rory - If a call would be helpful, please let us know and we'll get something on the books.

Have a good weekend.
Tori

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

Sent: Friday, August 25, 2023 2:41 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

WARNING: This email is from outside the HHS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Tori,

Please accept this as acknowledgement of HHSC's request. CMS is actively reviewing your request and intends to respond as expeditiously as possible. We will contact you if we have any questions in the interim. Please feel free to do the same.

I hope you have a great weekend.

THOMAS000029

Regards,
Rory

Rory Howe
Director
Financial Management Group
CMS/CMCS
, (b)(6)

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, August 15, 2023 1:17 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Rory,

On May 21, 2019, CMS sent HHSC some questions related to local provider participation funds (LPPFs) in Texas. One of the questions related to Texas House Bill (H.B.) 4289, 86th Texas Legislature, Regular Session, 2019. H.B. 4289 added Chapter 300A to the Texas Health and Safety Code, which contemplated multiple hospital districts, counties, and municipalities acting collectively. Based on CMS' feedback, HHSC understood there was an increased likelihood of CMS more closely scrutinizing a local provider tax in jurisdictions with a sole community provider or where providers received payments in excess of their tax burden – not because payments were tied to the tax, but because those facilities, by virtue of the limited venues of service, happened to provide Medicaid services sufficient to entitle them to payments in excess of their tax. To alleviate CMS' concern, Chapter 300A authorized two or more already existing LGEs that only had one provider in each of their jurisdictions to combine service areas to establish and operate one LPPF.

For reference, out of Texas' 254 counties, 183 counties have at least one hospital, 119 counties have only one hospital, and 71 counties do not have any hospitals. Unlike many states, where the Medicaid population is concentrated in larger urban areas, a significant portion of services to Texas Medicaid beneficiaries are provided in rural communities.

In August 2019, HHSC responded to CMS' May 2019 questions and indicated that we were "not aware of any governmental units having been formed pursuant to House Bill 4289." In that August 2019 correspondence, we also stated: "HHSC would not accept funds from such a governmental unit until it has completed its discussions with CMS on the issue. HHSC and CMS held a conference call about the issue of jurisdictions joining together on April 2, 2019. CMS identified concerns to HHSC and HHSC agreed to provide a document with reasoning as to why joining jurisdictions together should be legal. HHSC submitted this information to CMS on April 15, 2019. HHSC has not received any comments or objections from CMS."

LPPF funds generated under the authority granted by Chapter 300A have not been used as the non-federal share to date. However, HHSC has now been notified that, pursuant to Chapter 300A, Texas Health and Safety Code, certain governmental entities have elected to create the "Northeast Health Care Provider Participation District." In keeping with our prior commitment that we would not accept funds from such a governmental unit until we completed our discussions with CMS, we are notifying CMS of the formation of the district. We request that CMS

THOMAS000030

provide its position on whether HHSC is legally prohibited from using transfers from such new unit of local government as the non-federal share. If CMS believes this source of local funding is prohibited, we request CMS describe the legal basis for that position.

HHSC seeks CMS' collaboration to navigate the unique circumstance presented by rural safety net hospitals in Texas, which are critical to provide care to the Medicaid population.

On a separate note, we recently re-submitted responses to RAIs for two SPAs related to payments for hospital services. Both RAIs included questions from CMS regarding LPPFs. CMS' RAI for SPA 19-0020 requested additional information regarding how many "LPPFs has the Texas legislature approved...[o]f those, how many consist of more than one county grouped together to form an LPPF?" HHSC indicated in our responses to the RAIs that all funds currently accepted for use as the non-federal share are from local governmental entities (LGEs)- including hospital districts, counties, and cities - that existed prior to the enactment of state laws permitting those LGEs to operate LPPFs. We consider this question about the use of LPPF revenues from a multi-jurisdictional district to be distinct from CMS' review of the SPA RAIs because the potential acceptance of revenues from a district formed by multiple jurisdictions has not yet occurred **and will not occur until our conversations with CMS are complete.**

Due to the fact that more than 4 years have passed since we last discussed this specific matter in detail and HHSC provided our responses to your questions, we understand that you may need time to refresh yourselves on the specifics of the correspondence we exchanged in 2019. Our local governments, however, are waiting for CMS and HHSC to respond to their formation of the district . To ensure that they receive a timely response, we are hopeful that we will be able to conclude this matter within the next 60 days and request that CMS send us their position on the matter in that time frame.

Tori Grady
Director of Provider Finance
Texas Health and Human Services Commission

Message

From: Grady,Victoria C (HHSC) [Victoria.Grady@hhs.texas.gov]
Sent: 2/12/2024 9:54:22 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) , (b)(6)]; Howe, Rory

 , (b)(6)
CC: Morgan,Frances (HHSC) [Frances.Morgan@hhs.texas.gov]; HHSC PFD LFM [PFD_LFM@hhs.texas.gov]; Griffith,Maggie (HHSC) [Maggie.Griffith@hhs.texas.gov]; Davis,Kristin (HHSC) , (b)(6) Arnold, Charlie (CMS/CMCS)

 Clark, Jennifer

 , (b)(6) Goldstein, Stuart

Subject: RE: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

Thank you for gathering your team to talk through our questions as they relate to health care-related taxes imposed by a health care provider participation district. On the call, we clarified that while we appreciate CMS' offer to assist in evaluating the specific circumstances that surround the Northeast Healthcare Provider Participation District (the District), HHSC's intent when we reached out to CMS was to conclude our original discussion about the general permissibility of a health care-related tax imposed by a health care provider participation district, as well as to seek technical assistance from CMS as we prepare to provide appropriate monitoring to ensure that the non-federal share used to support Texas' Medicaid program is compliant with federal law. We understand that CMS' guidance to Texas is related exclusively to whether a health care provider participation district complies with the requirements of 1903(w) of the Social Security Act.

We understand from our call that CMS does not view a health care-related tax imposed by a health care provider participation district as inherently impermissible or permissible. CMS indicated that each circumstance would need to be reviewed individually to determine whether a tax complies with all the provisions of 1903(w). HHSC explained that we understand that there may be additional questions that we need to ask in connection with our monitoring and oversight activities that uniquely apply to a health care-related tax imposed by a health care provider participation district. Therefore, we anticipate that prior to accepting any IGT from a new joint jurisdiction LPPF, and during annual reporting, we will ask the governmental entities to respond to all the same questions that a single-jurisdiction LPPF would be asked as well as the following:

- What local governmental entities created the district? Please submit a map highlighting the local governmental entities that are included in the district and identify the hospitals located in the district.
- Please list any existing intergovernmental partnerships, interlocal agreements, interlocal contracts, or patient flow between the local governmental entities that created the district.
- Describe the rationale used by the local governmental entities that created the district and the process by which these local governmental entities have created the district .
- Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district.
- Please describe: (1) any financial, contractual, or other agreements that may exist between or among any of the local governmental entities that created the district; and (2) any financial, contractual, or other agreements that any of the local governmental entities that created the district may have with any of the hospitals in the district. Provide copies of any such written agreements.
- Please confirm that the district is familiar with the requirements of 1903(w) and that the district is in compliance.

As we discussed on our call, we are requesting that CMS provide us any technical assistance or guidance related to our planned monitoring questions by February 29, 2024. We are hopeful that we can finalize our question set quickly so we can begin the monitoring process for the District that has already been created, and any future potential districts, to determine whether we will accept their IGT should they wish to transfer to HHSC.

Thank you again for working through this with us,

Victoria

From: Grady, Victoria C (HHSC)

Sent: Wednesday, February 7, 2024 9:28 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

THOMAS000033

Hi Jonathan –

Thank you for your response – I’m looking forward to our call this afternoon. To help you prep, I’m sharing below my understanding of CMS’ position so we can discuss further on the call if I am not understanding correctly what your email states.

- (1) I understand that to assess whether the specific tax applied by the Northeast Healthcare Provider Participation District would potentially require a review of the specific tax amount assessed, the Medicaid payments, etc. We are happy to provide approximate estimated amounts as you suggest for that purpose so they can be reviewed in view of 42 CFR 433.68(f).
- (2) The discussion between CMS and HHS when the state statute that created the ability for a joint jurisdiction provider tax to be created in 2019 surrounded whether there was a legal reason that a multi-jurisdiction could or could not exist and be compliant with the requirements of 42 CFR 433.68, regardless of the specific amounts taxed or paid to the providers. Our inquiry to CMS after the formation of the NHPPD was to see what the legal position of CMS is on such a jurisdiction, in general. Based upon your response below, I understand CMS’ position to be that there is no concern with the formation of a joint jurisdiction provider tax as a matter of course. And, a joint jurisdiction if formed will need to meet all the same requirements that a single jurisdiction LPPF would with respect to uniformity, broad-basis, and other requirements set forth in 433.68, including by not violating 433.68(f).

Thanks,
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, February 1, 2024 7:52 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Tori,

We wanted to share with you the following information in advance of our call on February 7, 2024.

On December 13, 2023, and December 14, 2023, the state of Texas indicated that it could not provide us with the tax amounts for the three hospitals located within the Northeast Healthcare Provider Participation District (the District). It also indicated that it could not provide to us amounts of Medicaid payments funded by the tax that the state will make

to the hospitals. Texas claims that it is unable to obtain this information because the tax arrangement is not currently in place, the state has not accepted any IGTs from the District, the state does not know for which expenditures the funds will be used as nonfederal share, and the District has not been required by the state of Texas to report tax amounts.

In the absence of information about actual tax and payment amounts, we request that the state provide estimates for the information we have requested, using the best available information. For instance, the state could use historical revenue data for these providers and calculate what 6% of their inpatient and outpatient net patient revenue would be to calculate approximately how much tax they would pay in the new assessment. Similarly, the state could provide projected Medicaid payments providers would receive by recourse to the information that the state does have. In similar situations, some states have been able to provide projected tax amounts, and often projected Medicaid payments using historical data and other sources.

Absent this type of information, CMS is unable to provide its view of the permissibility or the impermissibility of the taxes in question, including in relation to the presence or absence of any hold harmless arrangements. Hold harmless arrangements exist when the state or other unit of government imposing the tax provides (directly or indirectly) for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax. Without receiving:

1. Information on tax amounts;
2. Information on payment amounts funded by taxes; and
3. A comparison of the first item to the second item

We are unable to give any opinions regarding permissibility of the health care-related tax with federal requirements and hold harmless issues. In the absence of receiving this information, all CMS can say is that while the health care-related tax imposed by the Northeast Healthcare Participation District appears to satisfy broad-based and uniformity requirements, CMS does not have enough information to form a view regarding whether any payments supported by the tax could result in an impermissible hold harmless arrangement.

Please let us know if we can be of any further assistance in this matter.

We look forward to talking with you on February 7, 2024. Thank you.

Best,
Jonathan

Jonathan Endelman (he/him), PhD
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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, January 3, 2024 3:06 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

THOMAS000035

<Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hello all and Happy New Year!

I wanted to check in about CMS' review of our questions about the permissibility of joint jurisdiction provider taxes. This matter has been pending since the late summer and we are hopeful that we will be able to receive CMS' opinion as soon as possible. Please let us know when we can anticipate receiving your response.

Thanks,
Tori

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

Sent: Thursday, December 14, 2023 9:20 AM

To: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Victoria. I am acknowledging receipt of the State's responses.

Best,

Jonathan

Jonathan Endelman (he/him), PhD

Social Science Research Analyst

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410.786.4738

jonathan.endelman@cms.hhs.gov

7500 Security Blvd.

Mail Stop, S3-14-28

Baltimore, MD 21244-1850

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Thursday, December 14, 2023 10:16 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Please find the answers to the other two questions below:

THOMAS000036

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?

The Northeast Healthcare Provider Participation District (Northeast HCPPD) consists of three local governmental entities:

- Henderson County
- Hopkins County Hospital District
- Lamar County

There are three hospitals located within the Northeast HCPPD, according to HHSC's most recently available hospital licensure data.

NAME	COUNTY
UT HEALTH EAST TEXAS ATHENS HOSPITAL	HENDERSON
CHRISTUS MOTHER FRANCES HOSPITAL - SULPHUR SPRINGS	HOPKINS
PARIS REGIONAL MEDICAL CENTER NORTH CAMPUS	LAMAR

2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?

The tax rate for the Northeast HCPPD is 6.0 percent. However, HHSC does not have information on the tax amounts assessed by the Northeast HCPPD because HHSC did not accept IGT from them, and they were not required to report on the tax amounts.

From: Grady,Victoria C (HHSC)

Sent: Wednesday, December 13, 2023 5:03 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

We are happy to get you the answers to the first two questions. As we conveyed previously, HHSC has not accepted any local funding from the Northeast Healthcare Participation District, so there are no reportable amounts available for your third question. Nor do we have a listing of what programs they may wish to IGT for since IGT is transferred on a voluntary basis as.

We'll follow up ASAP with the information to response to your questions 1 and 2.
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, December 13, 2023 12:42 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Victoria,

We are continuing our review of Texas's question concerning the issue of joint jurisdiction and the Local Provider Participation Fund. At this time, we have the following questions:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?
2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?
3. Can Texas please provide the amounts of any Medicaid payments funded by the new Local Provider Participation Fund in the Northeast Healthcare Participation District?

Please let us know if our questions are unclear or require further explanation.

Best,

Jonathan

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Baltimore, MD 21244-1850

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, December 4, 2023 11:18 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory –

Just checking in. Do you anticipate that you will have an update soon?

Thanks,
Tori

From: Grady,Victoria C (HHSC)
Sent: Wednesday, October 18, 2023 3:46 PM
To: 'Howe, Rory (CMS/CMCS)' <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory – I'll plan to check in again with you around December 1 then, if I haven't heard from you before then.

Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, October 18, 2023 3:43 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thanks again for taking the time to provide a verbal overview of the proposal and for the written responses to our questions. We are actively reviewing your responses. We might have follow-up questions, will need to draft a response internally, then cleared it through our CMS team. Our best estimate on a response is about 45 days, but it could take longer. We appreciate the urgency, particularly given the localities are interested in implementing as soon as possible.

Please let me know if you have questions or concerns on the estimated timeline.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, October 17, 2023 10:58 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hey Rory –

Just checking in to see if you have a timeline for responding with your position.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, October 5, 2023 6:55 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

We are acknowledging receipt. We appreciate the responses to our questions and the conversation last week. We will review the attached information as quickly as possible, then will reconnect on our anticipated response timeline.

Thank you,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, October 4, 2023 6:46 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory and team –

Thank you for visiting with us. Written responses to your questions are attached. We understand that CMS did not anticipate being able to provide us your position on this matter by October 15, 2023. If you could send us the anticipated date for your response, we would appreciate it.

Thanks!
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, September 28, 2023 2:48 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Dear Federal and Texas State Partners,

Please see the following questions attached. We look forward to talking with you tomorrow.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 3:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Thanks again, Tori. Jonathan Endelman from our team should be sending questions soon.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, September 28, 2023 2:55:36 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

We definitely understand. Let's do a half hour starting at 11 and then if we need to follow up with another meeting we can. Do you anticipate still sending the questions in advance so we can make sure we use the time efficiently?

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 1:51 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. We have a mandatory meeting tomorrow that just popped up at 11:30 CDT tomorrow. We are happy to start the meeting at 10:30 CDT instead of 11 or keep it to a half hour between 11 CDT and 11:30. Please let us know your preference and thanks in advance for your understanding.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, September 26, 2023 9:36 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory -I updated the invitation to Friday, September 29 at 11am CDT. We appreciate your flexibility for us.

Looking forward to chatting.
Tori

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

Sent: Tuesday, September 26, 2023 7:02 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. Unfortunately, we have a conflict at 2PM CDT. We could make any time between 9AM CDT and 2PM CDT work. Would any time during this window work for you? Thanks again.

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, September 25, 2023 8:22 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

2pm central on the 29th works on this side. Would that work for you?

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, September 25, 2023 2:40:16 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

No problem at all. Do you have any availability on Friday the 29th?

Thanks,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, September 25, 2023 9:54 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

My apologies, but we've had a different call with a different area of CMS get booked for the same time that we scheduled this one. Is there any chance we can move this to a different time or date? Please let me know if there is an alternative that works on your side.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 21, 2023 7:01 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you. Thursday the 28th at 10 CDT would work for us. If you include me on the appointment, I will share with our CMS team. We plan to share questions by email before the meeting.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 5:40 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory -

We can make the following dates and times (central) work:

Monday 9/25 1-2
Thursday 9/28 10-11
Friday 9/29 2-3

Let me know what works for you and we can send a calendar invite with a Teams link.

If you are able to send questions in advance, we'd be happy to take a look and do whatever research we can to make sure we are prepared.

Thank you!
Tori

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 3:58:52 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you for offering a call. We believe a call would be helpful to obtain additional details regarding the state's request and to provide an opportunity to talk through some preliminary questions that we have. Do you and your team have any availability next week? After the call, we will be able to provide a better estimate on the timing for the full response.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 11:32 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Rory –

I hope your team and you are doing well. I wanted to follow up on my email below to see if you have determined whether a call would be helpful to assist you.

I also wanted to touch base about the timing for CMS to provide us the full response to our request; we had indicated that we were hoping for a response by October 15, 2023 in our initial communication. Do you think that timeframe will be achievable? If not, would you please let us know what time frame will work for you all so we can let our stakeholders know when we expect to receive the feedback?

Thanks,
Tori

From: Grady,Victoria C (HHSC)

Sent: Friday, August 25, 2023 2:49 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Rory - If a call would be helpful, please let us know and we'll get something on the books.

Have a good weekend.
Tori

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

Sent: Friday, August 25, 2023 2:41 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

WARNING: This email is from outside the HHS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Tori,

Please accept this as acknowledgement of HHSC's request. CMS is actively reviewing your request and intends to respond as expeditiously as possible. We will contact you if we have any questions in the interim. Please feel free to do the same.

I hope you have a great weekend.

THOMAS000045

Regards,
Rory

Rory Howe
Director
Financial Management Group
CMS/CMCS

, (b)(6)

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, August 15, 2023 1:17 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown, Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Rory,

On May 21, 2019, CMS sent HHSC some questions related to local provider participation funds (LPPFs) in Texas. One of the questions related to Texas House Bill (H.B.) 4289, 86th Texas Legislature, Regular Session, 2019. H.B. 4289 added Chapter 300A to the Texas Health and Safety Code, which contemplated multiple hospital districts, counties, and municipalities acting collectively. Based on CMS' feedback, HHSC understood there was an increased likelihood of CMS more closely scrutinizing a local provider tax in jurisdictions with a sole community provider or where providers received payments in excess of their tax burden – not because payments were tied to the tax, but because those facilities, by virtue of the limited venues of service, happened to provide Medicaid services sufficient to entitle them to payments in excess of their tax. To alleviate CMS' concern, Chapter 300A authorized two or more already existing LGEs that only had one provider in each of their jurisdictions to combine service areas to establish and operate one LPPF.

For reference, out of Texas' 254 counties, 183 counties have at least one hospital, 119 counties have only one hospital, and 71 counties do not have any hospitals. Unlike many states, where the Medicaid population is concentrated in larger urban areas, a significant portion of services to Texas Medicaid beneficiaries are provided in rural communities.

In August 2019, HHSC responded to CMS' May 2019 questions and indicated that we were "not aware of any governmental units having been formed pursuant to House Bill 4289." In that August 2019 correspondence, we also stated: "HHSC would not accept funds from such a governmental unit until it has completed its discussions with CMS on the issue. HHSC and CMS held a conference call about the issue of jurisdictions joining together on April 2, 2019. CMS identified concerns to HHSC and HHSC agreed to provide a document with reasoning as to why joining jurisdictions together should be legal. HHSC submitted this information to CMS on April 15, 2019. HHSC has not received any comments or objections from CMS."

LPPF funds generated under the authority granted by Chapter 300A have not been used as the non-federal share to date. However, HHSC has now been notified that, pursuant to Chapter 300A, Texas Health and Safety Code, certain governmental entities have elected to create the "Northeast Health Care Provider Participation District." In keeping with our prior commitment that we would not accept funds from such a governmental unit until we completed our discussions with CMS, we are notifying CMS of the formation of the district. We request that CMS

THOMAS000046

provide its position on whether HHSC is legally prohibited from using transfers from such new unit of local government as the non-federal share. If CMS believes this source of local funding is prohibited, we request CMS describe the legal basis for that position.

HHSC seeks CMS' collaboration to navigate the unique circumstance presented by rural safety net hospitals in Texas, which are critical to provide care to the Medicaid population.

On a separate note, we recently re-submitted responses to RAIs for two SPAs related to payments for hospital services. Both RAIs included questions from CMS regarding LPPFs. CMS' RAI for SPA 19-0020 requested additional information regarding how many "LPPFs has the Texas legislature approved...[o]f those, how many consist of more than one county grouped together to form an LPPF?" HHSC indicated in our responses to the RAIs that all funds currently accepted for use as the non-federal share are from local governmental entities (LGEs)- including hospital districts, counties, and cities - that existed prior to the enactment of state laws permitting those LGEs to operate LPPFs. We consider this question about the use of LPPF revenues from a multi-jurisdictional district to be distinct from CMS' review of the SPA RAIs because the potential acceptance of revenues from a district formed by multiple jurisdictions has not yet occurred **and will not occur until our conversations with CMS are complete.**

Due to the fact that more than 4 years have passed since we last discussed this specific matter in detail and HHSC provided our responses to your questions, we understand that you may need time to refresh yourselves on the specifics of the correspondence we exchanged in 2019. Our local governments, however, are waiting for CMS and HHSC to respond to their formation of the district . To ensure that they receive a timely response, we are hopeful that we will be able to conclude this matter within the next 60 days and request that CMS send us their position on the matter in that time frame.

Tori Grady
Director of Provider Finance
Texas Health and Human Services Commission

To: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

Stuart,

I read Stephanie's response. I don't understand this, "Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district." I don't understand what that means, or why they would ask it. I know we didn't ask them to ask it.

More importantly, they did not ask several things that we want them to ask. Specifically,

1. What is the tax amount for each provider?
2. What is the Medicaid payment made to each provider?
3. What is the Medicaid utilization, expressed as a percentage of Medicaid business to total business, for each provider?

Those are the three questions we would need to ask before we determined if something was or was not a hold harmless.

Of course, we also feel that it is necessary, under our conception of the hold harmless requirements, to ask if there are any agreements to hold providers harmless among private providers. But we don't need to go back into that argument with Texas right now.

They would like our response by February 29, 2024. I would communicate to Rory that these three questions are what we need to know from Texas and ask him if we can communicate that to them.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
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410.786.4738
jonathan.endelman@cms.hhs.gov
7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, February 12, 2024 4:54 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart

Rory –

Thank you for gathering your team to talk through our questions as they relate to health care-related taxes imposed by a health care provider participation district. On the call, we clarified that while we appreciate CMS' offer to assist in evaluating the specific circumstances that surround the Northeast Healthcare Provider Participation District (the District), HHSC's intent when we reached out to CMS was to conclude our original discussion about the general permissibility of a health care-related tax imposed by a health care provider participation district, as well as to seek technical assistance from CMS as we prepare to provide appropriate monitoring to ensure that the non-federal share used to support Texas' Medicaid program is compliant with federal law. We understand that CMS' guidance to Texas is related exclusively to whether a health care provider participation district complies with the requirements of 1903(w) of the Social Security Act.

We understand from our call that CMS does not view a health care-related tax imposed by a health care provider participation district as inherently impermissible or permissible. CMS indicated that each circumstance would need to be reviewed individually to determine whether a tax complies with all the provisions of 1903(w). HHSC explained that we understand that there may be additional questions that we need to ask in connection with our monitoring and oversight activities that uniquely apply to a health care-related tax imposed by a health care provider participation district. Therefore, we anticipate that prior to accepting any IGT from a new joint jurisdiction LPPF, and during annual reporting, we will ask the governmental entities to respond to all the same questions that a single-jurisdiction LPPF would be asked as well as the following:

- What local governmental entities created the district? Please submit a map highlighting the local governmental entities that are included in the district and identify the hospitals located in the district.
- Please list any existing intergovernmental partnerships, interlocal agreements, interlocal contracts, or patient flow between the local governmental entities that created the district.
- Describe the rationale used by the local governmental entities that created the district and the process by which these local governmental entities have created the district .
- Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in

the district and any relevant information related to why the local governmental entity did not join the district.

- Please describe: (1) any financial, contractual, or other agreements that may exist between or among any of the local governmental entities that created the district; and (2) any financial, contractual, or other agreements that any of the local governmental entities that created the district may have with any of the hospitals in the district. Provide copies of any such written agreements.
- Please confirm that the district is familiar with the requirements of 1903(w) and that the district is in compliance.

As we discussed on our call, we are requesting that CMS provide us any technical assistance or guidance related to our planned monitoring questions by February 29, 2024. We are hopeful that we can finalize our question set quickly so we can begin the monitoring process for the District that has already been created, and any future potential districts, to determine whether we will accept their IGT should they wish to transfer to HHSC.

Thank you again for working through this with us,

Victoria

From: Grady,Victoria C (HHSC)

Sent: Wednesday, February 7, 2024 9:28 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

Thank you for your response – I’m looking forward to our call this afternoon. To help you prep, I’m sharing below my understanding of CMS’ position so we can discuss further on the call if I am not understanding correctly what your email states.

- (1) I understand that to assess whether the specific tax applied by the Northeast Healthcare Provider Participation District would potentially require a review of the specific tax amount assessed, the Medicaid payments, etc. We are happy to provide approximate estimated amounts as you suggest for that purpose so they can be reviewed in view of 42 CFR 433.68(f).

- (2) The discussion between CMS and HHS when the state statute that created the ability for a joint jurisdiction provider tax to be created in 2019 surrounded whether there was a legal reason that a multi-jurisdiction could or could not exist and be compliant with the requirements of 42 CFR 433.68, regardless of the specific amounts taxed or paid to the providers. Our inquiry to CMS after the formation of the NHPPD was to see what the legal position of CMS is on such a jurisdiction, in general. Based upon your response below, I understand CMS' position to be that there is no concern with the formation of a joint jurisdiction provider tax as a matter of course. And, a joint jurisdiction if formed will need to meet all the same requirements that a single jurisdiction LPPF would with respect to uniformity, broad-basis, and other requirements set forth in 433.68, including by not violating 433.68(f).

Thanks,
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, February 1, 2024 7:52 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Tori,

We wanted to share with you the following information in advance of our call on February 7, 2024.

On December 13, 2023, and December 14, 2023, the state of Texas indicated that it could not provide us with the tax amounts for the three hospitals located within the Northeast Healthcare Provider Participation District (the District). It also indicated that it could not provide to us amounts of Medicaid payments funded by the tax that the state will make to the hospitals. Texas claims that it is unable to obtain this information because the tax arrangement is not currently in place, the state has not accepted any IGTs from the District, the state does not know for which expenditures the funds will be used as nonfederal share, and the District has not been required by the state of Texas to report tax amounts.

In the absence of information about actual tax and payment amounts, we request that the state provide estimates for the information we have requested, using the best available information. For instance, the state could use historical revenue data for these providers and calculate what 6% of their inpatient and outpatient net patient revenue would be to calculate approximately how much tax they would pay in the new assessment. Similarly, the state could provide projected Medicaid payments providers would receive by recourse to the information that the state does have. In similar situations, some states have been able to provide projected tax amounts, and often projected Medicaid payments using historical data and other sources.

Absent this type of information, CMS is unable to provide its view of the permissibility or the impermissibility of the taxes in question, including in relation to the presence or absence of any hold harmless arrangements. Hold harmless arrangements exist when the state or other unit of government imposing the tax provides (directly or indirectly) for any

payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax. Without receiving:

1. Information on tax amounts;
2. Information on payment amounts funded by taxes; and
3. A comparison of the first item to the second item

We are unable to give any opinions regarding permissibility of the health care-related tax with federal requirements and hold harmless issues. In the absence of receiving this information, all CMS can say is that while the health care-related tax imposed by the Northeast Healthcare Participation District appears to satisfy broad-based and uniformity requirements, CMS does not have enough information to form a view regarding whether any payments supported by the tax could result in an impermissible hold harmless arrangement.

Please let us know if we can be of any further assistance in this matter.

We look forward to talking with you on February 7, 2024. Thank you.

Best,
Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
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7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, January 3, 2024 3:06 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hello all and Happy New Year!

I wanted to check in about CMS' review of our questions about the permissibility of joint jurisdiction provider taxes. This matter has been pending since the late summer and we are hopeful that we will be able to receive CMS' opinion as soon as possible. Please let us know when we can anticipate receiving your response.

Thanks,
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, December 14, 2023 9:20 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Victoria. I am acknowledging receipt of the State's responses.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
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Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, December 14, 2023 10:16 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Please find the answers to the other two questions below:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?

The Northeast Healthcare Provider Participation District (Northeast HCPPD) consists of three local governmental entities:

- Henderson County
- Hopkins County Hospital District
- Lamar County

There are three hospitals located within the Northeast HCPPD, according to HHSC's most recently available hospital licensure data.

NAME	COUNTY
UT HEALTH EAST TEXAS ATHENS HOSPITAL	HENDERSON
CHRISTUS MOTHER FRANCES HOSPITAL - SULPHUR SPRINGS	HOPKINS
PARIS REGIONAL MEDICAL CENTER NORTH CAMPUS	LAMAR

2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?

The tax rate for the Northeast HCPPD is 6.0 percent. However, HHSC does not have information on the tax amounts assessed by the Northeast HCPPD because HHSC did not accept IGT from them, and they were not required to report on the tax amounts.

From: Grady,Victoria C (HHSC)

Sent: Wednesday, December 13, 2023 5:03 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

We are happy to get you the answers to the first two questions. As we conveyed previously, HHSC has not accepted any local funding from the Northeast Healthcare Participation District, so there are no reportable amounts available for your third question. Nor do we have a listing of what programs they may wish to IGT for since IGT is transferred on a voluntary basis as.

We'll follow up ASAP with the information to response to your questions 1 and 2.
Tori

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

Sent: Wednesday, December 13, 2023 12:42 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Victoria,

We are continuing our review of Texas's question concerning the issue of joint jurisdiction and the Local Provider Participation Fund. At this time, we have the following questions:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?
2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?
3. Can Texas please provide the amounts of any Medicaid payments funded by the new Local Provider Participation Fund in the Northeast Healthcare Participation District?

Please let us know if our questions are unclear or require further explanation.

Best,

Jonathan

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

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, December 4, 2023 11:18 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory –

Just checking in. Do you anticipate that you will have an update soon?

Thanks,
Tori

From: Grady,Victoria C (HHSC)

Sent: Wednesday, October 18, 2023 3:46 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory – I'll plan to check in again with you around December 1 then, if I haven't heard from you before then.

Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, October 18, 2023 3:43 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thanks again for taking the time to provide a verbal overview of the proposal and for the written responses to our questions. We are actively reviewing your responses. We might have follow-up questions, will need to draft a response internally, then cleared it through our CMS team. Our best estimate on a response is about 45 days, but it could take longer. We appreciate the urgency, particularly given the localities are interested in implementing as soon as possible.

Please let me know if you have questions or concerns on the estimated timeline.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, October 17, 2023 10:58 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hey Rory –

Just checking in to see if you have a timeline for responding with your position.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, October 5, 2023 6:55 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

We are acknowledging receipt. We appreciate the responses to our questions and the conversation last week. We will review the attached information as quickly as possible, then will reconnect on our anticipated response timeline.

Thank you,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, October 4, 2023 6:46 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory and team –

Thank you for visiting with us. Written responses to your questions are attached. We understand that CMS did not anticipate being able to provide us your position on this matter by October 15, 2023. If you could send us the anticipated date for your response, we would appreciate it.

Thanks!
Tori

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

Sent: Thursday, September 28, 2023 2:48 PM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Dear Federal and Texas State Partners,

Please see the following questions attached. We look forward to talking with you tomorrow.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)

THOMAS000057

Financial Management Group (FMG)
Division of Financial Policy (DFP)
410.786.4738
jonathan.endelman@cms.hhs.gov
7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 3:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Thanks again, Tori. Jonathan Endelman from our team should be sending questions soon.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, September 28, 2023 2:55:36 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

We definitely understand. Let's do a half hour starting at 11 and then if we need to follow up with another meeting we can. Do you anticipate still sending the questions in advance so we can make sure we use the time efficiently?

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 1:51 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. We have a mandatory meeting tomorrow that just popped up at 11:30 CDT tomorrow. We are happy to start the meeting at 10:30 CDT instead of 11 or keep it to a half hour between 11 CDT and 11:30. Please let us know your preference and thanks in advance for your understanding.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, September 26, 2023 9:36 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory -I updated the invitation to Friday, September 29 at 11am CDT. We appreciate your flexibility for us.

