
From: "Howe, Rory (CMS/CMCS)" (b)(6)
(b)(6)

Sent: 12/13/2022 11:02:27 AM -0500

To: "Arroyo, Anna R. EOP/OMB" (b)(6)

CC: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>; "Wolgast, Henry K. EOP/OMB" (b)(6); Duguay, Vanessa J. EOP/OMB" (b)(6); Cheung, Douglas G. EOP/OMB"

Subject: RE: RE: Tuesday call on LA disallowance

Attachments