Looking forward to chatting.
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, September 26, 2023 7:02 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. Unfortunately, we have a conflict at 2PM CDT. We could make any time between 9AM CDT and 2PM CDT work. Would any time during this window work for you? Thanks again.

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, September 25, 2023 8:22 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

2pm central on the 29th works on this side. Would that work for you?

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, September 25, 2023 2:40:16 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

No problem at all. Do you have any availability on Friday the 29th?

Thanks,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, September 25, 2023 9:54 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

My apologies, but we've had a different call with a different area of CMS get booked for the same time that we scheduled this one. Is there any chance we can move this to a different time or date? Please let me know if there is an alternative that works on your side.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 21, 2023 7:01 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you. Thursday the 28th at 10 CDT would work for us. If you include me on the appointment, I will share with our CMS team. We plan to share questions by email before the meeting.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 5:40 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory -

We can make the following dates and times (central) work:

Monday 9/25 1-2

Thursday 9/28 10-11

Friday 9/29 2-3

Let me know what works for you and we can send a calendar invite with a Teams link.

If you are able to send questions in advance, we'd be happy to take a look and do whatever research we can to make sure we are prepared.

Thank you!

Tori

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

Sent: Wednesday, September 20, 2023 3:58:52 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you for offering a call. We believe a call would be helpful to obtain additional details regarding the state's request and to provide an opportunity to talk through some preliminary questions that we have. Do you and your team have any availability next week? After the call, we will be able to provide a better estimate on the timing for the full response.

Regards,

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, September 20, 2023 11:32 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Rory –

I hope your team and you are doing well. I wanted to follow up on my email below to see if you have determined whether a call would be helpful to assist you.

I also wanted to touch base about the timing for CMS to provide us the full response to our request; we had indicated that we were hoping for a response by October 15, 2023 in our initial communication. Do you think that timeframe will be achievable? If not,

would you please let us know what time frame will work for you all so we can let our stakeholders know when we expect to receive the feedback?

Thanks,
Tori

From: Grady,Victoria C (HHSC)
Sent: Friday, August 25, 2023 2:49 PM
To: 'Howe, Rory (CMS/CMCS)' <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Rory - If a call would be helpful, please let us know and we'll get something on the books.

Have a good weekend.
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, August 25, 2023 2:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

WARNING: This email is from outside the HHS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Tori,

Please accept this as acknowledgement of HHSC's request. CMS is actively reviewing your request and intends to respond as expeditiously as possible. We will contact you if we have any questions in the interim. Please feel free to do the same.

I hope you have a great weekend.

Regards,
Rory

Rory Howe
Director
Financial Management Group
CMS/CMCS

, (b)(6)

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, August 15, 2023 1:17 PM

THOMAS000062

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Rory,

On May 21, 2019, CMS sent HHSC some questions related to local provider participation funds (LPPFs) in Texas. One of the questions related to Texas House Bill (H.B.) 4289, 86th Texas Legislature, Regular Session, 2019. H.B. 4289 added Chapter 300A to the Texas Health and Safety Code, which contemplated multiple hospital districts, counties, and municipalities acting collectively. Based on CMS' feedback, HHSC understood there was an increased likelihood of CMS more closely scrutinizing a local provider tax in jurisdictions with a sole community provider or where providers received payments in excess of their tax burden – not because payments were tied to the tax, but because those facilities, by virtue of the limited venues of service, happened to provide Medicaid services sufficient to entitle them to payments in excess of their tax. To alleviate CMS' concern, Chapter 300A authorized two or more already existing LGEs that only had one provider in each of their jurisdictions to combine service areas to establish and operate one LPPF.

For reference, out of Texas' 254 counties, 183 counties have at least one hospital, 119 counties have only one hospital, and 71 counties do not have any hospitals. Unlike many states, where the Medicaid population is concentrated in larger urban areas, a significant portion of services to Texas Medicaid beneficiaries are provided in rural communities.

In August 2019, HHSC responded to CMS' May 2019 questions and indicated that we were "not aware of any governmental units having been formed pursuant to House Bill 4289." In that August 2019 correspondence, we also stated: "HHSC would not accept funds from such a governmental unit until it has completed its discussions with CMS on the issue. HHSC and CMS held a conference call about the issue of jurisdictions joining together on April 2, 2019. CMS identified concerns to HHSC and HHSC agreed to provide a document with reasoning as to why joining jurisdictions together should be legal. HHSC submitted this information to CMS on April 15, 2019. HHSC has not received any comments or objections from CMS."

LPPF funds generated under the authority granted by Chapter 300A have not been used as the non-federal share to date. However, HHSC has now been notified that, pursuant to Chapter 300A, Texas Health and Safety Code, certain governmental entities have elected to create the "Northeast Health Care Provider Participation District." In keeping with our prior commitment that we would not accept funds from such a governmental unit until we completed our discussions with CMS, we are notifying CMS of the formation of the district. We request that CMS provide its position on whether HHSC is legally prohibited from using transfers from such new unit of local government as the non-federal share. If CMS believes this source of local funding is prohibited, we request CMS describe the legal basis for that position.

HHSC seeks CMS' collaboration to navigate the unique circumstance presented by rural safety net hospitals in Texas, which are critical to provide care to the Medicaid population.

On a separate note, we recently re-submitted responses to RAIs for two SPAs related to payments for hospital services. Both RAIs included questions from CMS regarding LPPFs. CMS' RAI for SPA 19-0020 requested additional information regarding how many "LPPFs has the Texas legislature approved...[o]f those, how many consist of more than one county grouped together to

form an LPPF?" HHSC indicated in our responses to the RAIs that all funds currently accepted for use as the non-federal share are from local governmental entities (LGEs)- including hospital districts, counties, and cities - that existed prior to the enactment of state laws permitting those LGEs to operate LPPFs. We consider this question about the use of LPPF revenues from a multi-jurisdictional district to be distinct from CMS' review of the SPA RAIs because the potential acceptance of revenues from a district formed by multiple jurisdictions has not yet occurred **and will not occur until our conversations with CMS are complete.**

Due to the fact that more than 4 years have passed since we last discussed this specific matter in detail and HHSC provided our responses to your questions, we understand that you may need time to refresh yourselves on the specifics of the correspondence we exchanged in 2019. Our local governments, however, are waiting for CMS and HHSC to respond to their formation of the district . To ensure that they receive a timely response, we are hopeful that we will be able to conclude this matter within the next 60 days and request that CMS send us their position on the matter in that time frame.

Tori Grady
Director of Provider Finance
Texas Health and Human Services Commission

Message

From: Arnold, Charlie (CMS/CMCS) , (b)(6)
Sent: 2/22/2024 11:16:06 AM , (b)(6)
To: Howe, Rory (CMS/CMCS)
Subject: FW: FW: Follow Up: Joint Jurisdiction Provider Taxes , (b)(6)

Good morning Rory,

I wanted to check to see if you have reviewed the below questions for TX? We will need to get them to OGC soon for a quick turnaround.

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP
, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Arnold, Charlie (CMS/CMCS)
Sent: Wednesday, February 21, 2024 9:49 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

FYI

Charlie Arnold
Director
CMCS/FMG/DFP
, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, February 21, 2024 9:15 AM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb (CMS/CMCS) <Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover, Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>; Suarez, Christina (CMS/CMCS) <christina.suarez@cms.hhs.gov>
Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

Charlie,

THOMAS000065

Please see below for questions I think we should tell Texas need to be added. Highlighted in yellow. Thanks.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
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Baltimore, MD 21244-1850

From: Endelman (he/him), Jonathan (CMS/CMCS)
Sent: Wednesday, February 14, 2024 9:06 AM
To: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

Stuart,

I read Stephanie's response. I don't understand this, "Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district." I don't understand what that means, or why they would ask it. I know we didn't ask them to ask it.

More importantly, they did not ask several things that we want them to ask. Specifically,

1. What is the tax amount for each provider?
2. What is the Medicaid payment made to each provider?
3. What is the Medicaid utilization, expressed as a percentage of Medicaid business to total business, for each provider?

Those are the three questions we would need to ask before we determined if something was or was not a hold harmless.

Of course, we also feel that it is necessary, under our conception of the hold harmless requirements, to ask if there are any agreements to hold providers harmless among private providers. But we don't need to go back into that argument with Texas right now.

They would like our response by February 29, 2024. I would communicate to Rory that these three questions are what we need to know from Texas and ask him if we can communicate that to them.

Best,

Jonathan

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Baltimore, MD 21244-1850

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, February 12, 2024 4:54 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

Thank you for gathering your team to talk through our questions as they relate to health care-related taxes imposed by a health care provider participation district. On the call, we clarified that while we appreciate CMS' offer to assist in evaluating the specific circumstances that surround the Northeast Healthcare Provider Participation District (the District), HHSC's intent when we reached out to CMS was to conclude our original discussion about the general permissibility of a health care-related tax imposed by a health care provider participation district, as well as to seek technical assistance from CMS as we prepare to provide appropriate monitoring to ensure that the non-federal share used to support Texas' Medicaid program is compliant with federal law. We understand that CMS' guidance to Texas is related exclusively to whether a health care provider participation district complies with the requirements of 1903(w) of the Social Security Act.

We understand from our call that CMS does not view a health care-related tax imposed by a health care provider participation district as inherently impermissible or permissible. CMS indicated that each circumstance would need to be reviewed individually to determine whether a tax complies with all the provisions of 1903(w). HHSC explained that we understand that there may be additional questions that we need to ask in connection with our monitoring and oversight activities that uniquely apply to a health care-related tax imposed by a health care provider participation district. Therefore, we anticipate that prior to accepting any IGT from a new joint

jurisdiction LPPF, and during annual reporting, we will ask the governmental entities to respond to all the same questions that a single-jurisdiction LPPF would be asked as well as the following:

- What local governmental entities created the district? Please submit a map highlighting the local governmental entities that are included in the district and identify the hospitals located in the district.
- Please list any existing intergovernmental partnerships, interlocal agreements, interlocal contracts, or patient flow between the local governmental entities that created the district.
- Describe the rationale used by the local governmental entities that created the district and the process by which these local governmental entities have created the district .
- Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district.
- Please describe: (1) any financial, contractual, or other agreements that may exist between or among any of the local governmental entities that created the district; and (2) any financial, contractual, or other agreements that any of the local governmental entities that created the district may have with any of the hospitals in the district. Provide copies of any such written agreements.
- Please confirm that the district is familiar with the requirements of 1903(w) and that the district is in compliance.

As we discussed on our call, we are requesting that CMS provide us any technical assistance or guidance related to our planned monitoring questions by February 29, 2024. We are hopeful that we can finalize our question set quickly so we can begin the monitoring process for the District that has already been created, and any future potential districts, to determine whether we will accept their IGT should they wish to transfer to HHSC.

Thank you again for working through this with us,

Victoria

From: Grady,Victoria C (HHSC)

Sent: Wednesday, February 7, 2024 9:28 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

THOMAS000068

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

Thank you for your response – I’m looking forward to our call this afternoon. To help you prep, I’m sharing below my understanding of CMS’ position so we can discuss further on the call if I am not understanding correctly what your email states.

- (1) I understand that to assess whether the specific tax applied by the Northeast Healthcare Provider Participation District would potentially require a review of the specific tax amount assessed, the Medicaid payments, etc. We are happy to provide approximate estimated amounts as you suggest for that purpose so they can be reviewed in view of 42 CFR 433.68(f).
- (2) The discussion between CMS and HHS when the state statute that created the ability for a joint jurisdiction provider tax to be created in 2019 surrounded whether there was a legal reason that a multi-jurisdiction could or could not exist and be compliant with the requirements of 42 CFR 433.68, regardless of the specific amounts taxed or paid to the providers. Our inquiry to CMS after the formation of the NHPPD was to see what the legal position of CMS is on such a jurisdiction, in general. Based upon your response below, I understand CMS’ position to be that there is no concern with the formation of a joint jurisdiction provider tax as a matter of course. And, a joint jurisdiction if formed will need to meet all the same requirements that a single jurisdiction LPPF would with respect to uniformity, broad-basis, and other requirements set forth in 433.68, including by not violating 433.68(f).

Thanks,
Tori

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

Sent: Thursday, February 1, 2024 7:52 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart

(CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Tori,

We wanted to share with you the following information in advance of our call on February 7, 2024.

On December 13, 2023, and December 14, 2023, the state of Texas indicated that it could not provide us with the tax amounts for the three hospitals located within the Northeast Healthcare Provider Participation District (the District). It also indicated that it could not provide to us amounts of Medicaid payments funded by the tax that the state will make to the hospitals. Texas claims that it is unable to obtain this information because the tax arrangement is not currently in place, the state has not accepted any IGTs from the District, the state does not know for which expenditures the funds will be used as nonfederal share, and the District has not been required by the state of Texas to report tax amounts.

In the absence of information about actual tax and payment amounts, we request that the state provide estimates for the information we have requested, using the best available information. For instance, the state could use historical revenue data for these providers and calculate what 6% of their inpatient and outpatient net patient revenue would be to calculate approximately how much tax they would pay in the new assessment. Similarly, the state could provide projected Medicaid payments providers would receive by recourse to the information that the state does have. In similar situations, some states have been able to provide projected tax amounts, and often projected Medicaid payments using historical data and other sources.

Absent this type of information, CMS is unable to provide its view of the permissibility or the impermissibility of the taxes in question, including in relation to the presence or absence of any hold harmless arrangements. Hold harmless arrangements exist when the state or other unit of government imposing the tax provides (directly or indirectly) for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax. Without receiving:

1. Information on tax amounts;
2. Information on payment amounts funded by taxes; and
3. A comparison of the first item to the second item

We are unable to give any opinions regarding permissibility of the health care-related tax with federal requirements and hold harmless issues. In the absence of receiving this information, all CMS can say is that while the health care-related tax imposed by the Northeast Healthcare Participation District appears to satisfy broad-based and uniformity requirements, CMS does not have enough information to form a view regarding whether any payments supported by the tax could result in an impermissible hold harmless arrangement.

Please let us know if we can be of any further assistance in this matter.

We look forward to talking with you on February 7, 2024. Thank you.

Best,
Jonathan

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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, January 3, 2024 3:06 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hello all and Happy New Year!

I wanted to check in about CMS' review of our questions about the permissibility of joint jurisdiction provider taxes. This matter has been pending since the late summer and we are hopeful that we will be able to receive CMS' opinion as soon as possible. Please let us know when we can anticipate receiving your response.

Thanks,
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, December 14, 2023 9:20 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Victoria. I am acknowledging receipt of the State's responses.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, December 14, 2023 10:16 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Please find the answers to the other two questions below:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?

The Northeast Healthcare Provider Participation District (Northeast HCPPD) consists of three local governmental entities:

- Henderson County
- Hopkins County Hospital District
- Lamar County

There are three hospitals located within the Northeast HCPPD, according to HHSC's most recently available hospital licensure data.

NAME	COUNTY
UT HEALTH EAST TEXAS ATHENS HOSPITAL	HENDERSON
CHRISTUS MOTHER FRANCES HOSPITAL - SULPHUR SPRINGS	HOPKINS
PARIS REGIONAL MEDICAL CENTER NORTH CAMPUS	LAMAR

2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?

The tax rate for the Northeast HCPPD is 6.0 percent. However, HHSC does not have information on the tax amounts assessed by the Northeast HCPPD because HHSC did not accept IGT from them, and they were not required to report on the tax amounts.

From: Grady,Victoria C (HHSC)

Sent: Wednesday, December 13, 2023 5:03 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

We are happy to get you the answers to the first two questions. As we conveyed previously, HHSC has not accepted any local funding from the Northeast Healthcare Participation District, so there are no reportable amounts available for your third

question. Nor do we have a listing of what programs they may wish to IGT for since IGT is transferred on a voluntary basis as.

We'll follow up ASAP with the information to response to your questions 1 and 2.
Tori

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

Sent: Wednesday, December 13, 2023 12:42 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Victoria,

We are continuing our review of Texas's question concerning the issue of joint jurisdiction and the Local Provider Participation Fund. At this time, we have the following questions:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?
2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?
3. Can Texas please provide the amounts of any Medicaid payments funded by the new Local Provider Participation Fund in the Northeast Healthcare Participation District?

Please let us know if our questions are unclear or require further explanation.

Best,

Jonathan

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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, December 4, 2023 11:18 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan

(CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory –

Just checking in. Do you anticipate that you will have an update soon?

Thanks,
Tori

From: Grady,Victoria C (HHSC)

Sent: Wednesday, October 18, 2023 3:46 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory – I'll plan to check in again with you around December 1 then, if I haven't heard from you before then.

Tori

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

Sent: Wednesday, October 18, 2023 3:43 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thanks again for taking the time to provide a verbal overview of the proposal and for the written responses to our questions. We are actively reviewing your responses. We might have follow-up questions, will need to draft a response internally, then cleared it through our CMS team. Our best estimate on a response is about 45 days, but it could take longer. We appreciate the urgency, particularly given the localities are interested in implementing as soon as possible.

Please let me know if you have questions or concerns on the estimated timeline.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, October 17, 2023 10:58 AM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hey Rory –

Just checking in to see if you have a timeline for responding with your position.

Thanks,
Tori

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

Sent: Thursday, October 5, 2023 6:55 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

We are acknowledging receipt. We appreciate the responses to our questions and the conversation last week. We will review the attached information as quickly as possible, then will reconnect on our anticipated response timeline.

Thank you,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, October 4, 2023 6:46 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory and team –

Thank you for visiting with us. Written responses to your questions are attached. We understand that CMS did not anticipate being able to provide us your position on this matter by October 15, 2023. If you could send us the anticipated date for your response, we would appreciate it.

Thanks!
Tori

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

Sent: Thursday, September 28, 2023 2:48 PM

THOMAS000075

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Dear Federal and Texas State Partners,

Please see the following questions attached. We look forward to talking with you tomorrow.

Best,

Jonathan

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

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 3:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Thanks again, Tori. Jonathan Endelman from our team should be sending questions soon.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, September 28, 2023 2:55:36 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

We definitely understand. Let's do a half hour starting at 11 and then if we need to follow up with another meeting we can. Do you anticipate still sending the questions in advance so we can make sure we use the time efficiently?

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 1:51 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. We have a mandatory meeting tomorrow that just popped up at 11:30 CDT tomorrow. We are happy to start the meeting at 10:30 CDT instead of 11 or keep it to a half hour between 11 CDT and 11:30. Please let us know your preference and thanks in advance for your understanding.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, September 26, 2023 9:36 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory -I updated the invitation to Friday, September 29 at 11am CDT. We appreciate your flexibility for us.

Looking forward to chatting.
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, September 26, 2023 7:02 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. Unfortunately, we have a conflict at 2PM CDT. We could make any time between 9AM CDT and 2PM CDT work. Would any time during this window work for you? Thanks again.

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, September 25, 2023 8:22 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

2pm central on the 29th works on this side. Would that work for you?

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

Sent: Monday, September 25, 2023 2:40:16 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

No problem at all. Do you have any availability on Friday the 29th?

Thanks,

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, September 25, 2023 9:54 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

My apologies, but we've had a different call with a different area of CMS get booked for the same time that we scheduled this one. Is there any chance we can move this to a different time or date? Please let me know if there is an alternative that works on your side.

Thanks,

Tori

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

Sent: Thursday, September 21, 2023 7:01 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you. Thursday the 28th at 10 CDT would work for us. If you include me on the appointment, I will share with our CMS team. We plan to share questions by email before the meeting.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 5:40 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory -

We can make the following dates and times (central) work:

Monday 9/25 1-2
Thursday 9/28 10-11
Friday 9/29 2-3

Let me know what works for you and we can send a calendar invite with a Teams link.

If you are able to send questions in advance, we'd be happy to take a look and do whatever research we can to make sure we are prepared.

Thank you!
Tori

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 3:58:52 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you for offering a call. We believe a call would be helpful to obtain additional details regarding the state's request and to provide an opportunity to talk through some preliminary questions that we have. Do you and your team have any availability next week? After the call, we will be able to provide a better estimate on the timing for the full response.

Regards,
Rory

THOMAS000079

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 11:32 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Rory –

I hope your team and you are doing well. I wanted to follow up on my email below to see if you have determined whether a call would be helpful to assist you.

I also wanted to touch base about the timing for CMS to provide us the full response to our request; we had indicated that we were hoping for a response by October 15, 2023 in our initial communication. Do you think that timeframe will be achievable? If not, would you please let us know what time frame will work for you all so we can let our stakeholders know when we expect to receive the feedback?

Thanks,
Tori

From: Grady,Victoria C (HHSC)
Sent: Friday, August 25, 2023 2:49 PM
To: 'Howe, Rory (CMS/CMCS)' <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Rory - If a call would be helpful, please let us know and we'll get something on the books.

Have a good weekend.
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, August 25, 2023 2:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

WARNING: This email is from outside the HHS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Tori,

Please accept this as acknowledgement of HHSC's request. CMS is actively reviewing your request and intends to respond as expeditiously as possible. We will contact you if we have any questions in the interim. Please feel free to do the same.

I hope you have a great weekend.

Regards,
Rory

Rory Howe
Director
Financial Management Group
CMS/CMCS

, (b)(6)

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, August 15, 2023 1:17 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown, Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Rory,

On May 21, 2019, CMS sent HHSC some questions related to local provider participation funds (LPPFs) in Texas. One of the questions related to Texas House Bill (H.B.) 4289, 86th Texas Legislature, Regular Session, 2019. H.B. 4289 added Chapter 300A to the Texas Health and Safety Code, which contemplated multiple hospital districts, counties, and municipalities acting collectively. Based on CMS' feedback, HHSC understood there was an increased likelihood of CMS more closely scrutinizing a local provider tax in jurisdictions with a sole community provider or where providers received payments in excess of their tax burden – not because payments were tied to the tax, but because those facilities, by virtue of the limited venues of service, happened to provide Medicaid services sufficient to entitle them to payments in excess of their tax. To alleviate CMS' concern, Chapter 300A authorized two or more already existing LGEs that only had one provider in each of their jurisdictions to combine service areas to establish and operate one LPPF.

For reference, out of Texas' 254 counties, 183 counties have at least one hospital, 119 counties have only one hospital, and 71 counties do not have any hospitals. Unlike many states, where the Medicaid population is concentrated in larger urban areas, a significant portion of services to Texas Medicaid beneficiaries are provided in rural communities.

In August 2019, HHSC responded to CMS' May 2019 questions and indicated that we were "not aware of any governmental units having been formed pursuant to House Bill 4289." In that August 2019 correspondence, we also stated: "HHSC would not accept funds from such a governmental unit until it has completed its discussions with CMS on the issue. HHSC and CMS held a conference call about the issue of jurisdictions joining together on April 2, 2019. CMS identified concerns to HHSC and HHSC agreed to provide a document with reasoning as to why joining jurisdictions together should be legal. HHSC submitted this information to CMS on April 15, 2019. HHSC has not received any comments or objections from CMS."

THOMAS000081

LPPF funds generated under the authority granted by Chapter 300A have not been used as the non-federal share to date. However, HHSC has now been notified that, pursuant to Chapter 300A, Texas Health and Safety Code, certain governmental entities have elected to create the "Northeast Health Care Provider Participation District." In keeping with our prior commitment that we would not accept funds from such a governmental unit until we completed our discussions with CMS, we are notifying CMS of the formation of the district. We request that CMS provide its position on whether HHSC is legally prohibited from using transfers from such new unit of local government as the non-federal share. If CMS believes this source of local funding is prohibited, we request CMS describe the legal basis for that position.

HHSC seeks CMS' collaboration to navigate the unique circumstance presented by rural safety net hospitals in Texas, which are critical to provide care to the Medicaid population.

On a separate note, we recently re-submitted responses to RAIs for two SPAs related to payments for hospital services. Both RAIs included questions from CMS regarding LPPFs. CMS' RAI for SPA 19-0020 requested additional information regarding how many "LPPFs has the Texas legislature approved...[o]f those, how many consist of more than one county grouped together to form an LPPF?" HHSC indicated in our responses to the RAIs that all funds currently accepted for use as the non-federal share are from local governmental entities (LGEs)- including hospital districts, counties, and cities - that existed prior to the enactment of state laws permitting those LGEs to operate LPPFs. We consider this question about the use of LPPF revenues from a multi-jurisdictional district to be distinct from CMS' review of the SPA RAIs because the potential acceptance of revenues from a district formed by multiple jurisdictions has not yet occurred **and will not occur until our conversations with CMS are complete.**

Due to the fact that more than 4 years have passed since we last discussed this specific matter in detail and HHSC provided our responses to your questions, we understand that you may need time to refresh yourselves on the specifics of the correspondence we exchanged in 2019. Our local governments, however, are waiting for CMS and HHSC to respond to their formation of the district . To ensure that they receive a timely response, we are hopeful that we will be able to conclude this matter within the next 60 days and request that CMS send us their position on the matter in that time frame.

Tori Grady
Director of Provider Finance
Texas Health and Human Services Commission

Message

From: Arnold, Charlie (CMS/CMCS) , (b)(6)
Sent: 2/27/2024 12:32:26 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Maccarroll, Amber (CMS/CMCS) , (b)(6)
Silanskis, Jeremy
Clark, Jennifer
, (b)(6)
Goldstein, Stuart

Subject: RE: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory,

I wanted to check on the additional TX Joint Jurisdiction questions for the state to include in their provider attestations. The state asked us to review their attestation they will be requiring from the providers participating in the TX Joint Jurisdiction districts. Jeremy Vogel will be on vacation March 2-16th. At the end of our call yesterday, we let him know that we had a couple of things we wanted to run through them this week. One being the additional TX questions for the state's attestation.

The tax team is seeking to have the state add the following questions to the attestations, as highlighted in the email below:

1. What is the tax amount for each provider?
2. What is the Medicaid payment made to each provider?
3. What is the Medicaid utilization, expressed as a percentage of Medicaid business to total business, for each provider?

We are hoping to get the questions to OGC for review/edit and sign off today or tomorrow.

Please let me know if you need anything else from us.

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP
, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Arnold, Charlie (CMS/CMCS)
Sent: Thursday, February 22, 2024 6:16 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

THOMAS000083

Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

Importance: High

Good morning Rory,

I wanted to check to see if you have reviewed the below questions for TX? We will need to get them to OGC soon for a quick turnaround.

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP

, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Arnold, Charlie (CMS/CMCS)

Sent: Wednesday, February 21, 2024 9:49 AM

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

Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

FYI

Charlie Arnold
Director
CMCS/FMG/DFP

, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

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

Sent: Wednesday, February 21, 2024 9:15 AM

To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS)

<Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS)

<Kristin.Fan@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb

(CMS/CMCS) <Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover,

Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>; Suarez, Christina (CMS/CMCS)

<christina.suarez@cms.hhs.gov>

Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

Charlie,

Please see below for questions I think we should tell Texas need to be added. Highlighted in yellow. Thanks.

Best,

Jonathan

THOMAS000084

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
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From: Endelman (he/him), Jonathan (CMS/CMCS)
Sent: Wednesday, February 14, 2024 9:06 AM
To: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

Stuart,

I read Stephanie's response. I don't understand this, "Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district." I don't understand what that means, or why they would ask it. I know we didn't ask them to ask it.

More importantly, they did not ask several things that we want them to ask. Specifically,

1. What is the tax amount for each provider?
2. What is the Medicaid payment made to each provider?
3. What is the Medicaid utilization, expressed as a percentage of Medicaid business to total business, for each provider?

Those are the three questions we would need to ask before we determined if something was or was not a hold harmless.

Of course, we also feel that it is necessary, under our conception of the hold harmless requirements, to ask if there are any agreements to hold providers harmless among private providers. But we don't need to go back into that argument with Texas right now.

They would like our response by February 29, 2024. I would communicate to Rory that these three questions are what we need to know from Texas and ask him if we can communicate that to them.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
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THOMAS000085

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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, February 12, 2024 4:54 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

Thank you for gathering your team to talk through our questions as they relate to health care-related taxes imposed by a health care provider participation district. On the call, we clarified that while we appreciate CMS' offer to assist in evaluating the specific circumstances that surround the Northeast Healthcare Provider Participation District (the District), HHSC's intent when we reached out to CMS was to conclude our original discussion about the general permissibility of a health care-related tax imposed by a health care provider participation district, as well as to seek technical assistance from CMS as we prepare to provide appropriate monitoring to ensure that the non-federal share used to support Texas' Medicaid program is compliant with federal law. We understand that CMS' guidance to Texas is related exclusively to whether a health care provider participation district complies with the requirements of 1903(w) of the Social Security Act.

We understand from our call that CMS does not view a health care-related tax imposed by a health care provider participation district as inherently impermissible or permissible. CMS indicated that each circumstance would need to be reviewed individually to determine whether a tax complies with all the provisions of 1903(w). HHSC explained that we understand that there may be additional questions that we need to ask in connection with our monitoring and oversight activities that uniquely apply to a health care-related tax imposed by a health care provider participation district. Therefore, we anticipate that prior to accepting any IGT from a new joint jurisdiction LPPF, and during annual reporting, we will ask the governmental entities to respond to all the same questions that a single-jurisdiction LPPF would be asked as well as the following:

- What local governmental entities created the district? Please submit a map highlighting the local governmental entities that are included in the district and identify the hospitals located in the district.
- Please list any existing intergovernmental partnerships, interlocal agreements, interlocal contracts, or patient flow between the local governmental entities that created the district.
- Describe the rationale used by the local governmental entities that created the district and the process by which these local governmental entities have created the district .
- Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district.
- Please describe: (1) any financial, contractual, or other agreements that may exist between or among any of the local governmental entities that created the district; and (2) any financial, contractual, or other agreements that any of the local governmental entities that created the district may have with any of the hospitals in the district. Provide copies of any such written agreements.
- Please confirm that the district is familiar with the requirements of 1903(w) and that the district is in compliance.

As we discussed on our call, we are requesting that CMS provide us any technical assistance or guidance related to our planned monitoring questions by February 29, 2024. We are hopeful that we can finalize our question set quickly so we can begin the monitoring process for the District that has already been created, and any future potential districts, to determine whether we will accept their IGT should they wish to transfer to HHSC.

Thank you again for working through this with us,

Victoria

From: Grady, Victoria C (HHSC)

Sent: Wednesday, February 7, 2024 9:28 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

Thank you for your response – I’m looking forward to our call this afternoon. To help you prep, I’m sharing below my understanding of CMS’ position so we can discuss further on the call if I am not understanding correctly what your email states.

- (1) I understand that to assess whether the specific tax applied by the Northeast Healthcare Provider Participation District would potentially require a review of the specific tax amount assessed, the Medicaid payments, etc. We are happy to provide approximate estimated amounts as you suggest for that purpose so they can be reviewed in view of 42 CFR 433.68(f).
- (2) The discussion between CMS and HHS when the state statute that created the ability for a joint jurisdiction provider tax to be created in 2019 surrounded whether there was a legal reason that a multi-jurisdiction could or could not exist and be compliant with the requirements of 42 CFR 433.68, regardless of the specific amounts taxed or paid to the providers. Our inquiry to CMS after the formation of the NHPPD was to see what the legal position of CMS is on such a jurisdiction, in general. Based upon your response below, I understand CMS’ position to be that there is no concern with the formation of a joint jurisdiction provider tax as a matter of course. And, a joint jurisdiction if formed will need to meet all the same requirements that a single jurisdiction LPPF would with respect to uniformity, broad-basis, and other requirements set forth in 433.68, including by not violating 433.68(f).

Thanks,
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, February 1, 2024 7:52 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Tori,

We wanted to share with you the following information in advance of our call on February 7, 2024.

On December 13, 2023, and December 14, 2023, the state of Texas indicated that it could not provide us with the tax amounts for the three hospitals located within the Northeast Healthcare Provider Participation District (the District). It also indicated that it could not provide to us amounts of Medicaid payments funded by the tax that the state will make

to the hospitals. Texas claims that it is unable to obtain this information because the tax arrangement is not currently in place, the state has not accepted any IGTs from the District, the state does not know for which expenditures the funds will be used as nonfederal share, and the District has not been required by the state of Texas to report tax amounts.

In the absence of information about actual tax and payment amounts, we request that the state provide estimates for the information we have requested, using the best available information. For instance, the state could use historical revenue data for these providers and calculate what 6% of their inpatient and outpatient net patient revenue would be to calculate approximately how much tax they would pay in the new assessment. Similarly, the state could provide projected Medicaid payments providers would receive by recourse to the information that the state does have. In similar situations, some states have been able to provide projected tax amounts, and often projected Medicaid payments using historical data and other sources.

Absent this type of information, CMS is unable to provide its view of the permissibility or the impermissibility of the taxes in question, including in relation to the presence or absence of any hold harmless arrangements. Hold harmless arrangements exist when the state or other unit of government imposing the tax provides (directly or indirectly) for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax. Without receiving:

1. Information on tax amounts;
2. Information on payment amounts funded by taxes; and
3. A comparison of the first item to the second item

We are unable to give any opinions regarding permissibility of the health care-related tax with federal requirements and hold harmless issues. In the absence of receiving this information, all CMS can say is that while the health care-related tax imposed by the Northeast Healthcare Participation District appears to satisfy broad-based and uniformity requirements, CMS does not have enough information to form a view regarding whether any payments supported by the tax could result in an impermissible hold harmless arrangement.

Please let us know if we can be of any further assistance in this matter.

We look forward to talking with you on February 7, 2024. Thank you.

Best,
Jonathan

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Baltimore, MD 21244-1850

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, January 3, 2024 3:06 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

THOMAS000089

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hello all and Happy New Year!

I wanted to check in about CMS' review of our questions about the permissibility of joint jurisdiction provider taxes. This matter has been pending since the late summer and we are hopeful that we will be able to receive CMS' opinion as soon as possible. Please let us know when we can anticipate receiving your response.

Thanks,
Tori

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

Sent: Thursday, December 14, 2023 9:20 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Victoria. I am acknowledging receipt of the State's responses.

Best,

Jonathan

Jonathan Endelman (he/him), PhD

Social Science Research Analyst

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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Thursday, December 14, 2023 10:16 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Please find the answers to the other two questions below:

THOMAS000090

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?

The Northeast Healthcare Provider Participation District (Northeast HCPPD) consists of three local governmental entities:

- Henderson County
- Hopkins County Hospital District
- Lamar County

There are three hospitals located within the Northeast HCPPD, according to HHSC's most recently available hospital licensure data.

NAME	COUNTY
UT HEALTH EAST TEXAS ATHENS HOSPITAL	HENDERSON
CHRISTUS MOTHER FRANCES HOSPITAL - SULPHUR SPRINGS	HOPKINS
PARIS REGIONAL MEDICAL CENTER NORTH CAMPUS	LAMAR

2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?

The tax rate for the Northeast HCPPD is 6.0 percent. However, HHSC does not have information on the tax amounts assessed by the Northeast HCPPD because HHSC did not accept IGT from them, and they were not required to report on the tax amounts.

From: Grady,Victoria C (HHSC)

Sent: Wednesday, December 13, 2023 5:03 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

We are happy to get you the answers to the first two questions. As we conveyed previously, HHSC has not accepted any local funding from the Northeast Healthcare Participation District, so there are no reportable amounts available for your third question. Nor do we have a listing of what programs they may wish to IGT for since IGT is transferred on a voluntary basis as.

We'll follow up ASAP with the information to response to your questions 1 and 2.
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, December 13, 2023 12:42 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Victoria,

We are continuing our review of Texas's question concerning the issue of joint jurisdiction and the Local Provider Participation Fund. At this time, we have the following questions:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?
2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?
3. Can Texas please provide the amounts of any Medicaid payments funded by the new Local Provider Participation Fund in the Northeast Healthcare Participation District?

Please let us know if our questions are unclear or require further explanation.

Best,

Jonathan

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Baltimore, MD 21244-1850

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, December 4, 2023 11:18 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory –

Just checking in. Do you anticipate that you will have an update soon?

Thanks,
Tori

From: Grady,Victoria C (HHSC)
Sent: Wednesday, October 18, 2023 3:46 PM
To: 'Howe, Rory (CMS/CMCS)' <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory – I'll plan to check in again with you around December 1 then, if I haven't heard from you before then.

Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, October 18, 2023 3:43 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thanks again for taking the time to provide a verbal overview of the proposal and for the written responses to our questions. We are actively reviewing your responses. We might have follow-up questions, will need to draft a response internally, then cleared it through our CMS team. Our best estimate on a response is about 45 days, but it could take longer. We appreciate the urgency, particularly given the localities are interested in implementing as soon as possible.

Please let me know if you have questions or concerns on the estimated timeline.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, October 17, 2023 10:58 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hey Rory –

Just checking in to see if you have a timeline for responding with your position.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, October 5, 2023 6:55 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

We are acknowledging receipt. We appreciate the responses to our questions and the conversation last week. We will review the attached information as quickly as possible, then will reconnect on our anticipated response timeline.

Thank you,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, October 4, 2023 6:46 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory and team –

Thank you for visiting with us. Written responses to your questions are attached. We understand that CMS did not anticipate being able to provide us your position on this matter by October 15, 2023. If you could send us the anticipated date for your response, we would appreciate it.

Thanks!
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, September 28, 2023 2:48 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Dear Federal and Texas State Partners,

Please see the following questions attached. We look forward to talking with you tomorrow.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
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Center for Medicaid and CHIP Services (CMCS)
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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 3:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Thanks again, Tori. Jonathan Endelman from our team should be sending questions soon.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, September 28, 2023 2:55:36 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

We definitely understand. Let's do a half hour starting at 11 and then if we need to follow up with another meeting we can. Do you anticipate still sending the questions in advance so we can make sure we use the time efficiently?

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 1:51 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. We have a mandatory meeting tomorrow that just popped up at 11:30 CDT tomorrow. We are happy to start the meeting at 10:30 CDT instead of 11 or keep it to a half hour between 11 CDT and 11:30. Please let us know your preference and thanks in advance for your understanding.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, September 26, 2023 9:36 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory -I updated the invitation to Friday, September 29 at 11am CDT. We appreciate your flexibility for us.

Looking forward to chatting.
Tori

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

Sent: Tuesday, September 26, 2023 7:02 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. Unfortunately, we have a conflict at 2PM CDT. We could make any time between 9AM CDT and 2PM CDT work. Would any time during this window work for you? Thanks again.

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, September 25, 2023 8:22 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

2pm central on the 29th works on this side. Would that work for you?

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, September 25, 2023 2:40:16 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

No problem at all. Do you have any availability on Friday the 29th?

Thanks,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, September 25, 2023 9:54 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

My apologies, but we've had a different call with a different area of CMS get booked for the same time that we scheduled this one. Is there any chance we can move this to a different time or date? Please let me know if there is an alternative that works on your side.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 21, 2023 7:01 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you. Thursday the 28th at 10 CDT would work for us. If you include me on the appointment, I will share with our CMS team. We plan to share questions by email before the meeting.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 5:40 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory -

We can make the following dates and times (central) work:

Monday 9/25 1-2
Thursday 9/28 10-11
Friday 9/29 2-3

Let me know what works for you and we can send a calendar invite with a Teams link.

If you are able to send questions in advance, we'd be happy to take a look and do whatever research we can to make sure we are prepared.

Thank you!
Tori

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 3:58:52 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you for offering a call. We believe a call would be helpful to obtain additional details regarding the state's request and to provide an opportunity to talk through some preliminary questions that we have. Do you and your team have any availability next week? After the call, we will be able to provide a better estimate on the timing for the full response.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 11:32 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Rory –

I hope your team and you are doing well. I wanted to follow up on my email below to see if you have determined whether a call would be helpful to assist you.

I also wanted to touch base about the timing for CMS to provide us the full response to our request; we had indicated that we were hoping for a response by October 15, 2023 in our initial communication. Do you think that timeframe will be achievable? If not, would you please let us know what time frame will work for you all so we can let our stakeholders know when we expect to receive the feedback?

Thanks,
Tori

From: Grady,Victoria C (HHSC)

Sent: Friday, August 25, 2023 2:49 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Rory - If a call would be helpful, please let us know and we'll get something on the books.

Have a good weekend.
Tori

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

Sent: Friday, August 25, 2023 2:41 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

WARNING: This email is from outside the HHS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Tori,

Please accept this as acknowledgement of HHSC's request. CMS is actively reviewing your request and intends to respond as expeditiously as possible. We will contact you if we have any questions in the interim. Please feel free to do the same.

I hope you have a great weekend.

THOMAS000099

Regards,
Rory

Rory Howe
Director
Financial Management Group
CMS/CMCS

, (b)(6)

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, August 15, 2023 1:17 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown, Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Rory,

On May 21, 2019, CMS sent HHSC some questions related to local provider participation funds (LPPFs) in Texas. One of the questions related to Texas House Bill (H.B.) 4289, 86th Texas Legislature, Regular Session, 2019. H.B. 4289 added Chapter 300A to the Texas Health and Safety Code, which contemplated multiple hospital districts, counties, and municipalities acting collectively. Based on CMS' feedback, HHSC understood there was an increased likelihood of CMS more closely scrutinizing a local provider tax in jurisdictions with a sole community provider or where providers received payments in excess of their tax burden – not because payments were tied to the tax, but because those facilities, by virtue of the limited venues of service, happened to provide Medicaid services sufficient to entitle them to payments in excess of their tax. To alleviate CMS' concern, Chapter 300A authorized two or more already existing LGEs that only had one provider in each of their jurisdictions to combine service areas to establish and operate one LPPF.

For reference, out of Texas' 254 counties, 183 counties have at least one hospital, 119 counties have only one hospital, and 71 counties do not have any hospitals. Unlike many states, where the Medicaid population is concentrated in larger urban areas, a significant portion of services to Texas Medicaid beneficiaries are provided in rural communities.

In August 2019, HHSC responded to CMS' May 2019 questions and indicated that we were "not aware of any governmental units having been formed pursuant to House Bill 4289." In that August 2019 correspondence, we also stated: "HHSC would not accept funds from such a governmental unit until it has completed its discussions with CMS on the issue. HHSC and CMS held a conference call about the issue of jurisdictions joining together on April 2, 2019. CMS identified concerns to HHSC and HHSC agreed to provide a document with reasoning as to why joining jurisdictions together should be legal. HHSC submitted this information to CMS on April 15, 2019. HHSC has not received any comments or objections from CMS."

LPPF funds generated under the authority granted by Chapter 300A have not been used as the non-federal share to date. However, HHSC has now been notified that, pursuant to Chapter 300A, Texas Health and Safety Code, certain governmental entities have elected to create the "Northeast Health Care Provider Participation District." In keeping with our prior commitment that we would not accept funds from such a governmental unit until we completed our discussions with CMS, we are notifying CMS of the formation of the district. We request that CMS

THOMAS000100

provide its position on whether HHSC is legally prohibited from using transfers from such new unit of local government as the non-federal share. If CMS believes this source of local funding is prohibited, we request CMS describe the legal basis for that position.

HHSC seeks CMS' collaboration to navigate the unique circumstance presented by rural safety net hospitals in Texas, which are critical to provide care to the Medicaid population.

On a separate note, we recently re-submitted responses to RAIs for two SPAs related to payments for hospital services. Both RAIs included questions from CMS regarding LPPFs. CMS' RAI for SPA 19-0020 requested additional information regarding how many "LPPFs has the Texas legislature approved...[o]f those, how many consist of more than one county grouped together to form an LPPF?" HHSC indicated in our responses to the RAIs that all funds currently accepted for use as the non-federal share are from local governmental entities (LGEs)- including hospital districts, counties, and cities - that existed prior to the enactment of state laws permitting those LGEs to operate LPPFs. We consider this question about the use of LPPF revenues from a multi-jurisdictional district to be distinct from CMS' review of the SPA RAIs because the potential acceptance of revenues from a district formed by multiple jurisdictions has not yet occurred **and will not occur until our conversations with CMS are complete.**

Due to the fact that more than 4 years have passed since we last discussed this specific matter in detail and HHSC provided our responses to your questions, we understand that you may need time to refresh yourselves on the specifics of the correspondence we exchanged in 2019. Our local governments, however, are waiting for CMS and HHSC to respond to their formation of the district . To ensure that they receive a timely response, we are hopeful that we will be able to conclude this matter within the next 60 days and request that CMS send us their position on the matter in that time frame.

Tori Grady
Director of Provider Finance
Texas Health and Human Services Commission

Message

From: Arnold, Charlie (CMS/CMCS) , (b)(6)
, (b)(6)
Sent: 2/27/2024 1:14:48 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
, (b)(6)
CC: Maccarroll, Amber (CMS/CMCS) , (b)(6)
Silanskis, Jeremy
Clark, Jennifer
, (b)(6)
Goldstein, Stuart

Subject: RE: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory,

Thanks for the feedback. We were brainstorming why the state add the question you mentioned in your first bullet. Your comment explained that for us. We also toyed with a way to ask the question in your second bullet, but did not know whether we would risk violating the injunction.

Thanks for the comprehensive feedback. We will add the additional question and send the questions to OGC for review.

Charlie Arnold
Director
CMCS/FMG/DFP
, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, February 27, 2024 7:51 AM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Charlie. These questions are a good addition. A few additional thoughts:

1. I do think this state request is critical: "Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district." Essentially, it appears to be getting at the core question of whether the participating districts selected each other specifically due to the outcome of the selective taxation resulting in an effective guarantee

that all hospitals receive all their tax back (for example, excluding a neighboring district that has a hospital that does not participate in Medicaid).

2. It might be worth adding a direct question asking if the counties/entities involved creating the district intentionally joined jurisdictions so that all taxpayers receive their total tax cost back, maybe something like, "Please indicate whether the entity(ies) creating the new district selected the entities included in the district, at least in part, to ensure that all taxpaying hospitals in the new district would receive all or a portion of their tax cost back in the form of Medicaid payments, other payments, or offsets."

3. A reminder that we are enjoined from enforcing anything relating to redistributions and the February 2023 CIB.

Please let me know if you have questions or would like to discuss.

Thanks,
Rory

From: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Sent: Tuesday, February 27, 2024 7:32 AM

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

Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Importance: High

Hi Rory,

I wanted to check on the additional TX Joint Jurisdiction questions for the state to include in their provider attestations. The state asked us to review their attestation they will be requiring from the providers participating in the TX Joint Jurisdiction districts. Jeremy Vogel will be on vacation March 2-16th. At the end of our call yesterday, we let him know that we had a couple of things we wanted to run through them this week. One being the additional TX questions for the state's attestation.

The tax team is seeking to have the state add the following questions to the attestations, as highlighted in the email below:

1. What is the tax amount for each provider?
2. What is the Medicaid payment made to each provider?
3. What is the Medicaid utilization, expressed as a percentage of Medicaid business to total business, for each provider?

We are hoping to get the questions to OGC for review/edit and sign off today or tomorrow.

Please let me know if you need anything else from us.

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP

, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

THOMAS000103

From: Arnold, Charlie (CMS/CMCS)
Sent: Thursday, February 22, 2024 6:16 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes
Importance: High

Good morning Rory,

I wanted to check to see if you have reviewed the below questions for TX? We will need to get them to OGC soon for a quick turnaround.

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP
, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Arnold, Charlie (CMS/CMCS)
Sent: Wednesday, February 21, 2024 9:49 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

FYI

Charlie Arnold
Director
CMCS/FMG/DFP
, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, February 21, 2024 9:15 AM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb (CMS/CMCS) <Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover, Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>; Suarez, Christina (CMS/CMCS) <christina.suarez@cms.hhs.gov>
Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

Charlie,

Please see below for questions I think we should tell Texas need to be added. Highlighted in yellow. Thanks.

THOMAS000104

Best,

Jonathan

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

From: Endelman (he/him), Jonathan (CMS/CMCS)
Sent: Wednesday, February 14, 2024 9:06 AM
To: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: FW: Follow Up: Joint Jurisdiction Provider Taxes

Stuart,

I read Stephanie's response. I don't understand this, "Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district." I don't understand what that means, or why they would ask it. I know we didn't ask them to ask it.

More importantly, they did not ask several things that we want them to ask. Specifically,

1. What is the tax amount for each provider?
2. What is the Medicaid payment made to each provider?
3. What is the Medicaid utilization, expressed as a percentage of Medicaid business to total business, for each provider?

Those are the three questions we would need to ask before we determined if something was or was not a hold harmless.

Of course, we also feel that it is necessary, under our conception of the hold harmless requirements, to ask if there are any agreements to hold providers harmless among private providers. But we don't need to go back into that argument with Texas right now.

They would like our response by February 29, 2024. I would communicate to Rory that these three questions are what we need to know from Texas and ask him if we can communicate that to them.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst

THOMAS000105

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

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, February 12, 2024 4:54 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

Thank you for gathering your team to talk through our questions as they relate to health care-related taxes imposed by a health care provider participation district. On the call, we clarified that while we appreciate CMS' offer to assist in evaluating the specific circumstances that surround the Northeast Healthcare Provider Participation District (the District), HHSC's intent when we reached out to CMS was to conclude our original discussion about the general permissibility of a health care-related tax imposed by a health care provider participation district, as well as to seek technical assistance from CMS as we prepare to provide appropriate monitoring to ensure that the non-federal share used to support Texas' Medicaid program is compliant with federal law. We understand that CMS' guidance to Texas is related exclusively to whether a health care provider participation district complies with the requirements of 1903(w) of the Social Security Act.

We understand from our call that CMS does not view a health care-related tax imposed by a health care provider participation district as inherently impermissible or permissible. CMS indicated that each circumstance would need to be reviewed individually to determine whether a tax complies with all the provisions of 1903(w). HHSC explained that we understand that there may be additional questions that we need to ask in connection with our monitoring and oversight activities that uniquely apply to a health care-related tax imposed by a health care provider participation district. Therefore, we anticipate that prior to accepting any IGT from a new joint jurisdiction LPPF, and during annual reporting, we will ask the governmental entities to respond to all the same questions that a single-jurisdiction LPPF would be asked as well as the following:

- What local governmental entities created the district? Please submit a map highlighting the local governmental entities that are included in the district and identify the hospitals located in the district.
- Please list any existing intergovernmental partnerships, interlocal agreements, interlocal contracts, or patient flow between the local governmental entities that created the district.
- Describe the rationale used by the local governmental entities that created the district and the process by which these local governmental entities have created the district .
- Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district.
- Please describe: (1) any financial, contractual, or other agreements that may exist between or among any of the local governmental entities that created the district; and (2) any financial, contractual, or other agreements that any of the local governmental entities that created the district may have with any of the hospitals in the district. Provide copies of any such written agreements.
- Please confirm that the district is familiar with the requirements of 1903(w) and that the district is in compliance.

As we discussed on our call, we are requesting that CMS provide us any technical assistance or guidance related to our planned monitoring questions by February 29, 2024. We are hopeful that we can finalize our question set quickly so we can begin the monitoring process for the District that has already been created, and any future potential districts, to determine whether we will accept their IGT should they wish to transfer to HHSC.

Thank you again for working through this with us,

Victoria

From: Grady,Victoria C (HHSC)

Sent: Wednesday, February 7, 2024 9:28 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart

(CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

Thank you for your response – I’m looking forward to our call this afternoon. To help you prep, I’m sharing below my understanding of CMS’ position so we can discuss further on the call if I am not understanding correctly what your email states.

- (1) I understand that to assess whether the specific tax applied by the Northeast Healthcare Provider Participation District would potentially require a review of the specific tax amount assessed, the Medicaid payments, etc. We are happy to provide approximate estimated amounts as you suggest for that purpose so they can be reviewed in view of 42 CFR 433.68(f).
- (2) The discussion between CMS and HHS when the state statute that created the ability for a joint jurisdiction provider tax to be created in 2019 surrounded whether there was a legal reason that a multi-jurisdiction could or could not exist and be compliant with the requirements of 42 CFR 433.68, regardless of the specific amounts taxed or paid to the providers. Our inquiry to CMS after the formation of the NHPPD was to see what the legal position of CMS is on such a jurisdiction, in general. Based upon your response below, I understand CMS’ position to be that there is no concern with the formation of a joint jurisdiction provider tax as a matter of course. And, a joint jurisdiction if formed will need to meet all the same requirements that a single jurisdiction LPPF would with respect to uniformity, broad-basis, and other requirements set forth in 433.68, including by not violating 433.68(f).

Thanks,
Tori

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

Sent: Thursday, February 1, 2024 7:52 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart

(CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Tori,

We wanted to share with you the following information in advance of our call on February 7, 2024.

THOMAS000108

On December 13, 2023, and December 14, 2023, the state of Texas indicated that it could not provide us with the tax amounts for the three hospitals located within the Northeast Healthcare Provider Participation District (the District). It also indicated that it could not provide to us amounts of Medicaid payments funded by the tax that the state will make to the hospitals. Texas claims that it is unable to obtain this information because the tax arrangement is not currently in place, the state has not accepted any IGTs from the District, the state does not know for which expenditures the funds will be used as nonfederal share, and the District has not been required by the state of Texas to report tax amounts.

In the absence of information about actual tax and payment amounts, we request that the state provide estimates for the information we have requested, using the best available information. For instance, the state could use historical revenue data for these providers and calculate what 6% of their inpatient and outpatient net patient revenue would be to calculate approximately how much tax they would pay in the new assessment. Similarly, the state could provide projected Medicaid payments providers would receive by recourse to the information that the state does have. In similar situations, some states have been able to provide projected tax amounts, and often projected Medicaid payments using historical data and other sources.

Absent this type of information, CMS is unable to provide its view of the permissibility or the impermissibility of the taxes in question, including in relation to the presence or absence of any hold harmless arrangements. Hold harmless arrangements exist when the state or other unit of government imposing the tax provides (directly or indirectly) for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax. Without receiving:

1. Information on tax amounts;
2. Information on payment amounts funded by taxes; and
3. A comparison of the first item to the second item

We are unable to give any opinions regarding permissibility of the health care-related tax with federal requirements and hold harmless issues. In the absence of receiving this information, all CMS can say is that while the health care-related tax imposed by the Northeast Healthcare Participation District appears to satisfy broad-based and uniformity requirements, CMS does not have enough information to form a view regarding whether any payments supported by the tax could result in an impermissible hold harmless arrangement.

Please let us know if we can be of any further assistance in this matter.

We look forward to talking with you on February 7, 2024. Thank you.

Best,
Jonathan

Jonathan Endelman (he/him), PhD
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410.786.4738
jonathan.endelman@cms.hhs.gov
7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, January 3, 2024 3:06 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

THOMAS000109

<Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hello all and Happy New Year!

I wanted to check in about CMS' review of our questions about the permissibility of joint jurisdiction provider taxes. This matter has been pending since the late summer and we are hopeful that we will be able to receive CMS' opinion as soon as possible. Please let us know when we can anticipate receiving your response.

Thanks,
Tori

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

Sent: Thursday, December 14, 2023 9:20 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Victoria. I am acknowledging receipt of the State's responses.

Best,

Jonathan

Jonathan Endelman (he/him), PhD

Social Science Research Analyst

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Mail Stop, S3-14-28

Baltimore, MD 21244-1850

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Thursday, December 14, 2023 10:16 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Please find the answers to the other two questions below:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?

The Northeast Healthcare Provider Participation District (Northeast HCPPD) consists of three local governmental entities:

- Henderson County
- Hopkins County Hospital District
- Lamar County

There are three hospitals located within the Northeast HCPPD, according to HHSC's most recently available hospital licensure data.

NAME	COUNTY
UT HEALTH EAST TEXAS ATHENS HOSPITAL	HENDERSON
CHRISTUS MOTHER FRANCES HOSPITAL - SULPHUR SPRINGS	HOPKINS
PARIS REGIONAL MEDICAL CENTER NORTH CAMPUS	LAMAR

2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?

The tax rate for the Northeast HCPPD is 6.0 percent. However, HHSC does not have information on the tax amounts assessed by the Northeast HCPPD because HHSC did not accept IGT from them, and they were not required to report on the tax amounts.

From: Grady,Victoria C (HHSC)

Sent: Wednesday, December 13, 2023 5:03 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

We are happy to get you the answers to the first two questions. As we conveyed previously, HHSC has not accepted any local funding from the Northeast Healthcare Participation District, so there are no reportable amounts available for your third question. Nor do we have a listing of what programs they may wish to IGT for since IGT is transferred on a voluntary basis as.

We'll follow up ASAP with the information to response to your questions 1 and 2.
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, December 13, 2023 12:42 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Victoria,

We are continuing our review of Texas's question concerning the issue of joint jurisdiction and the Local Provider Participation Fund. At this time, we have the following questions:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?
2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?
3. Can Texas please provide the amounts of any Medicaid payments funded by the new Local Provider Participation Fund in the Northeast Healthcare Participation District?

Please let us know if our questions are unclear or require further explanation.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
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Centers for Medicare & Medicaid Services (CMS)
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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, December 4, 2023 11:18 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory –

THOMAS000112

Just checking in. Do you anticipate that you will have an update soon?

Thanks,
Tori

From: Grady,Victoria C (HHSC)
Sent: Wednesday, October 18, 2023 3:46 PM
To: 'Howe, Rory (CMS/CMCS)' <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory – I'll plan to check in again with you around December 1 then, if I haven't heard from you before then.

Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, October 18, 2023 3:43 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thanks again for taking the time to provide a verbal overview of the proposal and for the written responses to our questions. We are actively reviewing your responses. We might have follow-up questions, will need to draft a response internally, then cleared it through our CMS team. Our best estimate on a response is about 45 days, but it could take longer. We appreciate the urgency, particularly given the localities are interested in implementing as soon as possible.

Please let me know if you have questions or concerns on the estimated timeline.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, October 17, 2023 10:58 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hey Rory –

Just checking in to see if you have a timeline for responding with your position.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, October 5, 2023 6:55 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

We are acknowledging receipt. We appreciate the responses to our questions and the conversation last week. We will review the attached information as quickly as possible, then will reconnect on our anticipated response timeline.

Thank you,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, October 4, 2023 6:46 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory and team –

Thank you for visiting with us. Written responses to your questions are attached. We understand that CMS did not anticipate being able to provide us your position on this matter by October 15, 2023. If you could send us the anticipated date for your response, we would appreciate it.

Thanks!
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, September 28, 2023 2:48 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

THOMAS000114

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Dear Federal and Texas State Partners,

Please see the following questions attached. We look forward to talking with you tomorrow.

Best,

Jonathan

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Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Sent: Thursday, September 28, 2023 3:41 PM

To: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown, Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Thanks again, Tori. Jonathan Endelman from our team should be sending questions soon.

Rory

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Thursday, September 28, 2023 2:55:36 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown, Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

We definitely understand. Let's do a half hour starting at 11 and then if we need to follow up with another meeting we can. Do you anticipate still sending the questions in advance so we can make sure we use the time efficiently?

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 1:51 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. We have a mandatory meeting tomorrow that just popped up at 11:30 CDT tomorrow. We are happy to start the meeting at 10:30 CDT instead of 11 or keep it to a half hour between 11 CDT and 11:30. Please let us know your preference and thanks in advance for your understanding.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, September 26, 2023 9:36 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory -I updated the invitation to Friday, September 29 at 11am CDT. We appreciate your flexibility for us.

Looking forward to chatting.
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, September 26, 2023 7:02 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. Unfortunately, we have a conflict at 2PM CDT. We could make any time between 9AM CDT and 2PM CDT work. Would any time during this window work for you? Thanks again.

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, September 25, 2023 8:22 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

2pm central on the 29th works on this side. Would that work for you?

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, September 25, 2023 2:40:16 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

No problem at all. Do you have any availability on Friday the 29th?

Thanks,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, September 25, 2023 9:54 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

My apologies, but we've had a different call with a different area of CMS get booked for the same time that we scheduled this one. Is there any chance we can move this to a different time or date? Please let me know if there is an alternative that works on your side.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 21, 2023 7:01 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you. Thursday the 28th at 10 CDT would work for us. If you include me on the appointment, I will share with our CMS team. We plan to share questions by email before the meeting.

THOMAS000117

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 5:40 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory -

We can make the following dates and times (central) work:

Monday 9/25 1-2
Thursday 9/28 10-11
Friday 9/29 2-3

Let me know what works for you and we can send a calendar invite with a Teams link.

If you are able to send questions in advance, we'd be happy to take a look and do whatever research we can to make sure we are prepared.

Thank you!
Tori

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 3:58:52 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you for offering a call. We believe a call would be helpful to obtain additional details regarding the state's request and to provide an opportunity to talk through some preliminary questions that we have. Do you and your team have any availability next week? After the call, we will be able to provide a better estimate on the timing for the full response.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 11:32 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

THOMAS000118

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Rory –

I hope your team and you are doing well. I wanted to follow up on my email below to see if you have determined whether a call would be helpful to assist you.

I also wanted to touch base about the timing for CMS to provide us the full response to our request; we had indicated that we were hoping for a response by October 15, 2023 in our initial communication. Do you think that timeframe will be achievable? If not, would you please let us know what time frame will work for you all so we can let our stakeholders know when we expect to receive the feedback?

Thanks,
Tori

From: Grady,Victoria C (HHSC)

Sent: Friday, August 25, 2023 2:49 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Rory - If a call would be helpful, please let us know and we'll get something on the books.

Have a good weekend.
Tori

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

Sent: Friday, August 25, 2023 2:41 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

WARNING: This email is from outside the HHS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Tori,

Please accept this as acknowledgement of HHSC's request. CMS is actively reviewing your request and intends to respond as expeditiously as possible. We will contact you if we have any questions in the interim. Please feel free to do the same.

I hope you have a great weekend.

Regards,
Rory

Rory Howe
Director
Financial Management Group
CMS/CMCS

, (b)(6)

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, August 15, 2023 1:17 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown, Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Rory,

On May 21, 2019, CMS sent HHSC some questions related to local provider participation funds (LPPFs) in Texas. One of the questions related to Texas House Bill (H.B.) 4289, 86th Texas Legislature, Regular Session, 2019. H.B. 4289 added Chapter 300A to the Texas Health and Safety Code, which contemplated multiple hospital districts, counties, and municipalities acting collectively. Based on CMS' feedback, HHSC understood there was an increased likelihood of CMS more closely scrutinizing a local provider tax in jurisdictions with a sole community provider or where providers received payments in excess of their tax burden – not because payments were tied to the tax, but because those facilities, by virtue of the limited venues of service, happened to provide Medicaid services sufficient to entitle them to payments in excess of their tax. To alleviate CMS' concern, Chapter 300A authorized two or more already existing LGEs that only had one provider in each of their jurisdictions to combine service areas to establish and operate one LPPF.

For reference, out of Texas' 254 counties, 183 counties have at least one hospital, 119 counties have only one hospital, and 71 counties do not have any hospitals. Unlike many states, where the Medicaid population is concentrated in larger urban areas, a significant portion of services to Texas Medicaid beneficiaries are provided in rural communities.

In August 2019, HHSC responded to CMS' May 2019 questions and indicated that we were "not aware of any governmental units having been formed pursuant to House Bill 4289." In that August 2019 correspondence, we also stated: "HHSC would not accept funds from such a governmental unit until it has completed its discussions with CMS on the issue. HHSC and CMS held a conference call about the issue of jurisdictions joining together on April 2, 2019. CMS identified concerns to HHSC and HHSC agreed to provide a document with reasoning as to why joining jurisdictions together should be legal. HHSC submitted this information to CMS on April 15, 2019. HHSC has not received any comments or objections from CMS."

LPPF funds generated under the authority granted by Chapter 300A have not been used as the non-federal share to date. However, HHSC has now been notified that, pursuant to Chapter 300A, Texas Health and Safety Code, certain governmental entities have elected to create the "Northeast Health Care Provider Participation District." In keeping with our prior commitment that we would not accept funds from such a governmental unit until we completed our discussions with CMS, we are notifying CMS of the formation of the district. We request that CMS provide its position on whether HHSC is legally prohibited from using transfers from such new unit of local government as the non-federal share. If CMS believes this source of local funding is prohibited, we request CMS describe the legal basis for that position.

HHSC seeks CMS' collaboration to navigate the unique circumstance presented by rural safety net hospitals in Texas, which are critical to provide care to the Medicaid population.

On a separate note, we recently re-submitted responses to RAIs for two SPAs related to payments for hospital services. Both RAIs included questions from CMS regarding LPPFs. CMS' RAI for SPA 19-0020 requested additional information regarding how many "LPPFs has the Texas legislature approved...[o]f those, how many consist of more than one county grouped together to form an LPPF?" HHSC indicated in our responses to the RAIs that all funds currently accepted for use as the non-federal share are from local governmental entities (LGEs)- including hospital districts, counties, and cities - that existed prior to the enactment of state laws permitting those LGEs to operate LPPFs. We consider this question about the use of LPPF revenues from a multi-jurisdictional district to be distinct from CMS' review of the SPA RAIs because the potential acceptance of revenues from a district formed by multiple jurisdictions has not yet occurred **and will not occur until our conversations with CMS are complete.**

Due to the fact that more than 4 years have passed since we last discussed this specific matter in detail and HHSC provided our responses to your questions, we understand that you may need time to refresh yourselves on the specifics of the correspondence we exchanged in 2019. Our local governments, however, are waiting for CMS and HHSC to respond to their formation of the district . To ensure that they receive a timely response, we are hopeful that we will be able to conclude this matter within the next 60 days and request that CMS send us their position on the matter in that time frame.

Tori Grady
Director of Provider Finance
Texas Health and Human Services Commission

Message

From: Endelman (he/him), Jonathan (CMS/CMCS) , (b)(6)
Sent: 2/28/2024 8:27:15 PM
To: Grady,Victoria C (HHSC) , (b)(6) Howe, Rory (CMS/CMCS) , (b)(6)
Administrative Group , (b)(6)
CC: Silanskis, Jeremv (CMS/CMCS) , (b)(6)
; Morgan,Frances (HHSC)
[Frances.Morgan@hhs.texas.gov]; HHSC PFD LFM [PFD_LFM@hhs.texas.gov]; Griffith,Maggie (HHSC)
[Maggie.Griffith@hhs.texas.gov]; Davis,Kristin (HHSC) , (b)(6) ; Arnold, Charlie (CMS/CMCS)
, (b)(6)
, (b)(6) ; Clark, Jennifer
, (b)(6)
, (b)(6)
, (b)(6) Goldstein, Stuart
, (b)(6)
, (b)(6)
Subject: RE: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hello Tori,

This is Jonathan Endelman. We have reviewed the state's questions that you sent to us on February 12, 2024, that the state of Texas intends to ask of all units of local government in Texas that combine into a healthcare participation district for the purpose of collecting a local provider participation fund health care-related tax.

In your email, you asked for feedback by February 29, 2024. After reviewing the state's questions, we thought of several additional questions that we thought would be helpful to ask for oversight purposes. Please see the following questions:

1. What is the tax rate or amount that the healthcare participation district will levy upon each provider?
2. What is the Medicaid payment that the state Medicaid agency will make to each provider funded by the local provider participation fund assessment?
3. What is the Medicaid utilization, expressed as a percentage of Medicaid business to total business, for each provider included within the local provider participation fund assessment?
4. Please indicate whether the units of local government involved in creating the new district selected the providers to be included in the district on the basis, at least in part, of ensuring that all taxpaying hospitals in the new district would receive all or a portion of their tax cost back in the form of Medicaid payments, other non-Medicaid payments, or offsets?

As always, it is the state's role to exercise appropriate oversight over all local means of financing of the non-federal share of Medicaid expenditures. As a result, the state is free to incorporate as many or as few of these questions as it so chooses. However, we wanted to provide our feedback as the state requested. These are the types of questions that we would be interested in receiving responses to if we were in the position of examining the arrangement in question ourselves. Please let us know if we can be of any further assistance. Thank you.

Best,

Jonathan

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

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, February 12, 2024 4:54 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

Thank you for gathering your team to talk through our questions as they relate to health care-related taxes imposed by a health care provider participation district. On the call, we clarified that while we appreciate CMS' offer to assist in evaluating the specific circumstances that surround the Northeast Healthcare Provider Participation District (the District), HHSC's intent when we reached out to CMS was to conclude our original discussion about the general permissibility of a health care-related tax imposed by a health care provider participation district, as well as to seek technical assistance from CMS as we prepare to provide appropriate monitoring to ensure that the non-federal share used to support Texas' Medicaid program is compliant with federal law. We understand that CMS' guidance to Texas is related exclusively to whether a health care provider participation district complies with the requirements of 1903(w) of the Social Security Act.

We understand from our call that CMS does not view a health care-related tax imposed by a health care provider participation district as inherently impermissible or permissible. CMS indicated that each circumstance would need to be reviewed individually to determine whether a tax complies with all the provisions of 1903(w). HHSC explained that we understand that there may be additional questions that we need to ask in connection with our monitoring and oversight activities that uniquely apply to a health care-related tax imposed by a health care provider participation district. Therefore, we anticipate that prior to accepting any IGT from a new joint

jurisdiction LPPF, and during annual reporting, we will ask the governmental entities to respond to all the same questions that a single-jurisdiction LPPF would be asked as well as the following:

- What local governmental entities created the district? Please submit a map highlighting the local governmental entities that are included in the district and identify the hospitals located in the district.
- Please list any existing intergovernmental partnerships, interlocal agreements, interlocal contracts, or patient flow between the local governmental entities that created the district.
- Describe the rationale used by the local governmental entities that created the district and the process by which these local governmental entities have created the district .
- Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district.
- Please describe: (1) any financial, contractual, or other agreements that may exist between or among any of the local governmental entities that created the district; and (2) any financial, contractual, or other agreements that any of the local governmental entities that created the district may have with any of the hospitals in the district. Provide copies of any such written agreements.
- Please confirm that the district is familiar with the requirements of 1903(w) and that the district is in compliance.

As we discussed on our call, we are requesting that CMS provide us any technical assistance or guidance related to our planned monitoring questions by February 29, 2024. We are hopeful that we can finalize our question set quickly so we can begin the monitoring process for the District that has already been created, and any future potential districts, to determine whether we will accept their IGT should they wish to transfer to HHSC.

Thank you again for working through this with us,

Victoria

From: Grady,Victoria C (HHSC)

Sent: Wednesday, February 7, 2024 9:28 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

THOMAS000124

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

Thank you for your response – I’m looking forward to our call this afternoon. To help you prep, I’m sharing below my understanding of CMS’ position so we can discuss further on the call if I am not understanding correctly what your email states.

- (1) I understand that to assess whether the specific tax applied by the Northeast Healthcare Provider Participation District would potentially require a review of the specific tax amount assessed, the Medicaid payments, etc. We are happy to provide approximate estimated amounts as you suggest for that purpose so they can be reviewed in view of 42 CFR 433.68(f).
- (2) The discussion between CMS and HHS when the state statute that created the ability for a joint jurisdiction provider tax to be created in 2019 surrounded whether there was a legal reason that a multi-jurisdiction could or could not exist and be compliant with the requirements of 42 CFR 433.68, regardless of the specific amounts taxed or paid to the providers. Our inquiry to CMS after the formation of the NHPPD was to see what the legal position of CMS is on such a jurisdiction, in general. Based upon your response below, I understand CMS’ position to be that there is no concern with the formation of a joint jurisdiction provider tax as a matter of course. And, a joint jurisdiction if formed will need to meet all the same requirements that a single jurisdiction LPPF would with respect to uniformity, broad-basis, and other requirements set forth in 433.68, including by not violating 433.68(f).

Thanks,
Tori

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

Sent: Thursday, February 1, 2024 7:52 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart

(CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Tori,

We wanted to share with you the following information in advance of our call on February 7, 2024.

On December 13, 2023, and December 14, 2023, the state of Texas indicated that it could not provide us with the tax amounts for the three hospitals located within the Northeast Healthcare Provider Participation District (the District). It also indicated that it could not provide to us amounts of Medicaid payments funded by the tax that the state will make to the hospitals. Texas claims that it is unable to obtain this information because the tax arrangement is not currently in place, the state has not accepted any IGTs from the District, the state does not know for which expenditures the funds will be used as nonfederal share, and the District has not been required by the state of Texas to report tax amounts.

In the absence of information about actual tax and payment amounts, we request that the state provide estimates for the information we have requested, using the best available information. For instance, the state could use historical revenue data for these providers and calculate what 6% of their inpatient and outpatient net patient revenue would be to calculate approximately how much tax they would pay in the new assessment. Similarly, the state could provide projected Medicaid payments providers would receive by recourse to the information that the state does have. In similar situations, some states have been able to provide projected tax amounts, and often projected Medicaid payments using historical data and other sources.

Absent this type of information, CMS is unable to provide its view of the permissibility or the impermissibility of the taxes in question, including in relation to the presence or absence of any hold harmless arrangements. Hold harmless arrangements exist when the state or other unit of government imposing the tax provides (directly or indirectly) for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax. Without receiving:

1. Information on tax amounts;
2. Information on payment amounts funded by taxes; and
3. A comparison of the first item to the second item

We are unable to give any opinions regarding permissibility of the health care-related tax with federal requirements and hold harmless issues. In the absence of receiving this information, all CMS can say is that while the health care-related tax imposed by the Northeast Healthcare Participation District appears to satisfy broad-based and uniformity requirements, CMS does not have enough information to form a view regarding whether any payments supported by the tax could result in an impermissible hold harmless arrangement.

Please let us know if we can be of any further assistance in this matter.

We look forward to talking with you on February 7, 2024. Thank you.

Best,
Jonathan

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

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, January 3, 2024 3:06 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hello all and Happy New Year!

I wanted to check in about CMS' review of our questions about the permissibility of joint jurisdiction provider taxes. This matter has been pending since the late summer and we are hopeful that we will be able to receive CMS' opinion as soon as possible. Please let us know when we can anticipate receiving your response.

Thanks,
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, December 14, 2023 9:20 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Victoria. I am acknowledging receipt of the State's responses.

Best,

Jonathan

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

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, December 14, 2023 10:16 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Please find the answers to the other two questions below:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?

The Northeast Healthcare Provider Participation District (Northeast HCPPD) consists of three local governmental entities:

- Henderson County
- Hopkins County Hospital District
- Lamar County

There are three hospitals located within the Northeast HCPPD, according to HHSC's most recently available hospital licensure data.

NAME	COUNTY
UT HEALTH EAST TEXAS ATHENS HOSPITAL	HENDERSON
CHRISTUS MOTHER FRANCES HOSPITAL - SULPHUR SPRINGS	HOPKINS
PARIS REGIONAL MEDICAL CENTER NORTH CAMPUS	LAMAR

2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?

The tax rate for the Northeast HCPPD is 6.0 percent. However, HHSC does not have information on the tax amounts assessed by the Northeast HCPPD because HHSC did not accept IGT from them, and they were not required to report on the tax amounts.

From: Grady,Victoria C (HHSC)

Sent: Wednesday, December 13, 2023 5:03 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

We are happy to get you the answers to the first two questions. As we conveyed previously, HHSC has not accepted any local funding from the Northeast Healthcare Participation District, so there are no reportable amounts available for your third

question. Nor do we have a listing of what programs they may wish to IGT for since IGT is transferred on a voluntary basis as.

We'll follow up ASAP with the information to response to your questions 1 and 2.
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, December 13, 2023 12:42 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Victoria,

We are continuing our review of Texas's question concerning the issue of joint jurisdiction and the Local Provider Participation Fund. At this time, we have the following questions:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?
2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?
3. Can Texas please provide the amounts of any Medicaid payments funded by the new Local Provider Participation Fund in the Northeast Healthcare Participation District?

Please let us know if our questions are unclear or require further explanation.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
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410.786.4738
jonathan.endelman@cms.hhs.gov
7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, December 4, 2023 11:18 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan

(CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory –

Just checking in. Do you anticipate that you will have an update soon?

Thanks,
Tori

From: Grady,Victoria C (HHSC)

Sent: Wednesday, October 18, 2023 3:46 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory – I'll plan to check in again with you around December 1 then, if I haven't heard from you before then.

Tori

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

Sent: Wednesday, October 18, 2023 3:43 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thanks again for taking the time to provide a verbal overview of the proposal and for the written responses to our questions. We are actively reviewing your responses. We might have follow-up questions, will need to draft a response internally, then cleared it through our CMS team. Our best estimate on a response is about 45 days, but it could take longer. We appreciate the urgency, particularly given the localities are interested in implementing as soon as possible.

Please let me know if you have questions or concerns on the estimated timeline.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, October 17, 2023 10:58 AM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hey Rory –

Just checking in to see if you have a timeline for responding with your position.

Thanks,
Tori

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

Sent: Thursday, October 5, 2023 6:55 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

We are acknowledging receipt. We appreciate the responses to our questions and the conversation last week. We will review the attached information as quickly as possible, then will reconnect on our anticipated response timeline.

Thank you,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, October 4, 2023 6:46 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory and team –

Thank you for visiting with us. Written responses to your questions are attached. We understand that CMS did not anticipate being able to provide us your position on this matter by October 15, 2023. If you could send us the anticipated date for your response, we would appreciate it.

Thanks!
Tori

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

Sent: Thursday, September 28, 2023 2:48 PM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Dear Federal and Texas State Partners,

Please see the following questions attached. We look forward to talking with you tomorrow.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
Division of Financial Policy (DFP)
410.786.4738
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7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 3:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Thanks again, Tori. Jonathan Endelman from our team should be sending questions soon.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, September 28, 2023 2:55:36 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

We definitely understand. Let's do a half hour starting at 11 and then if we need to follow up with another meeting we can. Do you anticipate still sending the questions in advance so we can make sure we use the time efficiently?

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 1:51 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. We have a mandatory meeting tomorrow that just popped up at 11:30 CDT tomorrow. We are happy to start the meeting at 10:30 CDT instead of 11 or keep it to a half hour between 11 CDT and 11:30. Please let us know your preference and thanks in advance for your understanding.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, September 26, 2023 9:36 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory -I updated the invitation to Friday, September 29 at 11am CDT. We appreciate your flexibility for us.

Looking forward to chatting.
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, September 26, 2023 7:02 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. Unfortunately, we have a conflict at 2PM CDT. We could make any time between 9AM CDT and 2PM CDT work. Would any time during this window work for you? Thanks again.

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Monday, September 25, 2023 8:22 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

2pm central on the 29th works on this side. Would that work for you?

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

Sent: Monday, September 25, 2023 2:40:16 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

No problem at all. Do you have any availability on Friday the 29th?

Thanks,

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, September 25, 2023 9:54 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

My apologies, but we've had a different call with a different area of CMS get booked for the same time that we scheduled this one. Is there any chance we can move this to a different time or date? Please let me know if there is an alternative that works on your side.

Thanks,

Tori

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

Sent: Thursday, September 21, 2023 7:01 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you. Thursday the 28th at 10 CDT would work for us. If you include me on the appointment, I will share with our CMS team. We plan to share questions by email before the meeting.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 5:40 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory -

We can make the following dates and times (central) work:

Monday 9/25 1-2
Thursday 9/28 10-11
Friday 9/29 2-3

Let me know what works for you and we can send a calendar invite with a Teams link.

If you are able to send questions in advance, we'd be happy to take a look and do whatever research we can to make sure we are prepared.

Thank you!
Tori

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 3:58:52 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you for offering a call. We believe a call would be helpful to obtain additional details regarding the state's request and to provide an opportunity to talk through some preliminary questions that we have. Do you and your team have any availability next week? After the call, we will be able to provide a better estimate on the timing for the full response.

Regards,
Rory

THOMAS000135

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 11:32 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Rory –

I hope your team and you are doing well. I wanted to follow up on my email below to see if you have determined whether a call would be helpful to assist you.

I also wanted to touch base about the timing for CMS to provide us the full response to our request; we had indicated that we were hoping for a response by October 15, 2023 in our initial communication. Do you think that timeframe will be achievable? If not, would you please let us know what time frame will work for you all so we can let our stakeholders know when we expect to receive the feedback?

Thanks,
Tori

From: Grady,Victoria C (HHSC)
Sent: Friday, August 25, 2023 2:49 PM
To: 'Howe, Rory (CMS/CMCS)' <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Rory - If a call would be helpful, please let us know and we'll get something on the books.

Have a good weekend.
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, August 25, 2023 2:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

WARNING: This email is from outside the HHS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Tori,

Please accept this as acknowledgement of HHSC's request. CMS is actively reviewing your request and intends to respond as expeditiously as possible. We will contact you if we have any questions in the interim. Please feel free to do the same.

I hope you have a great weekend.

Regards,
Rory

Rory Howe
Director
Financial Management Group
CMS/CMCS
, (b)(6)

From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Tuesday, August 15, 2023 1:17 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown, Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Rory,

On May 21, 2019, CMS sent HHSC some questions related to local provider participation funds (LPPFs) in Texas. One of the questions related to Texas House Bill (H.B.) 4289, 86th Texas Legislature, Regular Session, 2019. H.B. 4289 added Chapter 300A to the Texas Health and Safety Code, which contemplated multiple hospital districts, counties, and municipalities acting collectively. Based on CMS' feedback, HHSC understood there was an increased likelihood of CMS more closely scrutinizing a local provider tax in jurisdictions with a sole community provider or where providers received payments in excess of their tax burden – not because payments were tied to the tax, but because those facilities, by virtue of the limited venues of service, happened to provide Medicaid services sufficient to entitle them to payments in excess of their tax. To alleviate CMS' concern, Chapter 300A authorized two or more already existing LGEs that only had one provider in each of their jurisdictions to combine service areas to establish and operate one LPPF.

For reference, out of Texas' 254 counties, 183 counties have at least one hospital, 119 counties have only one hospital, and 71 counties do not have any hospitals. Unlike many states, where the Medicaid population is concentrated in larger urban areas, a significant portion of services to Texas Medicaid beneficiaries are provided in rural communities.

In August 2019, HHSC responded to CMS' May 2019 questions and indicated that we were "not aware of any governmental units having been formed pursuant to House Bill 4289." In that August 2019 correspondence, we also stated: "HHSC would not accept funds from such a governmental unit until it has completed its discussions with CMS on the issue. HHSC and CMS held a conference call about the issue of jurisdictions joining together on April 2, 2019. CMS identified concerns to HHSC and HHSC agreed to provide a document with reasoning as to why joining jurisdictions together should be legal. HHSC submitted this information to CMS on April 15, 2019. HHSC has not received any comments or objections from CMS."

THOMAS000137

LPPF funds generated under the authority granted by Chapter 300A have not been used as the non-federal share to date. However, HHSC has now been notified that, pursuant to Chapter 300A, Texas Health and Safety Code, certain governmental entities have elected to create the "Northeast Health Care Provider Participation District." In keeping with our prior commitment that we would not accept funds from such a governmental unit until we completed our discussions with CMS, we are notifying CMS of the formation of the district. We request that CMS provide its position on whether HHSC is legally prohibited from using transfers from such new unit of local government as the non-federal share. If CMS believes this source of local funding is prohibited, we request CMS describe the legal basis for that position.

HHSC seeks CMS' collaboration to navigate the unique circumstance presented by rural safety net hospitals in Texas, which are critical to provide care to the Medicaid population.

On a separate note, we recently re-submitted responses to RAIs for two SPAs related to payments for hospital services. Both RAIs included questions from CMS regarding LPPFs. CMS' RAI for SPA 19-0020 requested additional information regarding how many "LPPFs has the Texas legislature approved...[o]f those, how many consist of more than one county grouped together to form an LPPF?" HHSC indicated in our responses to the RAIs that all funds currently accepted for use as the non-federal share are from local governmental entities (LGEs)- including hospital districts, counties, and cities - that existed prior to the enactment of state laws permitting those LGEs to operate LPPFs. We consider this question about the use of LPPF revenues from a multi-jurisdictional district to be distinct from CMS' review of the SPA RAIs because the potential acceptance of revenues from a district formed by multiple jurisdictions has not yet occurred **and will not occur until our conversations with CMS are complete.**

Due to the fact that more than 4 years have passed since we last discussed this specific matter in detail and HHSC provided our responses to your questions, we understand that you may need time to refresh yourselves on the specifics of the correspondence we exchanged in 2019. Our local governments, however, are waiting for CMS and HHSC to respond to their formation of the district . To ensure that they receive a timely response, we are hopeful that we will be able to conclude this matter within the next 60 days and request that CMS send us their position on the matter in that time frame.

Tori Grady
Director of Provider Finance
Texas Health and Human Services Commission

Message

From: Grady,Victoria C (HHSC) , (b)(6)
Sent: 2/28/2024 8:33:34 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) , (b)(6)
]; Howe, Rory

CC: , (b)(6)
Morgan,Frances (HHSC)
[Frances.Morgan@hhs.texas.gov]; HHSC PFD LFM [PFD_LFM@hhs.texas.gov]; Griffith,Maggie (HHSC)
[Maggie.Griffith@hhs.texas.gov]; Davis,Kristin (HHSC)]; Arnold, Charlie (CMS/CMCS)
 , (b)(6)
 , (b)(6) ; Clark, Jennifer
Goldstein, Stuart
 , (b)(6)
Subject: RE: RE: Follow Up: Joint Jurisdiction Provider Taxes

Jonathan –

This feedback is really helpful. We will review and incorporate as best we can. We've really appreciated the support of CMS as we've worked through this topic to bring the conversation that was initially raised in 2019 to a conclusion.

HHSC will work with the specific district that has been recently created to evaluate whether we anticipate the IGT that would be available from the district is likely permissible for use in Medicaid as the non-federal share.

If we run into anything that we need further technical assistance with, we'll reach out.

Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, February 28, 2024 2:27 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hello Tori,

This is Jonathan Endelman. We have reviewed the state's questions that you sent to us on February 12, 2024, that the state of Texas intends to ask of all units of local government in Texas that combine into a healthcare participation district for the purpose of collecting a local provider participation fund health care-related tax.

In your email, you asked for feedback by February 29, 2024. After reviewing the state's questions, we thought of several additional questions that we thought would be helpful to ask for oversight purposes. Please see the following questions:

1. What is the tax rate or amount that the healthcare participation district will levy upon each provider?
2. What is the Medicaid payment that the state Medicaid agency will make to each provider funded by the local provider participation fund assessment?
3. What is the Medicaid utilization, expressed as a percentage of Medicaid business to total business, for each provider included within the local provider participation fund assessment?
4. Please indicate whether the units of local government involved in creating the new district selected the providers to be included in the district on the basis, at least in part, of ensuring that all taxpaying hospitals in the new district would receive all or a portion of their tax cost back in the form of Medicaid payments, other non-Medicaid payments, or offsets?

As always, it is the state's role to exercise appropriate oversight over all local means of financing of the non-federal share of Medicaid expenditures. As a result, the state is free to incorporate as many or as few of these questions as it so chooses. However, we wanted to provide our feedback as the state requested. These are the types of questions that we would be interested in receiving responses to if we were in the position of examining the arrangement in question ourselves. Please let us know if we can be of any further assistance. Thank you.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
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From: Grady, Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, February 12, 2024 4:54 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

Thank you for gathering your team to talk through our questions as they relate to health care-related taxes imposed by a health care provider participation district. On the call, we clarified that while we appreciate CMS' offer to assist in evaluating the specific circumstances that surround the Northeast Healthcare Provider Participation District (the District), HHSC's intent when we reached out to CMS was to conclude our original discussion about the general permissibility of a health care-related tax imposed by a health care provider participation district, as well as to seek technical assistance from CMS as we prepare to provide appropriate monitoring to ensure that the non-federal share used to support Texas' Medicaid program is compliant with federal law. We understand that CMS' guidance to Texas is related exclusively to whether a health care provider participation district complies with the requirements of 1903(w) of the Social Security Act.

We understand from our call that CMS does not view a health care-related tax imposed by a health care provider participation district as inherently impermissible or permissible. CMS indicated that each circumstance would need to be reviewed individually to determine whether a tax complies with all the provisions of 1903(w). HHSC explained that we understand that there may be additional questions that we need to ask in connection with our monitoring and oversight activities that uniquely apply to a health care-related tax imposed by a health care provider participation district. Therefore, we anticipate that prior to accepting any IGT from a new joint jurisdiction LPPF, and during annual reporting, we will ask the governmental entities to respond to all the same questions that a single-jurisdiction LPPF would be asked as well as the following:

- What local governmental entities created the district? Please submit a map highlighting the local governmental entities that are included in the district and identify the hospitals located in the district.
- Please list any existing intergovernmental partnerships, interlocal agreements, interlocal contracts, or patient flow between the local governmental entities that created the district.
- Describe the rationale used by the local governmental entities that created the district and the process by which these local governmental entities have created the district .
- Please list any other local governmental entities within 150 miles of any of the entities that created the district that were potentially eligible for inclusion in the district, but are not part of the district. Describe whether the local governmental entity that is not included in the district contemplated participating in the district and any relevant information related to why the local governmental entity did not join the district.

- Please describe: (1) any financial, contractual, or other agreements that may exist between or among any of the local governmental entities that created the district; and (2) any financial, contractual, or other agreements that any of the local governmental entities that created the district may have with any of the hospitals in the district. Provide copies of any such written agreements.
- Please confirm that the district is familiar with the requirements of 1903(w) and that the district is in compliance.

As we discussed on our call, we are requesting that CMS provide us any technical assistance or guidance related to our planned monitoring questions by February 29, 2024. We are hopeful that we can finalize our question set quickly so we can begin the monitoring process for the District that has already been created, and any future potential districts, to determine whether we will accept their IGT should they wish to transfer to HHSC.

Thank you again for working through this with us,

Victoria

From: Grady, Victoria C (HHSC)

Sent: Wednesday, February 7, 2024 9:28 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan, Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith, Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis, Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

Thank you for your response – I’m looking forward to our call this afternoon. To help you prep, I’m sharing below my understanding of CMS’ position so we can discuss further on the call if I am not understanding correctly what your email states.

- (1) I understand that to assess whether the specific tax applied by the Northeast Healthcare Provider Participation District would potentially require a review of the specific tax amount assessed, the Medicaid payments, etc. We are happy to provide approximate estimated amounts as you suggest for that purpose so they can be reviewed in view of 42 CFR 433.68(f).
- (2) The discussion between CMS and HHS when the state statute that created the ability for a joint jurisdiction provider tax to be created in 2019 surrounded whether there was a legal reason that a multi-jurisdiction could or could not

exist and be compliant with the requirements of 42 CFR 433.68, regardless of the specific amounts taxed or paid to the providers. Our inquiry to CMS after the formation of the NHPPD was to see what the legal position of CMS is on such a jurisdiction, in general. Based upon your response below, I understand CMS' position to be that there is no concern with the formation of a joint jurisdiction provider tax as a matter of course. And, a joint jurisdiction if formed will need to meet all the same requirements that a single jurisdiction LPPF would with respect to uniformity, broad-basis, and other requirements set forth in 433.68, including by not violating 433.68(f).

Thanks,
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, February 1, 2024 7:52 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Tori,

We wanted to share with you the following information in advance of our call on February 7, 2024.

On December 13, 2023, and December 14, 2023, the state of Texas indicated that it could not provide us with the tax amounts for the three hospitals located within the Northeast Healthcare Provider Participation District (the District). It also indicated that it could not provide to us amounts of Medicaid payments funded by the tax that the state will make to the hospitals. Texas claims that it is unable to obtain this information because the tax arrangement is not currently in place, the state has not accepted any IGTs from the District, the state does not know for which expenditures the funds will be used as nonfederal share, and the District has not been required by the state of Texas to report tax amounts.

In the absence of information about actual tax and payment amounts, we request that the state provide estimates for the information we have requested, using the best available information. For instance, the state could use historical revenue data for these providers and calculate what 6% of their inpatient and outpatient net patient revenue would be to calculate approximately how much tax they would pay in the new assessment. Similarly, the state could provide projected Medicaid payments providers would receive by recourse to the information that the state does have. In similar situations, some states have been able to provide projected tax amounts, and often projected Medicaid payments using historical data and other sources.

Absent this type of information, CMS is unable to provide its view of the permissibility or the impermissibility of the taxes in question, including in relation to the presence or absence of any hold harmless arrangements. Hold harmless arrangements exist when the state or other unit of government imposing the tax provides (directly or indirectly) for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax. Without receiving:

1. Information on tax amounts;
2. Information on payment amounts funded by taxes; and
3. A comparison of the first item to the second item

We are unable to give any opinions regarding permissibility of the health care-related tax with federal requirements and hold harmless issues. In the absence of receiving this information, all CMS can say is that while the health care-related tax imposed by the Northeast Healthcare Participation District appears to satisfy broad-based and uniformity requirements, CMS does not have enough information to form a view regarding whether any payments supported by the tax could result in an impermissible hold harmless arrangement.

Please let us know if we can be of any further assistance in this matter.

We look forward to talking with you on February 7, 2024. Thank you.

Best,
Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, January 3, 2024 3:06 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hello all and Happy New Year!

I wanted to check in about CMS' review of our questions about the permissibility of joint jurisdiction provider taxes. This matter has been pending since the late summer and we are hopeful that we will be able to receive CMS' opinion as soon as possible. Please let us know when we can anticipate receiving your response.

Thanks,
Tori

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

Sent: Thursday, December 14, 2023 9:20 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

THOMAS000144

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Victoria. I am acknowledging receipt of the State's responses.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
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From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Thursday, December 14, 2023 10:16 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Please find the answers to the other two questions below:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?

The Northeast Healthcare Provider Participation District (Northeast HCPPD) consists of three local governmental entities:

- Henderson County
- Hopkins County Hospital District
- Lamar County

There are three hospitals located within the Northeast HCPPD, according to HHSC's most recently available hospital licensure data.

NAME	COUNTY
UT HEALTH EAST TEXAS ATHENS HOSPITAL	HENDERSON

CHRISTUS MOTHER FRANCES HOSPITAL - SULPHUR SPRINGS	HOPKINS
PARIS REGIONAL MEDICAL CENTER NORTH CAMPUS	LAMAR

2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?

The tax rate for the Northeast HCPPD is 6.0 percent. However, HHSC does not have information on the tax amounts assessed by the Northeast HCPPD because HHSC did not accept IGT from them, and they were not required to report on the tax amounts.

From: Grady,Victoria C (HHSC)

Sent: Wednesday, December 13, 2023 5:03 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Jonathan –

We are happy to get you the answers to the first two questions. As we conveyed previously, HHSC has not accepted any local funding from the Northeast Healthcare Participation District, so there are no reportable amounts available for your third question. Nor do we have a listing of what programs they may wish to IGT for since IGT is transferred on a voluntary basis as.

We'll follow up ASAP with the information to response to your questions 1 and 2.
Tori

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

Sent: Wednesday, December 13, 2023 12:42 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Victoria,

We are continuing our review of Texas's question concerning the issue of joint jurisdiction and the Local Provider Participation Fund. At this time, we have the following questions:

1. Can the state of Texas please provide the names of the hospitals that will be in the Northeast Healthcare Participation District?
2. Can Texas please provide the tax rates and tax amounts for the hospitals that will be in the Northeast Healthcare Participation District?

3. Can Texas please provide the amounts of any Medicaid payments funded by the new Local Provider Participation Fund in the Northeast Healthcare Participation District?

Please let us know if our questions are unclear or require further explanation.

Best,

Jonathan

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Financial Management Group (FMG)
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Baltimore, MD 21244-1850

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, December 4, 2023 11:18 AM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory –

Just checking in. Do you anticipate that you will have an update soon?

Thanks,
Tori

From: Grady,Victoria C (HHSC)

Sent: Wednesday, October 18, 2023 3:46 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory – I'll plan to check in again with you around December 1 then, if I haven't heard from you before then.

Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, October 18, 2023 3:43 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thanks again for taking the time to provide a verbal overview of the proposal and for the written responses to our questions. We are actively reviewing your responses. We might have follow-up questions, will need to draft a response internally, then cleared it through our CMS team. Our best estimate on a response is about 45 days, but it could take longer. We appreciate the urgency, particularly given the localities are interested in implementing as soon as possible.

Please let me know if you have questions or concerns on the estimated timeline.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, October 17, 2023 10:58 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hey Rory –

Just checking in to see if you have a timeline for responding with your position.

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, October 5, 2023 6:55 AM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

We are acknowledging receipt. We appreciate the responses to our questions and the conversation last week. We will review the attached information as quickly as possible, then will reconnect on our anticipated response timeline.

THOMAS000148

Thank you,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, October 4, 2023 6:46 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory and team –

Thank you for visiting with us. Written responses to your questions are attached. We understand that CMS did not anticipate being able to provide us your position on this matter by October 15, 2023. If you could send us the anticipated date for your response, we would appreciate it.

Thanks!
Tori

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, September 28, 2023 2:48 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Dear Federal and Texas State Partners,

Please see the following questions attached. We look forward to talking with you tomorrow.

Best,

Jonathan

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

THOMAS000149

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 3:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Thanks again, Tori. Jonathan Endelman from our team should be sending questions soon.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Thursday, September 28, 2023 2:55:36 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

We definitely understand. Let's do a half hour starting at 11 and then if we need to follow up with another meeting we can. Do you anticipate still sending the questions in advance so we can make sure we use the time efficiently?

Thanks,
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 28, 2023 1:51 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. We have a mandatory meeting tomorrow that just popped up at 11:30 CDT tomorrow. We are happy to start the meeting at 10:30 CDT instead of 11 or keep it to a half hour between 11 CDT and 11:30. Please let us know your preference and thanks in advance for your understanding.

Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, September 26, 2023 9:36 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thanks Rory -I updated the invitation to Friday, September 29 at 11am CDT. We appreciate your flexibility for us.

Looking forward to chatting.
Tori

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

Sent: Tuesday, September 26, 2023 7:02 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi, Tori. Unfortunately, we have a conflict at 2PM CDT. We could make any time between 9AM CDT and 2PM CDT work. Would any time during this window work for you? Thanks again.

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, September 25, 2023 8:22 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

2pm central on the 29th works on this side. Would that work for you?

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

Sent: Monday, September 25, 2023 2:40:16 PM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

No problem at all. Do you have any availability on Friday the 29th?

Thanks,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Monday, September 25, 2023 9:54 AM

THOMAS000151

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Rory –

My apologies, but we've had a different call with a different area of CMS get booked for the same time that we scheduled this one. Is there any chance we can move this to a different time or date? Please let me know if there is an alternative that works on your side.

Thanks,
Tori

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

Sent: Thursday, September 21, 2023 7:01 AM

To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you. Thursday the 28th at 10 CDT would work for us. If you include me on the appointment, I will share with our CMS team. We plan to share questions by email before the meeting.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>

Sent: Wednesday, September 20, 2023 5:40 PM

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

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC)

<Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC)

<Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC)

<Shannon.Brown@hhs.texas.gov>

Subject: Re: Follow Up: Joint Jurisdiction Provider Taxes

Hi Rory -

We can make the following dates and times (central) work:

Monday 9/25 1-2

Thursday 9/28 10-11

Friday 9/29 2-3

Let me know what works for you and we can send a calendar invite with a Teams link.

THOMAS000152

If you are able to send questions in advance, we'd be happy to take a look and do whatever research we can to make sure we are prepared.

Thank you!
Tori

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, September 20, 2023 3:58:52 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Hi Tori,

Thank you for offering a call. We believe a call would be helpful to obtain additional details regarding the state's request and to provide an opportunity to talk through some preliminary questions that we have. Do you and your team have any availability next week? After the call, we will be able to provide a better estimate on the timing for the full response.

Regards,
Rory

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Wednesday, September 20, 2023 11:32 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Good morning Rory –

I hope your team and you are doing well. I wanted to follow up on my email below to see if you have determined whether a call would be helpful to assist you.

I also wanted to touch base about the timing for CMS to provide us the full response to our request; we had indicated that we were hoping for a response by October 15, 2023 in our initial communication. Do you think that timeframe will be achievable? If not, would you please let us know what time frame will work for you all so we can let our stakeholders know when we expect to receive the feedback?

Thanks,
Tori

From: Grady,Victoria C (HHSC)
Sent: Friday, August 25, 2023 2:49 PM
To: 'Howe, Rory (CMS/CMCS)' <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

Thank you Rory - If a call would be helpful, please let us know and we'll get something on the books.

Have a good weekend.
Tori

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, August 25, 2023 2:41 PM
To: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: RE: Follow Up: Joint Jurisdiction Provider Taxes

WARNING: This email is from outside the HHS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Tori,

Please accept this as acknowledgement of HHSC's request. CMS is actively reviewing your request and intends to respond as expeditiously as possible. We will contact you if we have any questions in the interim. Please feel free to do the same.

I hope you have a great weekend.

Regards,
Rory

Rory Howe
Director
Financial Management Group
CMS/CMCS

, (b)(6)

From: Grady,Victoria C (HHSC) <Victoria.Grady@hhs.texas.gov>
Sent: Tuesday, August 15, 2023 1:17 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Morgan,Frances (HHSC) <Frances.Morgan@hhs.texas.gov>; HHSC PFD LFM <PFD_LFM@hhs.texas.gov>; Griffith,Maggie (HHSC) <Maggie.Griffith@hhs.texas.gov>; Davis,Kristin (HHSC) <Kristin.Davis08@hhs.texas.gov>; Brown,Shannon M (HHSC) <Shannon.Brown@hhs.texas.gov>
Subject: Follow Up: Joint Jurisdiction Provider Taxes

Good afternoon Rory,

On May 21, 2019, CMS sent HHSC some questions related to local provider participation funds (LPPFs) in Texas. One of the questions related to Texas House Bill (H.B.) 4289, 86th Texas Legislature, Regular Session, 2019. H.B. 4289 added Chapter 300A to the Texas Health and Safety Code, which contemplated multiple hospital districts, counties, and municipalities acting collectively. Based on CMS' feedback, HHSC understood there was an increased likelihood of CMS more closely scrutinizing a local provider tax in jurisdictions with a sole community provider or where providers received payments in excess of their tax burden – not because payments were tied to the tax, but because those facilities, by virtue of the limited venues of service, happened to provide Medicaid services sufficient to entitle them to payments in excess of their tax. To alleviate CMS' concern, Chapter 300A authorized two or more already existing LGEs that only had one provider in each of their jurisdictions to combine service areas to establish and operate one LPPF.

For reference, out of Texas' 254 counties, 183 counties have at least one hospital, 119 counties have only one hospital, and 71 counties do not have any hospitals. Unlike many states, where the Medicaid population is concentrated in larger urban areas, a significant portion of services to Texas Medicaid beneficiaries are provided in rural communities.

In August 2019, HHSC responded to CMS' May 2019 questions and indicated that we were "not aware of any governmental units having been formed pursuant to House Bill 4289." In that August 2019 correspondence, we also stated: "HHSC would not accept funds from such a governmental unit until it has completed its discussions with CMS on the issue. HHSC and CMS held a conference call about the issue of jurisdictions joining together on April 2, 2019. CMS identified concerns to HHSC and HHSC agreed to provide a document with reasoning as to why joining jurisdictions together should be legal. HHSC submitted this information to CMS on April 15, 2019. HHSC has not received any comments or objections from CMS."

LPPF funds generated under the authority granted by Chapter 300A have not been used as the non-federal share to date. However, HHSC has now been notified that, pursuant to Chapter 300A, Texas Health and Safety Code, certain governmental entities have elected to create the "Northeast Health Care Provider Participation District." In keeping with our prior commitment that we would not accept funds from such a governmental unit until we completed our discussions with CMS, we are notifying CMS of the formation of the district. We request that CMS provide its position on whether HHSC is legally prohibited from using transfers from such new unit of local government as the non-federal share. If CMS believes this source of local funding is prohibited, we request CMS describe the legal basis for that position.

HHSC seeks CMS' collaboration to navigate the unique circumstance presented by rural safety net hospitals in Texas, which are critical to provide care to the Medicaid population.

On a separate note, we recently re-submitted responses to RAIs for two SPAs related to payments for hospital services. Both RAIs included questions from CMS regarding LPPFs. CMS' RAI for SPA 19-0020 requested additional information regarding how many "LPPFs has the Texas legislature approved...[o]f those, how many consist of more than one county grouped together to form an LPPF?" HHSC indicated in our responses to the RAIs that all funds currently accepted for use as the non-federal share are from local governmental entities (LGEs)- including hospital districts, counties, and cities - that existed prior to the enactment of state laws permitting those LGEs to operate LPPFs. We consider this question about the use of LPPF revenues from a multi-jurisdictional district to be distinct from CMS' review of the SPA RAIs because the potential acceptance of revenues from a district formed by multiple jurisdictions has not yet occurred **and will not occur until our conversations with CMS are complete.**

Due to the fact that more than 4 years have passed since we last discussed this specific matter in detail and HHSC provided our responses to your questions, we understand that you may need time to refresh yourselves on the specifics of the correspondence we exchanged in 2019. Our local governments, however, are waiting for CMS and HHSC to respond to their formation of the district . To ensure that they receive a timely response, we are hopeful that we will be able to conclude this matter within the next 60 days and request that CMS send us their position on the matter in that time frame.

Tori Grady
Director of Provider Finance
Texas Health and Human Services Commission

Message

From: Arnold, Charlie (CMS/CMCS) , (b)(6)
Sent: 2/28/2024 7:49:54 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Maccarroll, Amber (CMS/CMCS) , (b)(6)
Silanskis, Jeremy
, (b)(6)
Subject: FW: FW: Questions for Texas

Hi Rory,

We heard back from OGC on the additional TX questions. They only recommended one small edit. Highlighted below are the final questions. Are we good to send to the state?

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP
, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, February 28, 2024 2:46 PM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>
Subject: FW: Questions for Texas

Charlie,

Could you give the go ahead for me to send the following email to Texas? Thanks.

Hello Tori,

This is Jonathan Endelman. We have reviewed the state's questions that you sent to us on February 12, 2024 that the state of Texas intends to ask of all units of local government in Texas that combine into a healthcare participation district for the purpose of collecting a local provider participation fund health care-related tax.

In your email, you asked for feedback by February 29, 2024. After reviewing the state's questions, we thought of several additional questions that we thought would be helpful to ask for oversight purposes. Please see the following questions:

- 1. What is the tax rate or amount that the healthcare participation district will levy upon each provider?*
- 2. What is the Medicaid payment that the state Medicaid agency will make to each provider funded by the local provider participation fund assessment?*

3. *What is the Medicaid utilization, expressed as a percentage of Medicaid business to total business, for each provider included within the local provider participation fund assessment?*
4. *Please indicate whether the units of local government involved in creating the new district selected the providers to be included in the district on the basis, at least in part, of ensuring that all taxpaying hospitals in the new district would receive all or a portion of their tax cost back in the form of Medicaid payments, other non-Medicaid payments, or offsets?*

As always, it is the state's role to exercise appropriate oversight over all local means of financing of the non-federal share of Medicaid expenditures. As a result, the state is free to incorporate as many or as few of these questions as it so chooses. However, we wanted to provide our feedback as the state requested. These are the types of questions that we would be interested in receiving responses to if we were in the position of examining the arrangement in question ourselves. Please let us know if we can be of any further assistance. Thank you.

Best,

Jonathan

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

From: Endelman (he/him), Jonathan (CMS/CMCS)

Sent: Wednesday, February 28, 2024 2:45 PM

To: Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>

Cc: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS)

<Jennifer.Clark@cms.hhs.gov>; Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Fan, Kristin (CMS/CMCS)

<Kristin.Fan@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb

(CMS/CMCS) <Deborah.McClure@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover,

Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>; Suarez, Christina (CMS/CMCS)

<christina.suarez@cms.hhs.gov>; Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Kaiser, Bridgette (HHS/OGC)

<Bridgette.Kaiser@hhs.gov>

Subject: RE: Questions for Texas

That looks good Matt. Thank you.

Best,

Jonathan

Jonathan Endelman (he/him), PhD
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
Division of Financial Policy (DFP)

Message

From: adams, lia (CMS/CMCS) , (b)(6)
Sent: 3/6/2024 2:26:50 PM
To: Boston, Beverly (CMS/CMCS) , (b)(6)
CC: Maccarroll, Amber (CMS/CMCS) , (b)(6) , (b)(6)
Silanskis, Jeremy
Howe, Rory (CMS/CMCS)
Subject: RE: RE: Redistribution of Medicaid Payments CIB

Yes, only those listed in the attached should be able to access the document.

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Wednesday, March 6, 2024 9:25 AM
To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Redistribution of Medicaid Payments CIB

Good morning,

Has the link location been isolated to limited permissions only? Lela pinged on the secure link.

Thanks

Beverly

From: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Sent: Sunday, March 3, 2024 6:02 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: Redistribution of Medicaid Payments CIB

Merged AMC comments into the FMG OCD Close Hold Items (link below). See attached for those who currently have permission to where the document is located on SP. I have requested through an IT ticket more restricted access per discussions on Friday.

https://share.cms.gov/center/CMCS/FMG/FMGFrontOffice/_layouts/15/WopiFrame.aspx?sourcedoc=%7BFA687FF3-895E-413A-8D22-E617228A9BAB%7D&action=edit&source=https%3A%2F%2Fshare%2Ecms%2Egov%2Fcenter%2FCMCS%2FFMG%2FFMGFrontOffice%2FShared%2520Documents%2FForms%2FAllItems%2Easpx%3FRootFolder%3D%252Fcenter%252FCMCS%252FFMG%252FFMGFrontOffice%252FShared%2520Documents%252FFMG%2520OCD%2520Touch%2520base%252FFMG%2520OCD%2520Close%2520Hold%2520Items%26FolderCTID%3D0x01200036D7FE580F50A44DA03F62AA7B7544EB%26View%3D%2527B6BB14FFF%252D5E79%252D45FD%252DA860%252D0769D3C1DB54%252D

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Sunday, March 3, 2024 3:29 PM
To: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: Re: CIB

Will do! Thanks, Lela.

Get [Outlook for iOS](#)

From: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>
Sent: Sunday, March 3, 2024 3:28:14 PM
To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: CIB

Draft CIB on Hold Harmless Compliance (See attachment)	Rory - FMG
---	------------

Comments can go back to FMG - Anne Marie will not be at Mega Clearance ----this is the copy she reviewed - can this be reconciled to the link we are using for Mega Clearance?

Thank you,

Message

From: Walker, Abigail (CMS/CMCS) , (b)(5)
, (b)(6)
Sent: 4/9/2024 12:48:17 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
, (b)(6)
CC: Maccarroll, Amber (CMS/CMCS) , (b)(6)
; Silanskis, Jeremy
, (b)(6)
Subject: For review/approval: MC slide language and Access slides

Hi Rory,

MC rule: since we just have one block in a much bigger deck I am copying the language here. Are you ok with these bullets? Please let me know sometime today.

- Ensure that existing requirements for allowable sources of non-federal share are explicitly applied to SDPs, and noting CMS may disapprove and take enforcement action on SDPs that do not comply with non-federal share financing requirements. [42 CFR § 438.6(c)(2)(ii)(G)]
- Require states to ensure that providers attest that they do not participate in a hold harmless arrangement, as defined by statute and regulation. [42 CFR § 438.6(c)(2)(ii)(H)(1)]
- Require states provide such attestations upon request, or a satisfactory explanation about why attestation(s) are unavailable [42 CFR § 438.6(c)(2)(ii)(H)(2)]

Access: The Access team prepared slides in the style of the E&E all state call slide deck and are seeking your approval to merge them into the larger slide deck. Jeremy has reviewed. Please let me know if these are ok or make edits by 4pm Wednesday. https://share.cms.gov/center/CMCS/FMG/MultiDivision/Shared%20Documents/Skinny%20Access%20Rule/Access%20Final%20Rule/Comms/FFSslides_EEstyle.pptx?d=wc0d3d59f5f8e41999b52f73b1abae7b

~Abby

Abigail Walker, J.D. (she/her)

Policy Advisor
Financial Management Group, Office of the Group Director
Center for Medicaid and CHIP Services
410-786-1725
abigail.walker@cms.hhs.gov

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Message

From: Walker, Abigail (CMS/CMCS) , (b)(6)
Sent: 4/10/2024 7:40:45 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Maccarroll, Amber (CMS/CMCS) , (b)(6)
lanskis, Jeremy
, (b)(6)
Subject: RE: RE: For review/approval: MC slide language and Access slides

Ooh my bad, that is a column in the chart, I just copied the substantive bullets. So it sounds like we're good.

I'll merge over the FFS slides now.

Thanks!

~Abby

Abigail Walker, J.D. (she/her)

Policy Advisor
Financial Management Group, Office of the Group Director
Center for Medicaid and CHIP Services
410-786-1725
abigail.walker@cms.hhs.gov

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, April 10, 2024 3:35 PM
To: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: For review/approval: MC slide language and Access slides

Hi, Abby. These look great. I just have one suggested edit on the MC Rule bullets if we have another pass. That is, we should add the effective dates on our provisions. Thanks!

From: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>
Sent: Tuesday, April 9, 2024 8:48 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: For review/approval: MC slide language and Access slides

Hi Rory,

MC rule: since we just have one block in a much bigger deck I am copying the language here. Are you ok with these bullets? Please let me know sometime today.

THOMAS000162

- Ensure that existing requirements for allowable sources of non-federal share are explicitly applied to SDPs, and noting CMS may disapprove and take enforcement action on SDPs that do not comply with non-federal share financing requirements. [42 CFR § 438.6(c)(2)(ii)(G)]
- Require states to ensure that providers attest that they do not participate in a hold harmless arrangement, as defined by statute and regulation. [42 CFR § 438.6(c)(2)(ii)(H)(1)]
- Require states provide such attestations upon request, or a satisfactory explanation about why attestation(s) are unavailable [42 CFR § 438.6(c)(2)(ii)(H)(2)]

Access: The Access team prepared slides in the style of the E&E all state call slide deck and are seeking your approval to merge them into the larger slide deck. Jeremy has reviewed. Please let me know if these are ok or make edits by 4pm Wednesday. https://share.cms.gov/center/CMCS/FMG/MultiDivision/Shared%20Documents/Skinny%20Access%20Rule/Access%20Final%20Rule/Comms/FFSslides_EEstyle.pptx?d=wc0d3d59f5f8e41999b52f73b1abae7b

~Abby

Abigail Walker, J.D. (she/her)

Policy Advisor

Financial Management Group, Office of the Group Director

Center for Medicaid and CHIP Services

410-786-1725

abigail.walker@cms.hhs.gov

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Message

From: Giles, John (CMS/CMCS) , (b)(6)
Sent: 4/22/2024 9:55:37 PM
To: Vitolo, Sara (CMS/CMCS) , (b)(6)

chgraber, Kate
anos, Karen
3owdoin (she/her),
eboy, Alissa
lowe, Rory
, (b)(6)
ccarroll, Amber
ilanskis, Jeremy
linor, Nevena (CMS/OL)
; Costello, Anne Marie
Giles, John

Subject: RE: RE: Access Reg - Back with OSORA from OFR?

The Managed Care Final Rule does include higher federal costs compared to the proposed rule. The federal costs are almost exclusively tied to increased federal spending on state directed payments. In the proposed rule, OACT estimated that federal state directed payment spending would increase by \$38.5 Billion over 5 years; however, in the final rule, OACT estimated that federal state directed payment spending would increase by \$83.9 Billion over 5 years. OACT provided several reasons for the notable differences – (1) state directed payment spending continues to increase year-over-year as more states adopt such payment arrangements; (2) the finalized ACR payment level may incentivize additional states to implement ACR payment levels with their providers; and (3) OACT did note in the RIA that the delay on the provider attestation provision may drive additional short-term increases of federal state directed payment spending prior to the effective date of the hold harmless requirement in 2028.

Let me know if you need anything additional on the costs.

Thanks!

John Giles, MPA
Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, April 22, 2024 5:21 PM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Bowdoin (she/her), Jennifer

THOMAS000164

(CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

If folks could send me that info, I would very much appreciate it.

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Monday, April 22, 2024 4:58 PM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>;

Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS)

<Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy

(CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne

Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

FYI – on the staffing rule call, they’re asking about the change in costs from proposed to final, so we should at least be prepared to answer whether the costs of the final rules are higher or lower and briefly explain why.

Thanks.

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Monday, April 22, 2024 2:46 PM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>;

Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS)

<Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy

(CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne

Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Thanks so much

From: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

Sent: Monday, April 22, 2024 2:44 PM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>;

Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS)

<Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy

(CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne

Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Sara-

Here are a few talkers for the Access rule along with the RIA section and PAYGO sheet.

Access final rule

- All federal spending [approximately 228.3 Million over 10 years (2024-2033)] estimated in this final rule is associated with administrative match for activities states undertake.
- Several of the provisions in the Access final rule address gaps in existing regulations. In these cases, the costs for states to implement the changes to existing processes will likely be minimal. Additionally:
 - The Fee-For-Service provisions represent a net decrease from the requirements they are replacing.
 - The costs associated with the Medicaid Advisory Committee requirements may be greater in states that had underutilized the existing Medical Care Advisory Committees to meet minimum requirements.
- We expect that costs to HCBS providers will be between \$29 and \$35 million a year, shared among an estimated 16,000 providers. These costs are primarily associated with tracking and reporting on the percent of the providers' Medicaid payments are going to compensation for their direct care staff, which we believe is critical to ensuring that Medicaid payments are being allocated efficiently and in a way that most directly supports high quality, hands-on care.

Karen

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Monday, April 22, 2024 11:06 AM

To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Perfect -- thanks

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Sent: Monday, April 22, 2024 11:05 AM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Sara – attached is the RIA and PAYGO submission for the MC Rule.

The topline message for MC – the final rule may increase federal spending in MC by approximately \$89 Billion over 5 years (2024-2028), or \$183 Billion over 10 years (2024-2033). Most of the increased spending is generated by increased federal spending in state directed payments, which are payments directed by states between their managed care plans and providers.

Please let me know if you need anything further.

Thank you!

John Giles, MPA
 Director, Managed Care Group
 Center for Medicaid and CHIP Services
 Centers for Medicare & Medicaid Services
 Phone: 410-786-5545
 E-mail: John.Giles1@cms.hhs.gov

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, April 22, 2024 10:43 AM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Hi all – Rather than bouncing for person to person on the impacts for each section, I'll take the question at an overview level. I think they are trying to make a point and not necessarily trying to understand the impacts for each provision. Please send me RIA for managed care and access.

Thanks,
Sara

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Friday, April 19, 2024 5:24 PM
To: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

One final FYI – Hill staff will dial into this call and will not be on camera.

Thanks again for your patience and flexibility. Hope everyone has a good weekend!

From: Kirchgraber, Kate (CMS/OL)
Sent: Friday, April 19, 2024 2:54 PM
To: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Yes, will do. Thanks.

From: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>
Sent: Friday, April 19, 2024 2:47 PM
To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Can you add Anne Blackfield to the call? She's in the best position to talk about the costs of the HCBS provisions.

From: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>
Sent: Friday, April 19, 2024 2:41 PM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Thanks for flagging! Will likely tag team responses on cost across Jeremy, Jen and me since each of the provisions of the Access rule have such differing costs.

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Friday, April 19, 2024 2:39 PM
To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Just thought of one other thing for the briefing –

Lately, we've been getting questions from Energy and Commerce Republican staff about the RIA/cost of our rules, so we'll need to be prepared for those questions on both rules. Karen, will you or Jeremy handle that for the access rule?

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Sent: Friday, April 19, 2024 1:51 PM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Sounds good, thanks!

Alissa Mooney DeBoy
Director, Medicaid Benefits and 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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distributed, or copied to persons not authorized to receive the information. Unauthorized disclosure may result in prosecution to the full extent of the law.

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Friday, April 19, 2024 1:49 PM

To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Hello again –

You may have already heard, but we're back on for Monday, with a 4:15 pm rollout for all 3 rules. Given that Monday evening is Passover, we've decided to move the Medicaid Hill call to Tuesday morning at 9:30 am. (The call for the NF staffing rule will still take place at 4:30 on Monday.) I'll remove the Monday holds on your calendars and send an appointment for Tuesday at 9:30.

Fingers crossed that this latest plan holds.

Thanks for your patience!

From: Kirchgraber, Kate (CMS/OL)

Sent: Friday, April 19, 2024 10:48 AM

To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

They just need to put us all out of our misery!

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:44 AM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

On pins and needles. . .

Alissa Mooney DeBoy
Director, Medicaid Benefits and Health Programs Group
Center for Medicaid and CHIP Services

THOMAS000169

Centers for Medicare & Medicaid Services
7500 Security Blvd
Mailstop S2-14-26
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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, April 19, 2024 10:42 AM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

+ Alissa

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Friday, April 19, 2024 10:41 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: FW: Access Reg - Back with OSORA from OFR?

As the Federal Register turns...

We may be back on for Monday at 8:45. And while we're hopeful to get all 3 rules posted at the same time, OSORA has been clear with the FR that the NF staffing and access rules need to post at the same time.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Friday, April 19, 2024 10:10 AM
To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Thank you!

From: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>
Sent: Friday, April 19, 2024 10:09 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA)

THOMAS000170

<Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

We are aware.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Friday, April 19, 2024 10:08 AM
To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

And we would like to reiterate that we want all three rules to go out together. Just making sure – OSORA is not communicating anything different to OFR?

From: Briskin, Perrie (CMS/CMCS)
Sent: Friday, April 19, 2024 9:34 AM
To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Thank you so much. Please let us know if there are any major snags that are outside of the ordinary.

From: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>
Sent: Friday, April 19, 2024 9:31 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

All OFR passbacks for CMS regs are sent to the Federal Register Liaisons. We are reviewing the edits and if any need input from CMCS we will reach out to the reg team. Please note that the OFR passback is based on the technical formatting requirements of OFR and GPO. This is part of OFR's process for preparing a document for display and publication.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Friday, April 19, 2024 9:22 AM

To: Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: Access Reg - Back with OSORA from OFR?

Hi Kerrian, Sam, Thomas, Trenesha, Gaysha, and team,

I received a note from HHS colleagues that CMS OSORA received the Access Reg back from OFR last night at 8pm. I am not clear why OFR would send it back to OSORA – but did you receive it? Is the reg held up in anyway?

Best,
Perrie

Perrie Briskin

Senior Advisor, Office of the Center Director
Center for Medicaid and CHIP Services (CMCS)
Perrie.Briskin@cms.hhs.gov

, (b)(6)

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Message

From: Vitolo, Sara (CMS/CMCS) , (b)(6)
Sent: 4/22/2024 10:04:02 PM , (b)(6)
To: Giles, John (CMS/CMCS) , (b)(6)

Kirchgraber, Kate
Llanos, Karen
Bowdoin (she/her),
Deboy, Alissa
Howe, Rory
, (b)(6)
MacCarroll, Amber
Silanskis, Jeremy
Minor, Nevena (CMS/OL)
; Costello, Anne Marie

Subject: RE: RE: Access Reg - Back with OSORA from OFR?

Got it --- thanks, John

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Monday, April 22, 2024 5:56 PM
To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; MacCarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

The Managed Care Final Rule does include higher federal costs compared to the proposed rule. The federal costs are almost exclusively tied to increased federal spending on state directed payments. In the proposed rule, OACT estimated that federal state directed payment spending would increase by \$38.5 Billion over 5 years; however, in the final rule, OACT estimated that federal state directed payment spending would increase by \$83.9 Billion over 5 years. OACT provided several reasons for the notable differences – (1) state directed payment spending continues to increase year-over-year as more states adopt such payment arrangements; (2) the finalized ACR payment level may incentivize additional states to implement ACR payment levels with their providers; and (3) OACT did note in the RIA that the delay on the provider attestation provision may drive additional short-term increases of federal state directed payment spending prior to the effective date of the hold harmless requirement in 2028.

Let me know if you need anything additional on the costs.

Thanks!

John Giles, MPA

THOMAS000173

Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Monday, April 22, 2024 5:21 PM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

If folks could send me that info, I would very much appreciate it.

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Monday, April 22, 2024 4:58 PM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

FYI – on the staffing rule call, they're asking about the change in costs from proposed to final, so we should at least be prepared to answer whether the costs of the final rules are higher or lower and briefly explain why.

Thanks.

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Monday, April 22, 2024 2:46 PM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Thanks so much

From: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

Sent: Monday, April 22, 2024 2:44 PM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS)

<Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Sara-

Here are a few talkers for the Access rule along with the RIA section and PAYGO sheet.

Access final rule

- All federal spending [approximately 228.3 Million over 10 years (2024-2033)] estimated in this final rule is associated with administrative match for activities states undertake.
- Several of the provisions in the Access final rule address gaps in existing regulations. In these cases, the costs for states to implement the changes to existing processes will likely be minimal. Additionally:
 - The Fee-For-Service provisions represent a net decrease from the requirements they are replacing.
 - The costs associated with the Medicaid Advisory Committee requirements may be greater in states that had underutilized the existing Medical Care Advisory Committees to meet minimum requirements.
- We expect that costs to HCBS providers will be between \$29 and \$35 million a year, shared among an estimated 16,000 providers. These costs are primarily associated with tracking and reporting on the percent of the providers' Medicaid payments are going to compensation for their direct care staff, which we believe is critical to ensuring that Medicaid payments are being allocated efficiently and in a way that most directly supports high quality, hands-on care.

Karen

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Monday, April 22, 2024 11:06 AM

To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Perfect -- thanks

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Sent: Monday, April 22, 2024 11:05 AM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Sara – attached is the RIA and PAYGO submission for the MC Rule.

The topline message for MC – the final rule may increase federal spending in MC by approximately \$89 Billion over 5 years (2024-2028), or \$183 Billion over 10 years (2024-2033). Most of the increased spending is generated by increased federal spending in state directed payments, which are payments directed by states between their managed care plans and providers.

Please let me know if you need anything further.

Thank you!

John Giles, MPA
Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, April 22, 2024 10:43 AM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Hi all – Rather than bouncing for person to person on the impacts for each section, I'll take the question at an overview level. I think they are trying to make a point and not necessarily trying to understand the impacts for each provision. Please send me RIA for managed care and access.

Thanks,
Sara

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Friday, April 19, 2024 5:24 PM
To: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

One final FYI – Hill staff will dial into this call and will not be on camera.

Thanks again for your patience and flexibility. Hope everyone has a good weekend!

From: Kirchgraber, Kate (CMS/OL)
Sent: Friday, April 19, 2024 2:54 PM
To: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Yes, will do. Thanks.

From: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>
Sent: Friday, April 19, 2024 2:47 PM
To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Can you add Anne Blackfield to the call? She's in the best position to talk about the costs of the HCBS provisions.

From: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>
Sent: Friday, April 19, 2024 2:41 PM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Thanks for flagging! Will likely tag team responses on cost across Jeremy, Jen and me since each of the provisions of the Access rule have such differing costs.

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Friday, April 19, 2024 2:39 PM
To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Just thought of one other thing for the briefing –

Lately, we've been getting questions from Energy and Commerce Republican staff about the RIA/cost of our rules, so we'll need to be prepared for those questions on both rules. Karen, will you or Jeremy handle that for the access rule?

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Sent: Friday, April 19, 2024 1:51 PM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Sounds good, thanks!

Alissa Mooney DeBoy

THOMAS000177

Director, Medicaid Benefits and 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: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Friday, April 19, 2024 1:49 PM

To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Hello again –

You may have already heard, but we're back on for Monday, with a 4:15 pm rollout for all 3 rules. Given that Monday evening is Passover, we've decided to move the Medicaid Hill call to Tuesday morning at 9:30 am. (The call for the NF staffing rule will still take place at 4:30 on Monday.) I'll remove the Monday holds on your calendars and send an appointment for Tuesday at 9:30.

Fingers crossed that this latest plan holds.

Thanks for your patience!

From: Kirchgraber, Kate (CMS/OL)

Sent: Friday, April 19, 2024 10:48 AM

To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

They just need to put us all out of our misery!

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:44 AM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis,

Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

On pins and needles. . .

Alissa Mooney DeBoy
Director, Medicaid Benefits and Health Programs Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
7500 Security Blvd
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Baltimore, MD 21244
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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:42 AM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

+ Alissa

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:41 AM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: FW: Access Reg - Back with OSORA from OFR?

As the Federal Register turns...

We may be back on for Monday at 8:45. And while we're hopeful to get all 3 rules posted at the same time, OSORA has been clear with the FR that the NF staffing and access rules need to post at the same time.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:10 AM

To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA)

<Gaysha.Brooks@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS)
<Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Thank you!

From: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>
Sent: Friday, April 19, 2024 10:09 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA)
<Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam
(CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms,
Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA)
<Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS)
<Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

We are aware.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Friday, April 19, 2024 10:08 AM
To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA)
<Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam
(CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms,
Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA)
<Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS)
<Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

And we would like to reiterate that we want all three rules to go out together. Just making sure – OSORA is not communicating anything different to OFR?

From: Briskin, Perrie (CMS/CMCS)
Sent: Friday, April 19, 2024 9:34 AM
To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA)
<Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam
(CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms,
Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA)
<Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS)
<Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Thank you so much. Please let us know if there are any major snags that are outside of the ordinary.

From: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>
Sent: Friday, April 19, 2024 9:31 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA)
<Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam
(CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms,

THOMAS000180

Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

All OFR passbacks for CMS regs are sent to the Federal Register Liaisons. We are reviewing the edits and if any need input from CMCS we will reach out to the reg team. Please note that the OFR passback is based on the technical formatting requirements of OFR and GPO. This is part of OFR's process for preparing a document for display and publication.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Friday, April 19, 2024 9:22 AM

To: Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: Access Reg - Back with OSORA from OFR?

Hi Kerrian, Sam, Thomas, Trenesha, Gaysha, and team,

I received a note from HHS colleagues that CMS OSORA received the Access Reg back from OFR last night at 8pm. I am not clear why OFR would send it back to OSORA – but did you receive it? Is the reg held up in anyway?

Best,
Perrie

Perrie Briskin

Senior Advisor, Office of the Center Director
Center for Medicaid and CHIP Services (CMCS)
Perrie.Briskin@cms.hhs.gov

, (b)(6)

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Message

From: Kirchgraber, Kate (CMS/OL) , (b)(6)
Sent: 4/22/2024 10:17:35 PM
To: Vitolo, Sara (CMS/CMCS) , (b)(6)
s, John (CMS/CMCS)
nos, Karen
owdoin (she/her),
boy, Alissa
owe, Rory
, (b)(6)
ccarroll, Amber
ilanskis, Jeremy
inor, Nevena (CMS/OL)
; Costello, Anne Marie

Subject: RE: RE: Access Reg - Back with OSORA from OFR?

If they ask, let's start with the first 2 sentences, highlighted below. If they push we can get into the details.

Thanks.

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, April 22, 2024 6:04 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Got it --- thanks, John

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Monday, April 22, 2024 5:56 PM
To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

The Managed Care Final Rule does include higher federal costs compared to the proposed rule. The federal costs are almost exclusively tied to increased federal spending on state directed payments. In the proposed rule, OACT estimated that federal state directed payment spending would increase by \$38.5 Billion over 5 years; however, in the final rule, OACT estimated that federal state directed payment spending would increase by \$83.9 Billion over 5 years. OACT provided several reasons for the notable differences – (1) state directed payment spending continues to increase year-over-year as more states adopt such payment arrangements; (2) the finalized ACR payment level may incentivize additional states to implement ACR payment levels with their providers; and (3) OACT did note in the RIA that the delay on the provider attestation provision may drive additional short-term increases of federal state directed payment spending prior to the effective date of the hold harmless requirement in 2028.

Let me know if you need anything additional on the costs.

Thanks!

John Giles, MPA
Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, April 22, 2024 5:21 PM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

If folks could send me that info, I would very much appreciate it.

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Monday, April 22, 2024 4:58 PM
To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

FYI – on the staffing rule call, they're asking about the change in costs from proposed to final, so we should at least be prepared to answer whether the costs of the final rules are higher or lower and briefly explain why.

Thanks.

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, April 22, 2024 2:46 PM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Thanks so much

From: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

Sent: Monday, April 22, 2024 2:44 PM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Sara-

Here are a few talkers for the Access rule along with the RIA section and PAYGO sheet.

Access final rule

- All federal spending [approximately 228.3 Million over 10 years (2024-2033)] estimated in this final rule is associated with administrative match for activities states undertake.
- Several of the provisions in the Access final rule address gaps in existing regulations. In these cases, the costs for states to implement the changes to existing processes will likely be minimal. Additionally:
 - The Fee-For-Service provisions represent a net decrease from the requirements they are replacing.
 - The costs associated with the Medicaid Advisory Committee requirements may be greater in states that had underutilized the existing Medical Care Advisory Committees to meet minimum requirements.
- We expect that costs to HCBS providers will be between \$29 and \$35 million a year, shared among an estimated 16,000 providers. These costs are primarily associated with tracking and reporting on the percent of the providers' Medicaid payments are going to compensation for their direct care staff, which we believe is critical to ensuring that Medicaid payments are being allocated efficiently and in a way that most directly supports high quality, hands-on care.

Karen

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Monday, April 22, 2024 11:06 AM

To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Perfect -- thanks

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Sent: Monday, April 22, 2024 11:05 AM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Sara – attached is the RIA and PAYGO submission for the MC Rule.

The topline message for MC – the final rule may increase federal spending in MC by approximately \$89 Billion over 5 years (2024-2028), or \$183 Billion over 10 years (2024-2033). Most of the increased spending is generated by increased federal spending in state directed payments, which are payments directed by states between their managed care plans and providers.

Please let me know if you need anything further.

Thank you!

John Giles, MPA
Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, April 22, 2024 10:43 AM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Hi all – Rather than bouncing for person to person on the impacts for each section, I'll take the question at an overview level. I think they are trying to make a point and not necessarily trying to understand the impacts for each provision. Please send me RIA for managed care and access.
Thanks,
Sara

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Friday, April 19, 2024 5:24 PM
To: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

One final FYI – Hill staff will dial into this call and will not be on camera.

Thanks again for your patience and flexibility. Hope everyone has a good weekend!

From: Kirchgraber, Kate (CMS/OL)

Sent: Friday, April 19, 2024 2:54 PM

To: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Yes, will do. Thanks.

From: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>

Sent: Friday, April 19, 2024 2:47 PM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Can you add Anne Blackfield to the call? She's in the best position to talk about the costs of the HCBS provisions.

From: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

Sent: Friday, April 19, 2024 2:41 PM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Thanks for flagging! Will likely tag team responses on cost across Jeremy, Jen and me since each of the provisions of the Access rule have such differing costs.

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Friday, April 19, 2024 2:39 PM

To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Just thought of one other thing for the briefing –

Lately, we've been getting questions from Energy and Commerce Republican staff about the RIA/cost of our rules, so we'll need to be prepared for those questions on both rules. Karen, will you or Jeremy handle that for the access rule?

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>

Sent: Friday, April 19, 2024 1:51 PM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Sounds good, thanks!

Alissa Mooney DeBoy
Director, Medicaid Benefits and Health Programs Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
7500 Security Blvd
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From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Friday, April 19, 2024 1:49 PM

To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Hello again –

You may have already heard, but we're back on for Monday, with a 4:15 pm rollout for all 3 rules. Given that Monday evening is Passover, we've decided to move the Medicaid Hill call to Tuesday morning at 9:30 am. (The call for the NF staffing rule will still take place at 4:30 on Monday.) I'll remove the Monday holds on your calendars and send an appointment for Tuesday at 9:30.

Fingers crossed that this latest plan holds.

Thanks for your patience!

From: Kirchgraber, Kate (CMS/OL)

Sent: Friday, April 19, 2024 10:48 AM

To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

They just need to put us all out of our misery!

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:44 AM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

On pins and needles. . .

Alissa Mooney DeBoy
Director, Medicaid Benefits and Health Programs Group
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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:42 AM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

+ Alissa

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:41 AM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>;

Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: FW: Access Reg - Back with OSORA from OFR?

As the Federal Register turns...

We may be back on for Monday at 8:45. And while we're hopeful to get all 3 rules posted at the same time, OSORA has been clear with the FR that the NF staffing and access rules need to post at the same time.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:10 AM

To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS)

<Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Thank you!

From: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:09 AM

To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS)

<Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

We are aware.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:08 AM

To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS)

<Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

And we would like to reiterate that we want all three rules to go out together. Just making sure – OSORA is not communicating anything different to OFR?

From: Briskin, Perrie (CMS/CMCS)

Sent: Friday, April 19, 2024 9:34 AM

To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam

THOMAS000189

(CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Thank you so much. Please let us know if there are any major snags that are outside of the ordinary.

From: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>
Sent: Friday, April 19, 2024 9:31 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

All OFR passbacks for CMS regs are sent to the Federal Register Liaisons. We are reviewing the edits and if any need input from CMCS we will reach out to the reg team. Please note that the OFR passback is based on the technical formatting requirements of OFR and GPO. The is part of OFR's process for preparing a document for display and publication.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Friday, April 19, 2024 9:22 AM
To: Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Subject: Access Reg - Back with OSORA from OFR?

Hi Kerrian, Sam, Thomas, Trenesha, Gaysha, and team,

I received a note from HHS colleagues that CMS OSORA received the Access Reg back from OFR last night at 8pm. I am not clear why OFR would send it back to OSORA – but did you receive it? Is the reg held up in anyway?

Best,
Perrie

Perrie Briskin
Senior Advisor, Office of the Center Director
Center for Medicaid and CHIP Services (CMCS)
Perrie.Briskin@cms.hhs.gov

, (b)(6)

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in error, please notify the sender immediately by replying to the e-mail and destroy all copies of the original message. If you are the intended recipient, you are notified that you have the obligation to ensure that any further dissemination, distribution or copying is consistent with applicable law.

Message

From: Vitolo, Sara (CMS/CMCS) , (b)(6)
Sent: 4/22/2024 10:18:12 PM , (b)(6)
To: Kirchgraber, Kate (CMS/OL) , (b)(6)
Giles, John (CMS/CMCS)
Llanos, Karen
Bowdoin (she/her),
Deboy, Alissa
Howe, Rory
, (b)(6)
Maccarroll, Amber
Silanskis, Jeremy
Minor, Nevena (CMS/OL)
]; Costello, Anne Marie

Subject: RE: RE: Access Reg - Back with OSORA from OFR?

Sounds good, thanks!

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Monday, April 22, 2024 6:18 PM
To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

If they ask, let's start with the first 2 sentences, highlighted below. If they push we can get into the details.

Thanks.

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, April 22, 2024 6:04 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Got it --- thanks, John

THOMAS000192

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Sent: Monday, April 22, 2024 5:56 PM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

The Managed Care Final Rule does include higher federal costs compared to the proposed rule. The federal costs are almost exclusively tied to increased federal spending on state directed payments. In the proposed rule, OACT estimated that federal state directed payment spending would increase by \$38.5 Billion over 5 years; however, in the final rule, OACT estimated that federal state directed payment spending would increase by \$83.9 Billion over 5 years. OACT provided several reasons for the notable differences – (1) state directed payment spending continues to increase year-over-year as more states adopt such payment arrangements; (2) the finalized ACR payment level may incentivize additional states to implement ACR payment levels with their providers; and (3) OACT did note in the RIA that the delay on the provider attestation provision may drive additional short-term increases of federal state directed payment spending prior to the effective date of the hold harmless requirement in 2028.

Let me know if you need anything additional on the costs.

Thanks!

John Giles, MPA
Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Monday, April 22, 2024 5:21 PM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

If folks could send me that info, I would very much appreciate it.

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Monday, April 22, 2024 4:58 PM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne

Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

FYI – on the staffing rule call, they’re asking about the change in costs from proposed to final, so we should at least be prepared to answer whether the costs of the final rules are higher or lower and briefly explain why.

Thanks.

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Monday, April 22, 2024 2:46 PM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Thanks so much

From: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

Sent: Monday, April 22, 2024 2:44 PM

To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Sara-

Here are a few talkers for the Access rule along with the RIA section and PAYGO sheet.

Access final rule

- All federal spending [approximately 228.3 Million over 10 years (2024-2033)] estimated in this final rule is associated with administrative match for activities states undertake.
- Several of the provisions in the Access final rule address gaps in existing regulations. In these cases, the costs for states to implement the changes to existing processes will likely be minimal. Additionally:
 - The Fee-For-Service provisions represent a net decrease from the requirements they are replacing.
 - The costs associated with the Medicaid Advisory Committee requirements may be greater in states that had underutilized the existing Medical Care Advisory Committees to meet minimum requirements.
- We expect that costs to HCBS providers will be between \$29 and \$35 million a year, shared among an estimated 16,000 providers. These costs are primarily associated with tracking and reporting on the percent of the providers' Medicaid payments are going to compensation for their direct care staff, which we believe is critical to ensuring that Medicaid payments are being allocated efficiently and in a way that most directly supports high quality, hands-on care.

Karen

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Sent: Monday, April 22, 2024 11:06 AM

To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Perfect -- thanks

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Monday, April 22, 2024 11:05 AM
To: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Sara – attached is the RIA and PAYGO submission for the MC Rule.

The topline message for MC – the final rule may increase federal spending in MC by approximately \$89 Billion over 5 years (2024-2028), or \$183 Billion over 10 years (2024-2033). Most of the increased spending is generated by increased federal spending in state directed payments, which are payments directed by states between their managed care plans and providers.

Please let me know if you need anything further.

Thank you!

John Giles, MPA
Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Sent: Monday, April 22, 2024 10:43 AM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Hi all – Rather than bouncing for person to person on the impacts for each section, I'll take the question at an overview level. I think they are trying to make a point and not necessarily trying to understand the impacts for each provision. Please send me RIA for managed care and access.

Thanks,
Sara

THOMAS000195

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Friday, April 19, 2024 5:24 PM

To: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

One final FYI – Hill staff will dial into this call and will not be on camera.

Thanks again for your patience and flexibility. Hope everyone has a good weekend!

From: Kirchgraber, Kate (CMS/OL)

Sent: Friday, April 19, 2024 2:54 PM

To: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Yes, will do. Thanks.

From: Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>

Sent: Friday, April 19, 2024 2:47 PM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Can you add Anne Blackfield to the call? She's in the best position to talk about the costs of the HCBS provisions.

From: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>

Sent: Friday, April 19, 2024 2:41 PM

To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Thanks for flagging! Will likely tag team responses on cost across Jeremy, Jen and me since each of the provisions of the Access rule have such differing costs.

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Friday, April 19, 2024 2:39 PM

To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>;

THOMAS000196

Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Just thought of one other thing for the briefing –

Lately, we've been getting questions from Energy and Commerce Republican staff about the RIA/cost of our rules, so we'll need to be prepared for those questions on both rules. Karen, will you or Jeremy handle that for the access rule?

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Sent: Friday, April 19, 2024 1:51 PM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Sounds good, thanks!

Alissa Mooney DeBoy
Director, Medicaid Benefits and 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: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Friday, April 19, 2024 1:49 PM
To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

Hello again –

You may have already heard, but we're back on for Monday, with a 4:15 pm rollout for all 3 rules. Given that Monday evening is Passover, we've decided to move the Medicaid Hill call to Tuesday morning at 9:30 am. (The call for the NF

staffing rule will still take place at 4:30 on Monday.) I'll remove the Monday holds on your calendars and send an appointment for Tuesday at 9:30.

Fingers crossed that this latest plan holds.

Thanks for your patience!

From: Kirchgraber, Kate (CMS/OL)
Sent: Friday, April 19, 2024 10:48 AM
To: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

They just need to put us all out of our misery!

From: Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Sent: Friday, April 19, 2024 10:44 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>
Subject: RE: Access Reg - Back with OSORA from OFR?

On pins and needles. . .

Alissa Mooney DeBoy
Director, Medicaid Benefits and Health Programs Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
7500 Security Blvd
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Baltimore, MD 21244
Email: Alissa.deboy1@cms.hhs.gov

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, April 19, 2024 10:42 AM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>

Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

+ Alissa

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:41 AM

To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Minor, Nevena (CMS/OL) <Nevena.Minor@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>

Subject: FW: Access Reg - Back with OSORA from OFR?

As the Federal Register turns...

We may be back on for Monday at 8:45. And while we're hopeful to get all 3 rules posted at the same time, OSORA has been clear with the FR that the NF staffing and access rules need to post at the same time.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:10 AM

To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Thank you!

From: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:09 AM

To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>
Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

We are aware.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Friday, April 19, 2024 10:08 AM

To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

And we would like to reiterate that we want all three rules to go out together. Just making sure – OSORA is not communicating anything different to OFR?

From: Briskin, Perrie (CMS/CMCS)

Sent: Friday, April 19, 2024 9:34 AM

To: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

Thank you so much. Please let us know if there are any major snags that are outside of the ordinary.

From: Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>

Sent: Friday, April 19, 2024 9:31 AM

To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: RE: Access Reg - Back with OSORA from OFR?

All OFR passbacks for CMS regs are sent to the Federal Register Liaisons. We are reviewing the edits and if any need input from CMCS we will reach out to the reg team. Please note that the OFR passback is based on the technical formatting requirements of OFR and GPO. The is part of OFR's process for preparing a document for display and publication.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Friday, April 19, 2024 9:22 AM

To: Cantwell, Kathleen (CMS/OSORA) <Kathleen.Cantwell@cms.hhs.gov>; Reynolds, Kerrian (CMS/OSORA) <kerrian.reynolds@cms.hhs.gov>; Miller, Ruth-Sam (CMS/OSORA) <Ruth.Miller@cms.hhs.gov>; Phan, Thomas (CMS/OSORA) <Thomas.Phan@cms.hhs.gov>; Jones, Martique (CMS/OSORA) <Martique.Jones@cms.hhs.gov>; Fultz-Mimms, Trenesha (CMS/OSORA) <trenesha.fultzmimms@cms.hhs.gov>; Brooks, Gaysha (CMS/OSORA) <Gaysha.Brooks@cms.hhs.gov>

Cc: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>

Subject: Access Reg - Back with OSORA from OFR?

Hi Kerrian, Sam, Thomas, Trenesha, Gaysha, and team,

I received a note from HHS colleagues that CMS OSORA received the Access Reg back from OFR last night at 8pm. I am not clear why OFR would send it back to OSORA – but did you receive it? Is the reg held up in anyway?

THOMAS000200

Best,
Perrie

Perrie Briskin

Senior Advisor, Office of the Center Director
Center for Medicaid and CHIP Services (CMCS)
Perrie.Briskin@cms.hhs.gov

, (b)(6)

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Message

From: Wolgast, Henry (CMS/CMCS) , (b)(6)
, (b)(6)
Sent: 4/24/2024 2:59:25 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
accarroll, Amber
Silanskis, Jeremy
, (b)(6)
CC:
Subject: RE: RE: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Rory, Amber, and Jeremy-

Abby and I drafted hold harmless talking points below for the Administrator's 4/29 meeting with Reverend Al Sharpton's group, the Health Equity in Transplantation Coalition. Our deadline for submission is **COB today**. Please let us know if you have any questions or would like to discuss.

- On April 22, 2024, CMS released the Medicaid and Children's Health Insurance Program Managed Care, Access, Finance, and Quality Final Rule (Managed Care Final Rule), and a CMCS Informational Bulletin (CIB) on certain health care-related taxes to Medicaid.gov.
- The CIB announces that CMS will exercise enforcement discretion until January 1, 2028, for existing health-care related tax programs with hold-harmless arrangements involving the redistribution of Medicaid payments.
- The period of enforcement discretion will give states and providers a clear timeline to transition away from potentially impermissible arrangements and come into compliance with federal law and regulations.
- This period of enforcement discretion will also allow CMS to gather information about where such hold harmless arrangements exist and their implications for providers, particularly safety net providers, and Medicaid beneficiaries to ensure that future CMS enforcement action on existing arrangements does not result in unanticipated and significant Medicaid program disruption.

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Wednesday, April 24, 2024 9:31 AM
To: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Wolgast, Henry (CMS/CMCS) <henry.wolgast@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)
Importance: High

Good morning,

We just received this request, however OSG will request an extension. The Administrator will be meeting with Health Equity in Transplantation Coalition on 4/29 and has asked that we provide paper on the topic of hold harmless. In addition to attaching the recently released CIB, please pull together talkers from existing papers on the hold harmless to accompany the CIB.

Thank you

Beverly

From: CMS CMCS_External Meeting Requests and Request for Briefing Materials
<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>
Sent: Wednesday, April 24, 2024 9:02 AM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Cc: CMS CMCS_External Meeting Requests and Request for Briefing Materials
<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>; Mannix, Norma (CMS/CMCS)
<norma.mannix@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>; Randle, Ronetta (CMS/CMCS)
<Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>
Subject: FW: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)
Importance: High

Good morning, Beverly,

Please see below for OSORA's request for "Hold Harmless" information for the Administrator's briefing book for the HEiTC meeting. OCD has asked FMG to provide bullets for the requested topic. This request is due as soon as possible as OSORA's due date is NLT 10AM today. However, I will request an extension from OSORA. Please let OSG know if there is anything we can do to help.

Thanks,
Allen

From: Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>
Sent: Tuesday, April 23, 2024 2:21 PM
To: CMS CMCS_External Meeting Requests and Request for Briefing Materials
<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>
Cc: Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>;
Vuu, Allen (CMS/CMCS) <allen.vuu@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>;
Douglas, Latasha (CMS/OSORA) <Latasha.Douglas@cms.hhs.gov>
Subject: RE: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)
Importance: High

Good afternoon all!

We have just been informed that the Administrator would like for 'Hold Harmless' information to be included in her briefing book for the HEiTC Meeting. Thus, can CMCS please provide me with language on this topic NLT 10am tomorrow morning 4/24 if possible? Apologies for the short turnaround! Also, please let us know if there may be additional components who may have information on this topic as well.

Thank you for your help!
Nekeshia

From: Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>

Sent: Thursday, April 18, 2024 1:29 PM

To: CMS CMCS_External Meeting Requests and Request for Briefing Materials

<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>; Spangler, Carie (CMS/CM) <Carie.Spangler@cms.hhs.gov>; Mays, Beth (CMS/CM) <Beth.Mays@cms.hhs.gov>; Bernstein, Catherine (CMS/CM) <Catherine.Bernstein@cms.hhs.gov>; Tilghman, Cornell (CMS/CM) <Cornell.Tilghman@cms.hhs.gov>; Reich, Aimee (CMS/CM) <aimee.reich@cms.hhs.gov>; Darden-Hill, Sabrina (CMS/CM) <sabrina.dardenhill@cms.hhs.gov>; Pequigney, Susan (CMS/CM) <Susan.Pequigney@cms.hhs.gov>; Farran, Patti (CMS/CM) <Patti.Farran@cms.hhs.gov>; Cole (she/her), Rebecca (CMS/CM) <Rebecca.Cole@cms.hhs.gov>; Lindstrom, Jennifer (CMS/CPI) <Jennifer.Lindstrom@cms.hhs.gov>; Petto, Marissa (CMS/CPI) <Marissa.Petto@cms.hhs.gov>; Spitalnic, Paul (CMS/OACT) <paul.spitalnic@cms.hhs.gov>; Waskiewicz, Beth (CMS/OAGM) <beth.waskiewicz@cms.hhs.gov>; Hendrix, Cassandra (CMS/OAGM) <Cassandra.Hendrix@cms.hhs.gov>; Little, Stacey (CMS/OAGM) <Stacey.Little@cms.hhs.gov>; Robinson, Jennifer (CMS/OBRHI) <Jennifer.Robinson@CMS.hhs.gov>; Highsmith, Natalie (CMS/OC) <natalie.highsmith@cms.hhs.gov>; Myers, Michele (CMS/OFM) <Michele.Myers@cms.hhs.gov>; Tierney, Janet (CMS/OFM) <Janet.Tierney@cms.hhs.gov>; Turner, Rachel (CMS/OIT) <rachel.turner@cms.hhs.gov>; Milburn, Tiera (CMS/OIT) <Tiera.Milburn@cms.hhs.gov>; Milburn, Tiera (CMS/OIT) <Tiera.Milburn@cms.hhs.gov>; Gange, Laura (CMS/OIT) <Laura.Gange@cms.hhs.gov>; Pleines, Jeannette (CMS/OIT) <Jeannette.Pleines@cms.hhs.gov>; Keene, Danyail (CMS/OL) <Danyail.Keene@cms.hhs.gov>; Dervan, Elizabeth (CMS/OL) <elizabeth.dervan@cms.hhs.gov>; Upchurch, Talaiya (CMS/OL) <Talaiya.Upchurch@cms.hhs.gov>; Perry, Nicole (CMS/FCHCO) <Nicole.Perry@cms.hhs.gov>; Blanar, Jonathan (CMS/OC) <Jonathan.Blanar@cms.hhs.gov>; Aldana, Karen (CMS/OC) <Karen.Aldana@cms.hhs.gov>; Wallace, Mary (CMS/OC) <Mary.Wallace@cms.hhs.gov>; Lance, Lataysheia (CMS/OFM) <Lataysheia.Lance@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>; Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Cropper, Avareena (CMS/OMH) <Avareena.Cropper@cms.hhs.gov>; CMS Front Office - CCIIO Clearances <FrontOffice-CCIIOClearances@cms.hhs.gov>; Davis, Aria (CMS/CMMI) <Aria.Davis@cms.hhs.gov>; Shifflett, Kristin (CMS/CCSQ) <Kristin.Shifflett@cms.hhs.gov>; Robinson, Jennifer (CMS/OBRHI) <Jennifer.Robinson@CMS.hhs.gov>; Watkins, Damon (CMS/CMMI) <Damon.Watkins@cms.hhs.gov>; Sutton, Erin (CMS/OPOLE) <erin.sutton2@cms.hhs.gov>; Calloway, Rachel (CMS/CMMI) <rachel.calloway@cms.hhs.gov>; Hyde (she/her), Megan (CMS/CMMI) <Megan.Hyde@cms.hhs.gov>; Ifill, George (CMS/CM) <George.Ifill@cms.hhs.gov>; Russo, Ellen (CMS/CPI) <Ellen.Russo@cms.hhs.gov>; Kessler, Thomas (CMS/CPI) <Thomas.Kessler@cms.hhs.gov>; Spence, Ashley (CMS/CCSQ) <Ashley.Spence@cms.hhs.gov>; Jenkins, Courtney (CMS/CCSQ) <Courtney.Jenkins@cms.hhs.gov>; Appleton, Paige (CMS/CCSQ) <Paige.Appleton@cms.hhs.gov>; Syrek Jensen, Tamara (CMS/CCSQ) <tamara.syrekjensen@cms.hhs.gov>; Truong, Elizabeth (CMS/CCSQ) <Elizabeth.Truong@cms.hhs.gov>

Cc: Wilson, Lisa (CMS/CCIIO) <lisa.wilson@cms.hhs.gov>; Pedneau (she/her), Emily (CMS/CCIIO) <Emily.Pedneau@cms.hhs.gov>; Oakes, Meghan (CMS/OL) <Meghan.Oakes@cms.hhs.gov>; Oswald, Michelle (CMS/OMH) <Michelle.Oswald@cms.hhs.gov>; Davis, Aria (CMS/CMMI) <Aria.Davis@cms.hhs.gov>; Nordahl, Keara (CMS/OPOLE) <Keara.Nordahl@cms.hhs.gov>; Costello, Stefanie (CMS/OC) <Stefanie.Costello@cms.hhs.gov>; Williams, Tamika (CMS/OC) <Tamika.Williams@cms.hhs.gov>; Hitchcock, Katie (CMS/OEDA) <Katherine.Hitchcock@cms.hhs.gov>; Harper, Bernice (CMS/OEDA) <Bernice.Harper@cms.hhs.gov>; Young, Larry (CMS/OFM) <Larry.Young@cms.hhs.gov>; Worstell, Megan (CMS/OFM) <Megan.Worstell@cms.hhs.gov>; Harbison, Olivia (CMS/CCSQ) <olivia.harbison@cms.hhs.gov>; Douglas, Latasha (CMS/OSORA) <Latasha.Douglas@cms.hhs.gov>; McBurney, Cassandra (CMS/OSORA) <Cassandra.McBurney@cms.hhs.gov>; Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>; Vallecillo, Kris (CMS/OSORA) <kris.vallecillo@cms.hhs.gov>; Hounshell, Conner (CMS/OSORA) <conner.hounshell@cms.hhs.gov>; Jacobs, Hannah (CMS/OSORA) <hannah.jacobs@cms.hhs.gov>; Wilson, Lynette (CMS/OSORA) <Lynette.Wilson@cms.hhs.gov>; Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>

Subject: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEITC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Importance: High

Good afternoon all!

The Administrator has accepted a meeting with the Health Equity in Transplantation Coalition (HEiTC) tentatively scheduled to occur on April 29th. Please review the discussion topic(s) mentioned below and send your responses to me, LaTasha Douglas, Casey McBurney, Lynette Wilson, Kris Vallecillo, Hannah Jacobs, and Conner Hounshell by **NLT 10am on Monday, 4/22/24**. Apologies for the quick turnaround request!

Topics: (Please review the attached 1 Pager and incoming letter for more details)

- *Medicare Cuts for Organ Transplant Recipients* – Medicare patient access to non-invasive post-transplant molecular diagnostic blood tests

As with other External Meetings, we are interested in receiving background materials (two pages max from each Component) for the Administrator's briefing book based on the topics that the requestor would like to discuss. Here is what we need:

- **General Background:** General background on the relationship we have had with the meeting requestor, and any caveats (like we're in litigation, in comment period or rulemaking), as well as general background to help the Administrator understand the issues.
- **Issues Raised by Requestor:** For each Issue:
 - Number (e.g., **Issue #1**): Summarize the issue (or copy description from the materials submitted by the requestor)
 - **Context:** Information on the issue
 - **CMS Response:** Address the requestor's concern or recommendation, including what the current status quo is on the issue from the CMS perspective; what problems or concerns have been associated with the issue; what future direction CMS is looking to go into; any recommendation(s) relating to the issue
 - **Discussion Points:** Talking points on the issue (**that can be shared publicly**); **include some questions for the Administrator to ask.**

Attendees:

Reverend Al Sharpton, Founder & President, National Action Network (NAN) and Senior Advisor, Health Equity in Transplantation Coalition (HEiTC)

Albert Joseph Brown III, a.k.a. Al B. Sure!, Executive Chairman, Health Equity in Transplantation Coalition (HEiTC)

Dr. Steven Potter, Transplant Surgeon, MedStar Georgetown University Hospital

Rachel Noerdlinger, Co-founder, Health Equity in Transplantation Coalition (HEiTC) and Partner, Actum LLC

Please send your materials by **NLT 10AM on Monday, 4/22/24**, to me, LaTasha Douglas, Casey McBurney, Lynette Wilson, Kris Vallecillo, Hannah Jacobs, and Connor Hounshell. Also, please let us know by that date if these issues are not applicable to your component.

Thank you for your assistance!

Nekeshia McInnis

Division of Program Coordination & Correspondence A
Office of Strategic Operations & Regulatory Affairs (OSORA)
Centers for Medicare & Medicaid Services (CMS)
Department of Health and Human Services (HHS)
200 Independence Ave. SW
Washington, DC 20201

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THOMAS000205

Message

From: Walker, Abigail (CMS/CMCS) , (b)(6)
Sent: 4/25/2024 12:07:05 PM , (b)(6)
To: Boston, Beverly (CMS/CMCS) , (b)(6)
an, Kristin (CMS/CMCS)
Wolgast, Henry
Arnold, Charlie
Clark, Jennifer
(b)(6) Goldstein, Stuart
CC:
Silanskis, Jeremy
MacCarroll, Amber
Subject: RE: RE: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEITC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Thank you Beverly!

~Abby

Abigail Walker, J.D. (she/her)

Policy Advisor
Financial Management Group, Office of the Group Director
Center for Medicaid and CHIP Services
410-786-1725
abigail.walker@cms.hhs.gov

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From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Wednesday, April 24, 2024 4:52 PM
To: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Wolgast, Henry (CMS/CMCS) <henry.wolgast@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; MacCarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEITC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

I added to a word document and sent forward (I cc'd folks from this string).

THOMAS000206

Thanks

Beverly

From: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>

Sent: Wednesday, April 24, 2024 4:42 PM

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

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

Subject: RE: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEITC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Beverly see Rory's response email clearing the below TPs and you also needed the CIB, correct? See attached and linked: <https://www.medicaid.gov/federal-policy-guidance/downloads/cib042224.pdf>

- On April 22, 2024, CMS released the Medicaid and Children's Health Insurance Program Managed Care, Access, Finance, and Quality Final Rule (Managed Care Final Rule), and a CMCS Informational Bulletin (CIB) on certain health care-related taxes to Medicaid.gov.
- The CIB announces that CMS will exercise enforcement discretion until January 1, 2028, for existing health-care related tax programs with hold-harmless arrangements involving the redistribution of Medicaid payments.
- The period of enforcement discretion will give states and providers a clear timeline to transition away from potentially impermissible arrangements and come into compliance with federal law and regulations.
- This period of enforcement discretion will also allow CMS to gather information about where such hold harmless arrangements exist and their implications for providers, particularly safety net providers, and Medicaid beneficiaries to ensure that future CMS enforcement action on existing arrangements does not result in unanticipated and significant Medicaid program disruption.

~Abby

Abigail Walker, J.D. (she/her)

Policy Advisor

Financial Management Group, Office of the Group Director

Center for Medicaid and CHIP Services

410-786-1725

abigail.walker@cms.hhs.gov

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

Sent: Wednesday, April 24, 2024 4:32 PM

To: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Wolgast, Henry (CMS/CMCS) <henry.wolgast@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

THOMAS000207

Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Hello,

Checking in on paper? Thank you

Beverly

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Wednesday, April 24, 2024 9:31 AM
To: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Wolgast, Henry (CMS/CMCS) <henry.wolgast@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)
Importance: High

Good morning,

We just received this request, however OSG will request an extension. The Administrator will be meeting with Health Equity in Transplantation Coalition on 4/29 and has asked that we provide paper on the topic of hold harmless. In addition to attaching the recently released CIB, please pull together talkers from existing papers on the hold harmless to accompany the CIB.

Thank you

Beverly

From: CMS CMCS_External Meeting Requests and Request for Briefing Materials <CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>
Sent: Wednesday, April 24, 2024 9:02 AM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Cc: CMS CMCS_External Meeting Requests and Request for Briefing Materials <CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>; Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>
Subject: FW: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)
Importance: High

Good morning, Beverly,

Please see below for OSORA's request for "Hold Harmless" information for the Administrator's briefing book for the HEiTC meeting. OCD has asked FMG to provide bullets for the requested topic. This request is due as soon as possible as

OSORA's due date is NLT 10AM today. However, I will request an extension from OSORA. Please let OSG know if there is anything we can do to help.

Thanks,
Allen

From: Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>

Sent: Tuesday, April 23, 2024 2:21 PM

To: CMS CMCS_External Meeting Requests and Request for Briefing Materials
<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>

Cc: Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>;
Vuu, Allen (CMS/CMCS) <allen.vuu@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>;
Douglas, Latasha (CMS/OSORA) <Latasha.Douglas@cms.hhs.gov>

Subject: RE: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Importance: High

Good afternoon all!

We have just been informed that the Administrator would like for 'Hold Harmless' information to be included in her briefing book for the HEiTC Meeting. Thus, can CMCS please provide me with language on this topic NLT 10am tomorrow morning 4/24 if possible? Apologies for the short turnaround! Also, please let us know if there may be additional components who may have information on this topic as well.

Thank you for your help!
Nekeshia

From: Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>

Sent: Thursday, April 18, 2024 1:29 PM

To: CMS CMCS_External Meeting Requests and Request for Briefing Materials
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(CMS/CM) <aimee.reich@cms.hhs.gov>; Darden-Hill, Sabrina (CMS/CM) <sabrina.dardenhill@cms.hhs.gov>; Pequigney,
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Danyail (CMS/OL) <Danyail.Keene@cms.hhs.gov>; Dervan, Elizabeth (CMS/OL) <elizabeth.dervan@cms.hhs.gov>;
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(CMS/OMH) <Avareena.Cropper@cms.hhs.gov>; CMS Front Office - CCIIO Clearances <FrontOffice-CCIIOClearances@cms.hhs.gov>; Davis, Aria (CMS/CMMI) <Aria.Davis@cms.hhs.gov>; Shifflett, Kristin (CMS/CCSQ)
<Kristin.Shifflett@cms.hhs.gov>; Robinson, Jennifer (CMS/OBRHI) <Jennifer.Robinson@CMS.hhs.gov>; Watkins, Damon

THOMAS000209

(CMS/CMMI) <Damon.Watkins@cms.hhs.gov>; Sutton, Erin (CMS/OPOLE) <erin.sutton2@cms.hhs.gov>; Calloway, Rachel (CMS/CMMI) <rachel.calloway@cms.hhs.gov>; Hyde (she/her), Megan (CMS/CMMI) <Megan.Hyde@cms.hhs.gov>; Ifill, George (CMS/CM) <George.Ifill@cms.hhs.gov>; Russo, Ellen (CMS/CPI) <Ellen.Russo@cms.hhs.gov>; Kessler, Thomas (CMS/CPI) <Thomas.Kessler@cms.hhs.gov>; Spence, Ashley (CMS/CCSQ) <Ashley.Spence@cms.hhs.gov>; Jenkins, Courtney (CMS/CCSQ) <Courtney.Jenkins@cms.hhs.gov>; Appleton, Paige (CMS/CCSQ) <Paige.Appleton@cms.hhs.gov>; Syrek Jensen, Tamara (CMS/CCSQ) <tamara.syrekjensen@cms.hhs.gov>; Truong, Elizabeth (CMS/CCSQ) <Elizabeth.Truong@cms.hhs.gov>

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Importance: High

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 - **Discussion Points:** Talking points on the issue (**that can be shared publicly**); **include some questions for the Administrator to ask.**

Attendees:

Reverend Al Sharpton, Founder & President, National Action Network (NAN) and Senior Advisor, Health Equity in Transplantation Coalition (HEiTC)

Albert Joseph Brown III, a.k.a. Al B. Sure!, Executive Chairman, Health Equity in Transplantation Coalition (HEiTC)

Dr. Steven Potter, Transplant Surgeon, MedStar Georgetown University Hospital

Rachel Noerdlinger, Co-founder, Health Equity in Transplantation Coalition (HEiTC) and Partner, Actum LLC

Please send your materials by **NLT 10AM on Monday, 4/22/24**, to me, LaTasha Douglas, Casey McBurney, Lynette Wilson, Kris Vallecillo, Hannah Jacobs, and Connor Hounshell. Also, please let us know by that date if these issues are not applicable to your component.

Thank you for your assistance!

Nekeshia McInnis

Division of Program Coordination & Correspondence A
Office of Strategic Operations & Regulatory Affairs (OSORA)
Centers for Medicare & Medicaid Services (CMS)
Department of Health and Human Services (HHS)
200 Independence Ave. SW
Washington, DC 20201

INFORMATION NOT RELEASABLE TO THE PUBLIC UNLESS AUTHORIZED BY LAW: This information has not been publicly disclosed and may be privileged and confidential. It is for internal government use only and must not be disseminated, distributed, or copied to persons not authorized to receive the information. Unauthorized disclosure may result in prosecution to the full extent of the law.

Message

From: Arnold, Charlie (CMS/CMCS) , (b)(6)
Sent: 4/29/2024 4:41:53 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Maccarroll, Amber (CMS/CMCS) , (b)(6)
Silanskis, Jeremy
Clark, Jennifer
, (b)(6)
Endelman [he/him],
Subject: FW: FW: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Rory,

DMCP will be approving the Washington SDP today. They reached out to us below on the status of the tax waiver approvals. Based on our conversation with Washington on April 11th, I think we landed in a good place to approve the 2023 tax waiver. The team completed its review and Washington alleviated our hold harmless concerns by agreeing to use the attestation route. The team is in the process of reviewing the 2024 tax waiver submissions. We will likely have both of these on FMG Clearance next week.

Are we good to let Laura know that we do not have any issues with them approving WA's SDP today?

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP

, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Sent: Monday, April 29, 2024 11:29 AM
To: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Thanks, Jonathan.

Charlie – please let us know if FMG wants us to hold the SDP approval for the approval of the two tax waivers (2023 and 2024) or not. Otherwise, we'll plan to move ahead with approval of the SDP today.

THOMAS000212

Thanks,
Laura

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Laura,

Thanks for clarifying Laura with the 2023 versus 2024 distinction. Despite the fact that the SDP is tied to the 2024 tax and not the 2023 tax, my understanding was that our instructions was to wait until the SDP was approved before approving the 2023 tax waiver. Washington responded late on Friday to our inquiry and appears to have corrected the issue. Please see attached for their response. We will need to go over their responses to check. If so, we think approving the 2023 tax waiver and the 2024 tax waiver simultaneously probably makes the most sense for ease of administration.

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I just wanted to check on the status of this SDP. Was it approved on 4/25?

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Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Jonathan and Stuart,

Following back up. We didn't hear back on 4/22. As previously noted, we are ready to approve the SDP, but were told by our leadership that Rory wanted the tax waiver to be approved first. Can we both target approval on 4/25? We'll send our approval out that day and you all can plan to send your tax waiver approval for that day as well?

Thanks,

THOMAS000214

Laura

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Sent: Friday, April 19, 2024 1:33 PM

To: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

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Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

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Would a good solution be that we try to approve both the preprint and the tax waiver on the same day – maybe on Monday, 4/22? We could still do our independent processes, but just both target approval on 4/22.

Thanks,
Laura

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Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Looping in Laura as well.

I know MCG leadership had a discussion with Rory earlier this week about next steps.

Thanks,
Alex

Alex Loizias (she/her)

Technical Director

Division of Managed Care Policy

Managed Care Group | Center for Medicaid & CHIP Services

☎ 410-786-2435 | ✉ alexandra.loizias@cms.hhs.gov

From: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>

Sent: Friday, April 19, 2024 11:21 AM

To: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Alex,

THOMAS000215

Following our meeting on April 11, 2024 led by FMG Director Rory Howe during which Washington, during which the state committed to having all of their providers sign attestations and which substantively and substantially allayed our hold harmless concerns for the present time, the tax team wanted to reach out to DMCP to inquire about the status of approval for these pre-prints. As a reminder, Washington's tax waiver approval letters are currently on hold pending the approval of these SDPs by instruction from Rory Howe. We would like to see an approval on the SDPs so we can move forward with approving the tax waivers. Do you have any updates in this regard? Thank you.

Best,

Jonathan

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

From: Microsoft Outlook

, (b)(6)

@cmsgovonline.onmicrosoft.com>

On Behalf Of Loizias, Alex (CMS/CMCS)

Sent: Thursday, April 11, 2024 10:34 AM

To: CMS CMCS Tax Waiver

Subject: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

When: Thursday, April 11, 2024 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://cms.zoomgov.com/j/>

, (b)(6)

Your meeting was forwarded

Loizias, Alex (CMS/CMCS) has forwarded your meeting request to additional recipients.

Washington's Safety Net Hospital Provider Tax and SDP Discussion

Thursday, 11 April 2024 14:30-15:00.

Roberts (she/her), Trina (CMS/CMCS)

Message

From: Clark, Jennifer (CMS/CMCS) , (b)(6)
Sent: 4/29/2024 7:01:23 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
accarroll, Amber
Silanskis, Jeremy
, (b)(6)
CC:
Subject: FW: FW: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

FYI – see below for my response to Laura about the WA tax waiver approvals. Jonathan confirmed our normal process is to first approve the tax waivers, then approve the SDP but he indicated for this one, there may be something different. He said that for this SDP that “Rory instructed us to hold off on approving the 2023 tax waiver until the SDP had been approved.” Also, Jonathan was not aware of any urgency to get these approved. He said that the urgency seemed to be coming from DMCP.

If there is no urgency, then we should have a little time to sort this out. I asked Laura to let us know if there is urgency to approve this.

Thanks,
Jen

From: Clark, Jennifer (CMS/CMCS)
Sent: Monday, April 29, 2024 2:57 PM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
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Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Laura,

Charlie is flexed out so I am jumping in here because I just spoke to Rory about this on our FMG leadership touch base. He said we should follow our normal process which my understanding is to wait until the tax waivers are approved before approving the SDP. Rory asked if there an urgency to get this approved **today** that we are not aware of? If so, please let us know. If not, we will need a little time to get the tax waivers vetted and approved per our normal process.

Please let us know ASAP if you have any concerns.

Thanks,
Jen

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Sent: Monday, April 29, 2024 1:58 PM

THOMAS000217

To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
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Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Thanks, Charlie! We have the letter signed and ready to go at the end of the day today. Unless we hear otherwise, we will plan to send.

Thanks,
Laura

From: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Sent: Monday, April 29, 2024 12:43 PM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
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Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Laura,

I will run it by Rory and get you a response very soon.

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP

, (b)(6)

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Technical Director
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Managed Care Group | Center for Medicaid & CHIP Services
☎ 410-786-2435 | ✉ alexandra.loizias@cms.hhs.gov

From: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>
Sent: Friday, April 19, 2024 11:21 AM
To: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Alex,

Following our meeting on April 11, 2024 led by FMG Director Rory Howe during which Washington, during which the state committed to having all of their providers sign attestations and which substantively and substantially allayed our hold harmless concerns for the present time, the tax team wanted to reach out to DMCP to inquire about the status of approval for these pre-prints. As a reminder, Washington's tax waiver approval letters are currently on hold pending the approval of these SDPs by instruction from Rory Howe. We would like to see an approval on the SDPs so we can move forward with approving the tax waivers. Do you have any updates in this regard? Thank you.

Best,

Jonathan

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

From: Microsoft Outlook , (b)(6) @cmsgovonline.onmicrosoft.com>
On Behalf Of Loizias, Alex (CMS/CMCS)
Sent: Thursday, April 11, 2024 10:34 AM
To: CMS CMCS Tax Waiver
Subject: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion
When: Thursday, April 11, 2024 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: <https://cms.zoomgov.com/j/> , (b)(6)

Your meeting was forwarded

Loizias, Alex (CMS/CMCS) has forwarded your meeting request to additional recipients.

Washington's Safety Net Hospital Provider Tax and SDP Discussion

Thursday, 11 April 2024 14:30-15:00.

Roberts (she/her), Trina (CMS/CMCS)

Message

From: Clark, Jennifer (CMS/CMCS) , (b)(6)
Sent: 4/29/2024 7:16:02 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
Maccarroll, Amber
Silanskis, Jeremy
, (b)(6)
CC:
Subject: RE: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Ok, I will let them know. Thank you for clarifying!

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, April 29, 2024 3:15 PM
To: Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Thanks for following up, Jen. To clarify, I asked the tax team not to approve the 2023 tax waiver until we had completed obtaining information from MCG/the state relating to the SDP because I wanted to make sure we had all information about possible redistributions through the back and forth on the SDP review. I did not indicate that we should approve the SDP first, then the tax waiver.

From: Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>
Sent: Monday, April 29, 2024 3:01 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: FW: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

FYI – see below for my response to Laura about the WA tax waiver approvals. Jonathan confirmed our normal process is to first approve the tax waivers, then approve the SDP but he indicated for this one, there may be something different. He said that for this SDP that “Rory instructed us to hold off on approving the 2023 tax waiver until the SDP had been approved.” Also, Jonathan was not aware of any urgency to get these approved. He said that the urgency seemed to be coming from DMCP.

If there is no urgency, then we should have a little time to sort this out. I asked Laura to let us know if there is urgency to approve this.

Thanks,
Jen

From: Clark, Jennifer (CMS/CMCS)
Sent: Monday, April 29, 2024 2:57 PM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS)

THOMAS000223

<Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS)
<larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Fan, Kristin (CMS/CMCS)
<Kristin.Fan@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Laura,

Charlie is flexed out so I am jumping in here because I just spoke to Rory about this on our FMG leadership touch base. He said we should follow our normal process which my understanding is to wait until the tax waivers are approved before approving the SDP. Rory asked if there an urgency to get this approved **today** that we are not aware of? If so, please let us know. If not, we will need a little time to get the tax waivers vetted and approved per our normal process.

Please let us know ASAP if you have any concerns.

Thanks,
Jen

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Sent: Monday, April 29, 2024 1:58 PM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Thanks, Charlie! We have the letter signed and ready to go at the end of the day today. Unless we hear otherwise, we will plan to send.

Thanks,
Laura

From: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Sent: Monday, April 29, 2024 12:43 PM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Laura,

I will run it by Rory and get you a response very soon.

Thanks,

Charlie Arnold

THOMAS000224

Director
CMCS/FMG/DFP

, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>

Sent: Monday, April 29, 2024 11:29 AM

To: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Thanks, Jonathan.

Charlie – please let us know if FMG wants us to hold the SDP approval for the approval of the two tax waivers (2023 and 2024) or not. Otherwise, we'll plan to move ahead with approval of the SDP today.

Thanks,
Laura

From: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>

Sent: Monday, April 29, 2024 11:20 AM

To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Laura,

Thanks for clarifying Laura with the 2023 versus 2024 distinction. Despite the fact that the SDP is tied to the 2024 tax and not the 2023 tax, my understanding was that our instructions was to wait until the SDP was approved before approving the 2023 tax waiver. Washington responded late on Friday to our inquiry and appears to have corrected the issue. Please see attached for their response. We will need to go over their responses to check. If so, we think approving the 2023 tax waiver and the 2024 tax waiver simultaneously probably makes the most sense for ease of administration.

I personally do not have any problems with DMCP approving the SDP. I believe that is what we are waiting for prior to approving the 2023 and 2024 tax waivers. Washington has, to the best of my knowledge, resolved our hold harmless concerns during the call that we had with them for now when they agreed to adopt the attestation pathway. But I will need to check with my division director, Charlie Arnold, who may need to check with our group director, Rory Howe, for FMG's official position.

Best,

THOMAS000225

Jonathan

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Sent: Monday, April 29, 2024 10:02 AM
To: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Jonathan,

We weren't clear on FMG's last message if the approvals were going to be timed together. We do also want to clarify, the linkage between the SDP and the provider tax authority is the 2024 tax waiver, not the 2023 tax waiver, since the payments do not start until Jan 2024. Is FMG comfortable with us moving ahead with the SDP approval today? Or should we wait for you all the finish review of the 2024 tax waiver? We are drafting the approval letter for today and will send it today unless we hear back from you that your leadership wants us to hold it.

Thanks,
Laura

From: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>
Sent: Friday, April 26, 2024 9:06 AM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Laura,

I just wanted to check on the status of this SDP. Was it approved on 4/25?

Best,

Jonathan

From: CMS CMCS Tax Waiver
Sent: Tuesday, April 23, 2024 1:59 PM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Laura,

The tax waiver from 2023 is ready for approval. The tax waiver from 2024 is not ready for approval. The state did not calculate the statistical test required in our calculations correctly. We have reached out to the state to ask them to correct their mistake. We view this as being more of a clerical error. But we can't approve anything from 2024 until they

correct it. Theoretically, the 2023 waiver should be able to be approved on that date. There's nothing currently preventing it.

Best,

Jonathan

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>

Sent: Tuesday, April 23, 2024 1:53 PM

To: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Jonathan and Stuart,

Following back up. We didn't hear back on 4/22. As previously noted, we are ready to approve the SDP, but were told by our leadership that Rory wanted the tax waiver to be approved first. Can we both target approval on 4/25? We'll send our approval out that day and you all can plan to send your tax waiver approval for that day as well?

Thanks,
Laura

From: Snyder, Laura (CMS/CMCS)

Sent: Friday, April 19, 2024 1:33 PM

To: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Hi Jonathan,

The SDP is and has been ready for approval for several months now pending resolution of the outstanding financing concern. The latest update we got this week was that FMG leadership wanted the tax approval to go through first before we approved the SDP.

Would a good solution be that we try to approve both the preprint and the tax waiver on the same day – maybe on Monday, 4/22? We could still do our independent processes, but just both target approval on 4/22.

Thanks,
Laura

From: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>

Sent: Friday, April 19, 2024 12:53 PM

To: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>

Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Looping in Laura as well.

I know MCG leadership had a discussion with Rory earlier this week about next steps.

Thanks,
Alex

Alex Loizias (she/her)
Technical Director
Division of Managed Care Policy
Managed Care Group | Center for Medicaid & CHIP Services
☎ 410-786-2435 | ✉ alexandra.loizias@cms.hhs.gov

From: CMS CMCS Tax Waiver <TaxWaiver@cms.hhs.gov>
Sent: Friday, April 19, 2024 11:21 AM
To: Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>
Subject: RE: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion

Alex,

Following our meeting on April 11, 2024 led by FMG Director Rory Howe during which Washington, during which the state committed to having all of their providers sign attestations and which substantively and substantially allayed our hold harmless concerns for the present time, the tax team wanted to reach out to DMCP to inquire about the status of approval for these pre-prints. As a reminder, Washington's tax waiver approval letters are currently on hold pending the approval of these SDPs by instruction from Rory Howe. We would like to see an approval on the SDPs so we can move forward with approving the tax waivers. Do you have any updates in this regard? Thank you.

Best,

Jonathan

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

From: Microsoft Outlook < >, (b)(6) e@cmsgovonline.onmicrosoft.com>
On Behalf Of Loizias, Alex (CMS/CMCS)
Sent: Thursday, April 11, 2024 10:34 AM
To: CMS CMCS Tax Waiver
Subject: Meeting Forward Notification: Washington's Safety Net Hospital Provider Tax and SDP Discussion
When: Thursday, April 11, 2024 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: <https://cms.zoomgov.com/j>, (b)(6)

Your meeting was forwarded

[Loizias, Alex \(CMS/CMCS\)](#) has forwarded your meeting request to additional recipients.

Washington's Safety Net Hospital Provider Tax and SDP
Discussion

Thursday, 11 April 2024 14:30-15:00.

Roberts (she/her), Trina (CMS/CMCS)

Message

From: Boston, Beverly (CMS/CMCS) , (b)(6)
Sent: 4/24/2024 8:52:29 PM , (b)(6)
To: Walker, Abigail (CMS/CMCS) , (b)(6)
Fan, Kristin (CMS/CMCS)
Wolgast, Henry
Arnold, Charlie
Clark, Jennifer
, (b)(6) Goldstein, Stuart
CC:
Silanskis, Jeremy
MacCarroll, Amber
Subject: RE: RE: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

I added to a word document and sent forward (I cc'd folks from this string).

Thanks

Beverly

From: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>
Sent: Wednesday, April 24, 2024 4:42 PM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Wolgast, Henry (CMS/CMCS) <henry.wolgast@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; MacCarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Beverly see Rory's response email clearing the below TPs and you also needed the CIB, correct? See attached and linked: <https://www.medicaid.gov/federal-policy-guidance/downloads/cib042224.pdf>

- On April 22, 2024, CMS released the Medicaid and Children's Health Insurance Program Managed Care, Access, Finance, and Quality Final Rule (Managed Care Final Rule), and a CMCS Informational Bulletin (CIB) on certain health care-related taxes to Medicaid.gov.
- The CIB announces that CMS will exercise enforcement discretion until January 1, 2028, for existing health-care related tax programs with hold-harmless arrangements involving the redistribution of Medicaid payments.

- The period of enforcement discretion will give states and providers a clear timeline to transition away from potentially impermissible arrangements and come into compliance with federal law and regulations.
- This period of enforcement discretion will also allow CMS to gather information about where such hold harmless arrangements exist and their implications for providers, particularly safety net providers, and Medicaid beneficiaries to ensure that future CMS enforcement action on existing arrangements does not result in unanticipated and significant Medicaid program disruption.

~Abby

Abigail Walker, J.D. (she/her)

Policy Advisor

Financial Management Group, Office of the Group Director

Center for Medicaid and CHIP Services

410-786-1725

abigail.walker@cms.hhs.gov

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

Sent: Wednesday, April 24, 2024 4:32 PM

To: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Wolgast, Henry (CMS/CMCS) <henry.wolgast@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

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

Subject: RE: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEITC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Hello,

Checking in on paper? Thank you

Beverly

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

Sent: Wednesday, April 24, 2024 9:31 AM

To: Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Wolgast, Henry (CMS/CMCS) <henry.wolgast@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>

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

Subject: DUE ASAP: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEITC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Importance: High

Good morning,

THOMAS000231

We just received this request, however OSG will request an extension. The Administrator will be meeting with Health Equity in Transplantation Coalition on 4/29 and has asked that we provide paper on the topic of hold harmless. In addition to attaching the recently released CIB, please pull together talkers from existing papers on the hold harmless to accompany the CIB.

Thank you

Beverly

From: CMS CMCS_External Meeting Requests and Request for Briefing Materials
<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>
Sent: Wednesday, April 24, 2024 9:02 AM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Cc: CMS CMCS_External Meeting Requests and Request for Briefing Materials
<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>; Mannix, Norma (CMS/CMCS)
<norma.mannix@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>; Randle, Ronetta (CMS/CMCS)
<Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>
Subject: FW: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)
Importance: High

Good morning, Beverly,

Please see below for OSORA's request for "Hold Harmless" information for the Administrator's briefing book for the HEiTC meeting. OCD has asked FMG to provide bullets for the requested topic. This request is due as soon as possible as OSORA's due date is NLT 10AM today. However, I will request an extension from OSORA. Please let OSG know if there is anything we can do to help.

Thanks,
Allen

From: Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>
Sent: Tuesday, April 23, 2024 2:21 PM
To: CMS CMCS_External Meeting Requests and Request for Briefing Materials
<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>
Cc: Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>;
Vuu, Allen (CMS/CMCS) <allen.vuu@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>;
Douglas, Latasha (CMS/OSORA) <Latasha.Douglas@cms.hhs.gov>
Subject: RE: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)
Importance: High

Good afternoon all!

We have just been informed that the Administrator would like for 'Hold Harmless' information to be included in her briefing book for the HEiTC Meeting. Thus, can CMCS please provide me with language on this topic NLT 10am tomorrow morning 4/24 if possible? Apologies for the short turnaround! Also, please let us know if there may be additional components who may have information on this topic as well.

Thank you for your help!
Nekeshia

THOMAS000232

From: Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>

Sent: Thursday, April 18, 2024 1:29 PM

To: CMS CMCS_External Meeting Requests and Request for Briefing Materials

<CMCS_ExternalMeetingRequestsandRequestforBriefingMaterials@cms.hhs.gov>; Spangler, Carie (CMS/CM) <Carie.Spangler@cms.hhs.gov>; Mays, Beth (CMS/CM) <Beth.Mays@cms.hhs.gov>; Bernstein, Catherine (CMS/CM) <Catherine.Bernstein@cms.hhs.gov>; Tilghman, Cornell (CMS/CM) <Cornell.Tilghman@cms.hhs.gov>; Reich, Aimee (CMS/CM) <aimee.reich@cms.hhs.gov>; Darden-Hill, Sabrina (CMS/CM) <sabrina.dardenhill@cms.hhs.gov>; Pequigney, Susan (CMS/CM) <Susan.Pequigney@cms.hhs.gov>; Farran, Patti (CMS/CM) <Patti.Farran@cms.hhs.gov>; Cole (she/her), Rebecca (CMS/CM) <Rebecca.Cole@cms.hhs.gov>; Lindstrom, Jennifer (CMS/CPI) <Jennifer.Lindstrom@cms.hhs.gov>; Petto, Marissa (CMS/CPI) <Marissa.Petto@cms.hhs.gov>; Spitalnic, Paul (CMS/OACT) <paul.spitalnic@cms.hhs.gov>; Waskiewicz, Beth (CMS/OAGM) <beth.waskiewicz@cms.hhs.gov>; Hendrix, Cassandra (CMS/OAGM) <Cassandra.Hendrix@cms.hhs.gov>; Little, Stacey (CMS/OAGM) <Stacey.Little@cms.hhs.gov>; Robinson, Jennifer (CMS/OBRHI) <Jennifer.Robinson@CMS.hhs.gov>; Highsmith, Natalie (CMS/OC) <natalie.highsmith@cms.hhs.gov>; Myers, Michele (CMS/OFM) <Michele.Myers@cms.hhs.gov>; Tierney, Janet (CMS/OFM) <Janet.Tierney@cms.hhs.gov>; Turner, Rachel (CMS/OIT) <rachel.turner@cms.hhs.gov>; Milburn, Tiera (CMS/OIT) <Tiera.Milburn@cms.hhs.gov>; Milburn, Tiera (CMS/OIT) <Tiera.Milburn@cms.hhs.gov>; Gange, Laura (CMS/OIT) <Laura.Gange@cms.hhs.gov>; Pleines, Jeannette (CMS/OIT) <Jeannette.Pleines@cms.hhs.gov>; Keene, Danyail (CMS/OL) <Danyail.Keene@cms.hhs.gov>; Dervan, Elizabeth (CMS/OL) <elizabeth.dervan@cms.hhs.gov>; Upchurch, Talaiya (CMS/OL) <Talaiya.Upchurch@cms.hhs.gov>; Perry, Nicole (CMS/FCHCO) <Nicole.Perry@cms.hhs.gov>; Blanar, Jonathan (CMS/OC) <Jonathan.Blanar@cms.hhs.gov>; Aldana, Karen (CMS/OC) <Karen.Aldana@cms.hhs.gov>; Wallace, Mary (CMS/OC) <Mary.Wallace@cms.hhs.gov>; Lance, Lataysheia (CMS/OFM) <Lataysheia.Lance@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>; Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Cropper, Avareena (CMS/OMH) <Avareena.Cropper@cms.hhs.gov>; CMS Front Office - CCIIO Clearances <FrontOffice-CCIIOClearances@cms.hhs.gov>; Davis, Aria (CMS/CMMI) <Aria.Davis@cms.hhs.gov>; Shifflett, Kristin (CMS/CCSQ) <Kristin.Shifflett@cms.hhs.gov>; Robinson, Jennifer (CMS/OBRHI) <Jennifer.Robinson@CMS.hhs.gov>; Watkins, Damon (CMS/CMMI) <Damon.Watkins@cms.hhs.gov>; Sutton, Erin (CMS/OPOLE) <erin.sutton2@cms.hhs.gov>; Calloway, Rachel (CMS/CMMI) <rachel.calloway@cms.hhs.gov>; Hyde (she/her), Megan (CMS/CMMI) <Megan.Hyde@cms.hhs.gov>; Ifill, George (CMS/CM) <George.Ifill@cms.hhs.gov>; Russo, Ellen (CMS/CPI) <Ellen.Russo@cms.hhs.gov>; Kessler, Thomas (CMS/CPI) <Thomas.Kessler@cms.hhs.gov>; Spence, Ashley (CMS/CCSQ) <Ashley.Spence@cms.hhs.gov>; Jenkins, Courtney (CMS/CCSQ) <Courtney.Jenkins@cms.hhs.gov>; Appleton, Paige (CMS/CCSQ) <Paige.Appleton@cms.hhs.gov>; Syrek Jensen, Tamara (CMS/CCSQ) <tamara.syrekjensen@cms.hhs.gov>; Truong, Elizabeth (CMS/CCSQ) <Elizabeth.Truong@cms.hhs.gov>

Cc: Wilson, Lisa (CMS/CCIIO) <lisa.wilson@cms.hhs.gov>; Pedneau (she/her), Emily (CMS/CCIIO) <Emily.Pedneau@cms.hhs.gov>; Oakes, Meghan (CMS/OL) <Meghan.Oakes@cms.hhs.gov>; Oswald, Michelle (CMS/OMH) <Michelle.Oswald@cms.hhs.gov>; Davis, Aria (CMS/CMMI) <Aria.Davis@cms.hhs.gov>; Nordahl, Keara (CMS/OPOLE) <Keara.Nordahl@cms.hhs.gov>; Costello, Stefanie (CMS/OC) <Stefanie.Costello@cms.hhs.gov>; Williams, Tamika (CMS/OC) <Tamika.Williams@cms.hhs.gov>; Hitchcock, Katie (CMS/OEDA) <Katherine.Hitchcock@cms.hhs.gov>; Harper, Bernice (CMS/OEDA) <Bernice.Harper@cms.hhs.gov>; Young, Larry (CMS/OFM) <Larry.Young@cms.hhs.gov>; Worstell, Megan (CMS/OFM) <Megan.Worstell@cms.hhs.gov>; Harbison, Olivia (CMS/CCSQ) <olivia.harbison@cms.hhs.gov>; Douglas, Latasha (CMS/OSORA) <Latasha.Douglas@cms.hhs.gov>; McBurney, Cassandra (CMS/OSORA) <Cassandra.McBurney@cms.hhs.gov>; Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>; Vallecillo, Kris (CMS/OSORA) <kris.vallecillo@cms.hhs.gov>; Hounshell, Conner (CMS/OSORA) <conner.hounshell@cms.hhs.gov>; Jacobs, Hannah (CMS/OSORA) <hannah.jacobs@cms.hhs.gov>; Wilson, Lynette (CMS/OSORA) <Lynette.Wilson@cms.hhs.gov>; Mcinnis, Nekeshia (CMS/OSORA) <Nekeshia.McInnis@cms.hhs.gov>

Subject: Request for Briefing Materials - Health Equity in Transplantation Coalition (HEiTC) Due NLT 10am Monday, 4/22/24 (Expedited Request-Firm Deadline)

Importance: High

Good afternoon all!

THOMAS000233

The Administrator has accepted a meeting with the Health Equity in Transplantation Coalition (HEiTC) tentatively scheduled to occur on April 29th. Please review the discussion topic(s) mentioned below and send your responses to me, LaTasha Douglas, Casey McBurney, Lynette Wilson, Kris Vallecillo, Hannah Jacobs, and Conner Hounshell by **NLT 10am on Monday, 4/22/24**. Apologies for the quick turnaround request!

Topics: (Please review the attached 1 Pager and incoming letter for more details)

- *Medicare Cuts for Organ Transplant Recipients* – Medicare patient access to non-invasive post-transplant molecular diagnostic blood tests

As with other External Meetings, we are interested in receiving background materials (two pages max from each Component) for the Administrator's briefing book based on the topics that the requestor would like to discuss. Here is what we need:

- **General Background:** General background on the relationship we have had with the meeting requestor, and any caveats (like we're in litigation, in comment period or rulemaking), as well as general background to help the Administrator understand the issues.
- **Issues Raised by Requestor:** For each Issue:
 - Number (e.g., **Issue #1**): Summarize the issue (or copy description from the materials submitted by the requestor)
 - **Context:** Information on the issue
 - **CMS Response:** Address the requestor's concern or recommendation, including what the current status quo is on the issue from the CMS perspective; what problems or concerns have been associated with the issue; what future direction CMS is looking to go into; any recommendation(s) relating to the issue
 - **Discussion Points:** Talking points on the issue (**that can be shared publicly**); **include some questions for the Administrator to ask.**

Attendees:

Reverend Al Sharpton, Founder & President, National Action Network (NAN) and Senior Advisor, Health Equity in Transplantation Coalition (HEiTC)

Albert Joseph Brown III, a.k.a. Al B. Sure!, Executive Chairman, Health Equity in Transplantation Coalition (HEiTC)

Dr. Steven Potter, Transplant Surgeon, MedStar Georgetown University Hospital

Rachel Noerdlinger, Co-founder, Health Equity in Transplantation Coalition (HEiTC) and Partner, Actum LLC

Please send your materials by **NLT 10AM on Monday, 4/22/24**, to me, LaTasha Douglas, Casey McBurney, Lynette Wilson, Kris Vallecillo, Hannah Jacobs, and Connor Hounshell. Also, please let us know by that date if these issues are not applicable to your component.

Thank you for your assistance!

Nekeshia McInnis

Division of Program Coordination & Correspondence A
Office of Strategic Operations & Regulatory Affairs (OSORA)
Centers for Medicare & Medicaid Services (CMS)
Department of Health and Human Services (HHS)
200 Independence Ave. SW
Washington, DC 20201

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THOMAS000234

Message

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>, (b)(6)
Sent: 5/1/2024 8:49:41 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>, (b)(6)
Silanskis, Jeremy
CC: <(b)(6)>
laccarroll, Amber
Subject: RE: RE: Senate briefing request on Access and Managed Care rules

We've had some feedback on the ACR spending limit, which has mostly been positive, so expect they'll focus more on the non-federal share and how it relates to the hold harmless CIB. They may ask if we've done estimates of the impact that the non-federal share provisions will have on providers, and safety-net providers in particular.

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Wednesday, May 1, 2024 4:27 PM
To: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; 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>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Senate briefing request on Access and Managed Care rules

Hi Kate –

If the questions are about SDPs generally, including the payment policies, spending limits at ACR, or the cost of the overall SDP provisions... I will lead on those answers.

If the questions are about the non-federal share financing, the provider attestation provision for SDPs, or about the hold harmless CIB, I think Rory will lead on those answers.

Rory – do you agree with that assessment?

Kate – do you have any sense of the SDP provisions they might be most interested in?

Thank you!

John Giles, MPA
Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
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Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

THOMAS000235

<Amber.MacCarroll@cms.hhs.gov>

Subject: RE: Senate briefing request on Access and Managed Care rules

Hi John and Rory –

I expect that we'll get questions on the SDP provisions of the managed care rule. Can you please let me know which of you will handle those?

Thanks.

From: Kirchgraber, Kate (CMS/OL)

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To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

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Subject: RE: Senate briefing request on Access and Managed Care rules

May 7 at 1 pm works for the Finance Committee LAs. Unless others feel differently, I think we can stick with the same format we used for the briefing call last week, but let me know if you would prefer to do prep call.

Introduction – Kate Kirchgraber (2 min)

Access rule overview (15 min)

MACs – Karen Llanos

HCBS – Jen Bowdoin

FFS – Jeremy Silanskis

Managed Care Rule overview (15 min) – John Giles

Q/A (15 min)

The briefing will be over zoom, with the Hill staff phoning in. I'll send an appointment.

Thank you!

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Thanks so much! Hopefully we won't need the full 60 minutes, but with 2 rules to get through, I wanted to make sure we have enough time. I'll circle back as soon as I can.

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Hi Kate –

Getting 60 minutes was challenging, but here are some options that could work for next week:

- 5/6, 1:00-3:00
- 5/7, 1:00-2:00
- 5/9, 1:45-2:30, not 60 mins but we can offer 45 mins.

Karen

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Monday, April 29, 2024 5:44 PM
To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
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Hi Kate – we're working to find some options.

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<AnneMarie.Costello@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Subject: Senate briefing request on Access and Managed Care rules

Hello John, Karen, Jen and Jeremy –

Bipartisan Senate Finance Committee staff have asked for a briefing on the Access and Managed Care final rules for committee LAs. Can you please give me some 60 minute windows that you're available next week?

Thanks,
Kate

Kate Kirchgraber | Director | Low Income Programs Analysis Group | Office of Legislation | Centers for Medicare & Medicaid Services | kate.kirchgraber@cms.hhs.gov | , (b)(6)

Message

From: Giles, John (CMS/CMCS) , (b)(6)
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To: Kirchgraber, Kate (CMS/OL) , (b)(6)
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From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>

Sent: Monday, April 29, 2024 4:05 PM

To: Llanos, Karen (CMS/CMCS) <Karen.Llanos@cms.hhs.gov>; Bowdoin (she/her), Jennifer (CMS/CMCS) <Jennifer.Bowdoin@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>

Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS)

<AnneMarie.Costello@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Subject: Senate briefing request on Access and Managed Care rules

Hello John, Karen, Jen and Jeremy –

Bipartisan Senate Finance Committee staff have asked for a briefing on the Access and Managed Care final rules for committee LAs. Can you please give me some 60 minute windows that you're available next week?

Thanks,
Kate

Kate Kirchgraber | Director | Low Income Programs Analysis Group | Office of Legislation | Centers for Medicare & Medicaid Services | kate.kirchgraber@cms.hhs.gov | , (b)(6)

Message

From: Giles, John (CMS/CMCS) , (b)(6)
Sent: 6/28/2023 6:28:29 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
Giles, John (CMS/CMCS)
Subject: RE: RE: Quick Question on SDP Projections

Thanks Rory – I concur with your reading of Chris' email and this seems aligned with what we are seeing in our preprint reviews.

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 2:22 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: FW: Quick Question on SDP Projections

My quick read of Chris' email below - If states maxed out SDP spending up to ACR for hospitals and academic medical centers (as a result of being able to utilize payment hold harmless arrangements/payment redistributions for SDPs), federal spending would increase over the next 10 years by \$310 billion to \$420 billion. The increase represents projected spending in excess projected spending in the scenario of finalizing the NPRM at ACR and still being able to restrict hold harmless/redistribution arrangements. Please let me know if you have any questions. I will work to incorporate into the paper/bullets.

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 2:09 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

, (b)(5)

THOMAS000243

, (b)(5)

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 1:06 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Hi, Chris. Thanks again for the work on this. I think the 10-year impact is most important for us to have. If it is not more work to also provide the 2027 impact, that would be helpful as a secondary number, but it is not critical at all.

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 12:55 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 1:45 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Just sent the appointment. Thanks, Chris!

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 12:32 PM

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

Subject: RE: Quick Question on SDP Projections

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

Sent: Tuesday, June 27, 2023 11:42 AM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Subject: Quick Question on SDP Projections

Hi, Chris. I hope all is well. Would you have a few minutes either today or tomorrow for a quick call (hopefully less than 15 min) on SDPs ?

Thanks,
Rory

Message

From: Boston, Beverly (CMS/CMCS) , (b)(6)
Sent: 6/29/2023 4:11:31 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6) accarroll, Amber
CC: , (b)(6)
Subject: RE: RE: Today's FMG All Staff

Please let me know if you are good with Anna's presentation before I share the Agenda (should you wish to delay the presentation).

Thank you

Beverly

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Thursday, June 29, 2023 12:08 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: Today's FMG All Staff

Hello,

Sorry this is late. I am trying to be helpful until we have a full transition and strategy for monthly All Staff going forward. I did mention earlier that Anna wants to present on the Financing Work Group. Below are some talkers, but you may already have a list. See attached Anna's slides and the agenda.

General Announcements:

- FAB Award Winners: (see below)
- Congratulations to SBS Team, for release of the SBS Comprehensive Guide to Medicaid Services and Admin Claiming Guide on 5/18 and launch of the SBS TAC on Friday 6/23.
- The final DSH TPP Rule is currently moving with targeted finalization in Feb 2024
- We are also clearing a SMDL on Nurse Advise Lines
- We plan to move into clearance shortly a CIB on the Grants Closeout process
- Mid Year PMAPs
- EVS Due tomorrow 6/30

FAB AWARD SUMMARIES

Mark Halter is being recognized for...

THOMAS000246

helping the Ohio CMS staff complete their Budget Review on the last day of the Ohio Budget Review, while still completing his own important work for Indiana Medicaid. As a result of his selfless actions, he contributed to 3 million Ohio Medicaid beneficiaries being able to receive needed healthcare in the quarter starting April 1 without a delay of federal funding for those critical services.

Sid Staton is being recognized for...

His detailed background knowledge of Florida's Medicaid program. Sid's knowledge and breadth of experience makes him a one-stop-shop for Florida issues. Sid will be invaluable in the upcoming Florida LPPF FMR. The federal oversight of Florida Medicaid has been materially strengthened because of your knowledge, effort, and experience.

Yixi Wang is being recognized for...

Her key role in ensuring that the CMS-64 Expenditure Reviews and Budget Reviews are performed in a timely and detailed manner. Yixi is very vigilant, and always keeps the team informed of the frequent nuances that come to pass during reporting periods. Despite her significant work load, she is always willing to help the rest of the team whenever called upon. Yixi has a wonderful attitude and is always willing to go above and beyond. The California financial team values your leadership and always sunny disposition and have come to heavily rely on your expertise. From Jan 1, 2023 to March 31, 2023 alone you submitted more than \$56 million in approved AFARS for CA and more than \$161 in Deferrals.

Dan Yablochnikov is being recognized for...

Going above and beyond with DRR pertaining to policy deliverance relating to ACR-UPL demonstrations. Dan provided clear and concise policy explanations and teaching to others who are new to FMG/DRR. You are selfless when sharing knowledge and are always available to have one-on-one meetings for others to have a better understanding of a complicated policy like ACR UPLs.

Melissa Heitt is being recognized for...

Drafting a State Medicaid Director Letter reversing longstanding policy on administrative matching for nurse advice lines, moving the administrative policy into the 21st century. Melissa also reviewed Public Assistance Cost Allocation Plans, helping to alleviate the Group's PACAP and MAC backlog and also took on the thorny area of Skilled Professional Medical Personnel (SPMP). After providing needed TA on a complicated Medicaid Admin claiming SPMP issue, Melissa also took on the issue from a policy perspective by drafting two policy papers. OGC was very impressed with one of your papers. Finally, Melissa wrote a briefing paper for OCD on benefits required for states to claim increased FMAP for extended postpartum individuals and drafted slides on the subject for an all-state call.

Beverly

Message

From: Boston, Beverly (CMS/CMCS) , (b)(6)
Sent: 6/29/2023 4:35:58 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6) Maccarroll, Amber
CC: , (b)(6) a]
]
Subject: RE: RE: Today's FMG All Staff

Hello,

Checking whether you are okay with me adding the Agenda to the meeting invite?

Beverly

From: Boston, Beverly (CMS/CMCS)
Sent: Thursday, June 29, 2023 12:12 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: Today's FMG All Staff

Please let me know if you are good with Anna's presentation before I share the Agenda (should you wish to delay the presentation).

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Sent: Thursday, June 29, 2023 12:08 PM
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Beverly

Message

From: Kochanski, Joseph (CMS/CMCS) , (b)(6)
Sent: 6/29/2023 6:27:32 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
1S OCD Director Book
, (b)(6) Teal, Lela (CMS/CMCS)
, (b)(6) Hebert, Krista (CMS/CMCS)
]
CC: ; Boston, Beverly
, (b)(6) Giles, John (CMS/CMCS)
dams, lia (CMS/CMCS)
Subject: RE: RE: FMG and MCG - Managed Care/Financing Impact Overview for Dan/OGC - 6/29/23

Thanks Rory – Will be added to book today.

Joe

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, June 29, 2023 2:24 PM
To: CMS OCD Director Book <OCDDirectorBook@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Subject: FMG and MCG - Managed Care/Financing Impact Overview for Dan/OGC - 6/29/23

FMG and MCG would like to add the following to Dan and Anne Marie's books. Please let me know if you need anything else from FMG or MCG.

- i. **Link:**
<https://share.cms.gov/center/CMCS/FMG/FMGFrontOffice/SitePages/Home.aspx?RootFolder=%2Fcenter%2FCMCS%2FFMG%2FFMGFrontOffice%2FShared%20Documents%2FFMG%20Items%20for%20OCD%20Review%20Book%2FMC%2DFinancing%20Impact%20Overview%20for%20Dan&FolderCTID=0x01200036D7FE580F50A44DA03F62AA7B7544EB&View=%7B801815B1%2DD3BB%2D433F%2D9993%2D1E845A2F8A45%7D>
- ii. **Purpose/Context:** Dan requested bullets from FMG and MCG for OGC on the impact of the hold harmless/redistribution policy and SDPs.
- iii. **Ask:** Dan's review and comment.
- iv. **Due Date:** At Dan's discretion.

Message

From: Bonelli, Anna (CMS/CMCS) , (b)(6)
Sent: 7/5/2023 6:23:34 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
accarroll, Amber
, (b)(6) Silanskis, Jeremy

Subject: For your 3:30, FMG efforts that may implicate hold harmless policy

Hi Rory, Amber, and Jeremy,
As we discussed, I'm sending you a list of efforts across FMG that may be implicated by the injunction.

Ongoing efforts	Responsible division	Currently open actions
Correspondence	FO – Lia Adams	, (b)(5)
Tax waivers	DFP	
Disallowances	DFOs	
SPAs	DRR	
SDPs	DRP/DFP	
1115s		
64 reviews	DFOs	
FMRs	DFOs, Jay	
MC rule	FO – Anna Bonelli	

Other: OIG study on Texas LPPF

Message

From: Maccarroll, Amber (CMS/CMCS) , (b)(6)
Sent: 7/5/2023 6:53:39 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)

anskis, Jeremy

, (b)(6)

Subject: FW: FW: For your 3:30, FMG efforts that may implicate hold harmless policy

Rory – do you want to send this to OCD in prep for the 3:30?

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Sent: Wednesday, July 5, 2023 2:24 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: For your 3:30, FMG efforts that may implicate hold harmless policy

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As we discussed, I'm sending you a list of efforts across FMG that may be implicated by the injunction.

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SDPs	DRP/DFP	
1115s		
64 reviews	DFOs	
FMRs	DFOs, Jay	
MC rule	FO – Anna Bonelli	

Other: OIG study on Texas LPPF

Anna Bonelli | Senior Policy Advisor | CMS/CMCS | , (b)(6) anna.bonelli@cms.hhs.gov

Message

From: Arnold, Charlie (CMS/CMCS) , (b)(6)
, (b)(5)
Sent: 7/18/2023 11:57:08 AM
To: Howe, Rory (CMS/CMCS)
, (b)(6)
Subject: FW: FW: Preliminary Injunction in Texas v. CMS, 6:23-cv-161 (ED Tex) - Provider Tax Litigation

Removing all others.

Rory,

In his email on the TX 2023 preprints, John Giles said that they believed four of the five preprints were approvable (financing issue aside). Of the five preprints, three are being funded by the LPPF, as in previous years. It looks like the every other day calls will be on the one preprint that DMCP (or maybe called MCG) that is not in an approvable state. Since John did not mention the financing of the preprints, do you know if FMG will be required to be part of the calls with TX?

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP

, (b)(6)

Any opinion expressed in this email communication does not represent the opinion of the agency and will not bind or obligate CMS. CMS has relied on the facts and information presented and if any material facts have not been disclosed, any opinion/advice is without force and effect. Any advice is limited to the facts presented and is part of informal discussions of the issues raised.

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Thursday, July 13, 2023 2:11 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Subject: RE: Preliminary Injunction in Texas v. CMS, 6:23-cv-161 (ED Tex) - Provider Tax Litigation

Hi All –

I need to flag some time sensitive information on the SFY 2024 Texas State Directed Payments, which would begin on September 1, 2023. The state has resubmitted their proposals to CMS early and included the following statements on each submission:

Pursuant to the 1115 Waiver Special Terms and Condition 32, HHSC would have been permitted to respond as late as July 22, 2023 (15 days after receipt of CMS' requests for additional information). However, HHSC is striving to ensure we have approval on or before July 31, 2023 as HHSC must load the capitated rates for September 1, 2023 on August 1, 2023. Pursuant to STC 33, HHSC requests that CMS notify HHSC on or before July 31, 2023 that the responses are complete and the CMS anticipates issuing a formal decision letter within 20 calendar days approving our programs. If

THOMAS000254

With my best,

James

James Bickford
Trial Attorney, Federal Programs Branch
Civil Division, U.S. Department of Justice
1100 L Street, NW
Washington, DC 20530
, (b)(6)
James.Bickford@usdoj.gov

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Message

From: Arnold, Charlie (CMS/CMCS) , (b)(6)
 , (b)(6)
Sent: 7/18/2023 12:01:07 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)
 , (b)(6)
Subject: RE: RE: Preliminary Injunction in Texas v. CMS, 6:23-cv-161 (ED Tex) - Provider Tax Litigation

Thanks

Charlie Arnold
Director
CMCS/FMG/DFP
 , (b)(6)

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, July 18, 2023 8:01 AM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Preliminary Injunction in Texas v. CMS, 6:23-cv-161 (ED Tex) - Provider Tax Litigation

Hi, Charlie. We should wait until we hear back from OGC on John's 7/13 email about the issue. Ultimately, I do not believe we would need to attend any meeting that involves SDP issue that are outside of our areas of responsibility.

From: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Sent: Tuesday, July 18, 2023 7:57 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: FW: Preliminary Injunction in Texas v. CMS, 6:23-cv-161 (ED Tex) - Provider Tax Litigation

Removing all others.

Rory,

In his email on the TX 2023 preprints, John Giles said that they believed four of the five preprints were approvable (financing issue aside). Of the five preprints, three are being funded by the LPPF, as in previous years. It looks like the every other day calls will be on the one preprint that DMCP (or maybe called MCG) that is not in an approvable state. Since John did not mention the financing of the preprints, do you know if FMG will be required to be part of the calls with TX?

Thanks,

Charlie Arnold
Director
CMCS/FMG/DFP
 , (b)(6)

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THOMAS000256

Message

From: Bonelli, Anna (CMS/CMCS) , (b)(6)
Sent: 7/24/2023 4:19:33 PM
To: Howe, Rory (CMS/CMCS) , (b)(6)

accarroll, Amber

Silanskis, Jeremy

CC: Group
, (b)(6) Goldstein, Stuart
Arnold, Charlie
Clark, Jennifer

Subject: TX: TX: need decisions on outstanding SDPs

Rory, Amber, Jeremy:

As a head's up, we wanted you to know that there are impending decisions to be made on Texas SDPs that are currently under review. We need to make decisions on approving/RAI for five SDPs by **Monday, July 31**.

, (b)(5)

Stuart will try to connect with you tomorrow on this.
anna

Anna Bonelli | Senior Policy Advisor | CMS/CMCS | , (b)(6) | anna.bonelli@cms.hhs.gov

Message

From: Giles, John (CMS/CMCS) , (b)(6)
Sent: 7/28/2023 1:45:55 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Giles, John (CMS/CMCS) , (b)(6)
Subject: RE: RE: Quick Question on SDP Projections , (b)(6)

Hi Rory – I wanted to start working with OACT on the scoring that Dan wants. See below for what I think the 5 options are... let me know if you have others. Thank you!

1. Finalize everything as proposed (including financing requirements) – Under the SDP policies in the proposed rule, SDP spending may increase Federal spending by as much as \$107 billion over the next 10 years (from the RIA).
2. Finalize ACR for inpatient/outpatient hospital services, professional services at an academic medical center, and nursing facility services (financing is not finalized) – Federal Medicaid spending would be expected to increase between \$310 billion to \$420 billion over the next 10 years.
3. Finalize Medicare upper payment limits in Medicaid managed care for inpatient/outpatient hospital services, professional services at an academic medical center, and nursing facility services (financing is not finalized) – need an OACT score.
4. Finalize proposed SDP requirements without any payment limits in the regulation (financing is not finalized) – need an OACT score.
5. Finalize fee schedules/uniform increases at the Medicare upper payment limit; permit only VBP/quality-based models to go up to ACR; prohibit all separate payment terms; and prohibit post-payment reconciliations (financing is not finalized and allow a 3-year transition period) – need an OACT score.

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, July 21, 2023 8:13 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: FW: Quick Question on SDP Projections

Hi, John. Raising this to the top of your email per our conversation with Dan yesterday.

From: Howe, Rory (CMS/CMCS)
Sent: Wednesday, June 28, 2023 2:22 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: FW: Quick Question on SDP Projections

My quick read of Chris' email below - If states maxed out SDP spending up to ACR for hospitals and academic medical centers (as a result of being able to utilize payment hold harmless arrangements/payment redistributions for SDPs), federal spending would increase over the next 10 years by \$310 billion to \$420 billion. The increase represents projected spending in excess projected spending in the scenario of finalizing the NPRM at ACR and still being able to

restrict hold harmless/redistribution arrangements. Please let me know if you have any questions. I will work to incorporate into the paper/bullets.

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To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Subject: RE: Quick Question on SDP Projections

Hi, Chris. Thanks again for the work on this. I think the 10-year impact is most important for us to have. If it is not more work to also provide the 2027 impact, that would be helpful as a secondary number, but it is not critical at all.

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 12:55 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 1:45 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Just sent the appointment. Thanks, Chris!

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 12:32 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 11:42 AM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: Quick Question on SDP Projections

Hi, Chris. I hope all is well. Would you have a few minutes either today or tomorrow for a quick call (hopefully less than 15 min) on SDPs ?

Thanks,
Rory

Message

From: Giles, John (CMS/CMCS) , (b)(6)
Sent: 7/28/2023 6:42:01 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Giles, John (CMS/CMCS) , (b)(6)
Subject: RE: RE: Quick Question on SDP Projections , (b)(6)

Thanks Rory – I concur with your feedback and have edited the options as follows. Does this reflect your feedback? If so, I will move this to Chris (and include you on the email). Also, I will include you on all discussions with Chris/OACT. Thank you!

, (b)(5)

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, July 28, 2023 10:21 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Hi, John. Thanks for reaching out and pulling these together. Here are a few thoughts:

, (b)(5)

Thanks again for looping me in. Please let me know if you have any questions or would like to discuss.

Rory

From: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Sent: Friday, July 28, 2023 9:46 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Hi Rory – I wanted to start working with OACT on the scoring that Dan wants. See below for what I think the 5 options are... let me know if you have others. Thank you!

, (b)(5)

, (b)(5)

John Giles, MPA
Acting Director, Managed Care Group
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
Phone: 410-786-5545
E-mail: John.Giles1@cms.hhs.gov

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, July 21, 2023 8:13 AM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: FW: Quick Question on SDP Projections

Hi, John. Raising this to the top of your email per our conversation with Dan yesterday.

From: Howe, Rory (CMS/CMCS)
Sent: Wednesday, June 28, 2023 2:22 PM
To: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Subject: FW: Quick Question on SDP Projections

, (b)(5)

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 2:09 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

, (b)(5)

, (b)(5)

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Wednesday, June 28, 2023 1:06 PM
To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

Hi, Chris. Thanks again for the work on this. I think the 10-year impact is most important for us to have. If it is not more work to also provide the 2027 impact, that would be helpful as a secondary number, but it is not critical at all.

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Subject: RE: Quick Question on SDP Projections

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Subject: RE: Quick Question on SDP Projections

Just sent the appointment. Thanks, Chris!

From: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>
Sent: Tuesday, June 27, 2023 12:32 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: Quick Question on SDP Projections

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

Sent: Tuesday, June 27, 2023 11:42 AM

To: Truffer, Christopher (CMS/OACT) <Christopher.Truffer@cms.hhs.gov>

Subject: Quick Question on SDP Projections

Hi, Chris. I hope all is well. Would you have a few minutes either today or tomorrow for a quick call (hopefully less than 15 min) on SDPs ?

Thanks,
Rory

Message

From: adams, lia (CMS/CMCS) , (b)(6)
Sent: 7/31/2023 6:35:38 PM , (b)(6)
To: Howe, Rory (CMS/CMCS) , (b)(6)
CC: Boston, Beverly (CMS/CMCS) , (b)(6)

Vaccarroll, Amber

Silanskis, Jeremy

Subject: RE: RE: S1 response TO Honorable Kathy Castor

Removed OGC –

Just an FYI for status on Castor from the CMCS Open Correspondence Report.

SPS00505959	05/26/23	06/02/23	Castor, Kathy (U.S. House of Representatives) & 7 others	CONG DEL	MBHPG	Letter to the Secretary, Administrator, and Center Director urge HHS/CMS/CMCS to reauthorize Florida's Directed Payment Program (DPP) for the 2023 Medicaid managed care contract rating period, from 10/1/22 thru 9/30/23, to avoid any delays or lapses in care.	FL	OSG (holding folder)	SEC (OS)	5/26: Assigned to MBHPG for Secretary signature. Response due 6/2. 6/8: Draft response to OSORA for processing. Drafted by Laura Snyder and cleared by John Giles for DMCP (formerly). Cleared by Carrie Smith for MBHPG. 6/22: To OCD for review and clearance. Due 6/27. 7/20: Per OCD: "We need to hold until we have direction from OGC. We are checking with them and will let you know as soon as we hear back."	1	No
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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, July 31, 2023 2:02 PM

THOMAS000266

Message

From: Briskin, Perrie (CMS/CMCS)
Sent: 8/1/2023 5:16:47 PM
To: Howe, Rory (CMS/CMCS)
CC:
Subject: RE: RE: CMCS Correspondence - OCD Immediate Action

, (b)(6)
, (b)(6)
:hanski, Joseph
, (b)(6)

Hi second Rory's note.

Joe – Please pass this information on to OSG and let them know, to then share with OSORA, that the content of the letter depends on what we hear from OGC, and OGC is currently reviewing our draft response (which is a different, earlier draft than what OSG/OSORA shared).

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, August 1, 2023 1:15 PM
To: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: RE: CMCS Correspondence - OCD Immediate Action

Hi Perrie and Joe,

, (b)(5)

Thanks,
Rory

From: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Sent: Tuesday, August 1, 2023 12:02 PM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: FW: CMCS Correspondence - OCD Immediate Action
Importance: High

Perrie for background and decision since Dan is out.

, (b)(5)

I would argue these are completely topics/statutory issues - but wanted to defer to you all since Dan is OOO.

Thanks!!

Best,

Joe

From: Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>
Sent: Tuesday, August 1, 2023 11:39 AM
To: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Cc: Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Kassel, Adeena (CMS/CMCS) <Adeena.Kassel@CMS.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>; Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>
Subject: CMCS Correspondence - OCD Immediate Action
Importance: High

Good morning, Joe,
A couple weeks ago, OCD asked that we hold Castor, pending further direction from OGC. OSORA is now asking if there is a possible way for Dan to clear, given that there is general cleared language about topics under litigation (see the attached Bean response). They updated Castor to reflect such language. Would Dan be willing to clear?

From: Jackson, Marilyn (CMS/OSORA) <Marilyn.Jackson@cms.hhs.gov>
Sent: Tuesday, August 1, 2023 11:25 AM
To: Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>
Subject: RE: CMCS Correspondence - OCD Immediate Action

Hi Ken,

Is it possible to get an update on Castor? I realize that the issue is pending litigation; however, OGC has previously approved general language about letters whose topics are under litigation (example attached). Can we get OCD's approval on the revised version (attached), if OCD isn't willing to concur on the June version? Thanks!

From: Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>
Sent: Thursday, July 20, 2023 5:13 PM
To: Jackson, Marilyn (CMS/OSORA) <Marilyn.Jackson@cms.hhs.gov>
Subject: FW: CMCS Correspondence - OCD Immediate Action

Just received the following from OCD...

From: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Sent: Thursday, July 20, 2023 5:06 PM
To: Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Cc: Corbin, Angela (CMS/CMCS) <Angela.Corbin@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Hebert, Krista (CMS/CMCS)

<krista.hebert@cms.hhs.gov>

Subject: RE: CMCS Correspondence - OCD Immediate Action

Team - Please see updated status for correspondence items **below**. Thanks!

, (b)(5)

Message

From: Kochanski, Joseph (CMS/CMCS) , (b)(6)
Sent: 8/1/2023 5:23:26 PM , (b)(6)
To: Briskin, Perrie (CMS/CMCS) , (b)(6)
owe, Rory (CMS/CMCS)
CC: , (b)(6)
Subject: RE: RE: CMCS Correspondence - OCD Immediate Action]

Thanks guys – will do!

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Tuesday, August 1, 2023 1:17 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: RE: CMCS Correspondence - OCD Immediate Action

Hi second Rory's note.

Joe – Please pass this information on to OSG and let them know, to then share with OSORA, that the content of the letter depends on what we hear from OGC, and OGC is currently reviewing our draft response (which is a different, earlier draft than what OSG/OSORA shared).

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Sent: Tuesday, August 1, 2023 1:15 PM
To: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: RE: CMCS Correspondence - OCD Immediate Action

Hi Perrie and Joe,

, (b)(5)

Thanks,
Rory

From: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Sent: Tuesday, August 1, 2023 12:02 PM

THOMAS000270

To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: FW: CMCS Correspondence - OCD Immediate Action
Importance: High

Perrie for background and decision since Dan is out.

, (b)(5)

Thanks!!

Best,

Joe

From: Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>
Sent: Tuesday, August 1, 2023 11:39 AM
To: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>
Cc: Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Kassel, Adeena (CMS/CMCS) <Adeena.Kassel@CMS.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>; Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>
Subject: CMCS Correspondence - OCD Immediate Action
Importance: High

Good morning, Joe,

, (b)(5)

From: Jackson, Marilyn (CMS/OSORA) <Marilyn.Jackson@cms.hhs.gov>
Sent: Tuesday, August 1, 2023 11:25 AM
To: Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>
Subject: RE: CMCS Correspondence - OCD Immediate Action

Hi Ken,

, (b)(5)

From: Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>
Sent: Thursday, July 20, 2023 5:13 PM
To: Jackson, Marilyn (CMS/OSORA) <Marilyn.Jackson@cms.hhs.gov>
Subject: FW: CMCS Correspondence - OCD Immediate Action

Just received the following from OCD...

THOMAS000271

From: Kochanski, Joseph (CMS/CMCS) <Joseph.Kochanski@cms.hhs.gov>

Sent: Thursday, July 20, 2023 5:06 PM

To: Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Corbin, Angela (CMS/CMCS) <Angela.Corbin@cms.hhs.gov>; Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Mannix, Norma (CMS/CMCS) <norma.mannix@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>

Subject: RE: CMCS Correspondence - OCD Immediate Action

Team - Please see updated status for correspondence items **below**. Thanks!

, (b)(5)

Message

From: Thompson, Christopher (CMS/CMCS) , (b)(6)
Sent: 8/3/2023 12:47:26 PM , (b)(6)
To: Mcmillion, Todd (CMS/CMCS) , (b)(6)
Mikow, Asher
]; Badaracco, Andrew
]; Sampson, Tamara
Knight, Gary
Harrison, Wendy
; Tilahun, Negussie
imball (he,him), Richard
holt, Blake (CMS/CMCS)
, (b)(6) ymundo, Joe
Brown, Sharon
; Kaminsky, Stephanie
Caughey, Tom
]; James-Hailey, Novena
Howe, Rory
anskis, Jeremy
Vaccarroll, Amber

Subject: Agenda: DRR/DRP 4-on-3 Meeting - 8/3/23

<u>Dates to Keep on Your Radar</u>			
<u>Project</u>	<u>Date</u>	<u>Project</u>	<u>Date</u>
<u>BSCA SBS:</u>	-	<u>CCBHC:</u>	-
NOFO to go into AMC and Dan's night notes	Week of 8/17/2023	OCD Briefing - Guidance	To be cleared via e-mail
Econometric Webinar: TAC	8/17/2023	Issuance of Revised Guidance	9/1/2023
Internal Cost Report Training	© 9/1/23 – 9/15/23	Issuance of Revised Cost Report	9/1/2023
THOMAS000273			

Finalization of draft NOFO	9/1/2023	<u>Access:</u>	-
Name Presentation	10/23/2023	-	-
Release of NOFO	4/2/2024	-	-
Disbursement of Grants	6/30/2024	-	-
<u>UPL:</u>		—	-
MPR Contractor Support	4/2024	-	-
to end			
<u>SPV:</u>		-	-
Data Roll-up due	Fall of 2023	-	-

DRP/DRR 4-on- 3 Meeting

<u>Division</u>	<u>Agenda Items</u>	<u>Reminders</u>
<u>DRP:</u>	<p>IHS 100% FMAP Issue</p> <p><u>SBS - Grants:</u> Aiming to place NOFO into AMC and Dan's night notes the week of 8/17/23</p>	<u>None</u>
<u>DRR:</u>	<p><u>CA Admin fee as % of IGT</u> - GEMT SPA</p> <p><u>Processing of Technical Corrections:</u> SPA's, TSIP's, MAC Plans, and PACAP's</p> <p><u>TX-19-0020:</u> DRR has reviewed...LPPF issue is only outstanding issue</p> <p><u>TX-21-0036:</u> HARP SPA for Private Hospitals</p> <p><u>NY-18-0015:</u> Intercept financing issue is only remaining issue with SPA</p>	<u>None</u>

Thank you,

Chris Thompson
Division Director
Division of Reimbursement Policy
Center for Medicaid and CHIP Services
Centers for Medicare & Medicaid Services
7500 Security Blvd., Mail Stop S3-14-28
Baltimore, MD 21244
Phone: , (b)(6)

INFORMATION NOT RELEASABLE TO THE PUBLIC UNLESS AUTHORIZED BY LAW: This information has not been publicly disclosed and may be privileged and confidential. It is for internal government use only and must not be disseminated, distributed, or copied to persons not authorized to receive the information. Unauthorized disclosure may result in prosecution to the full extent of the law.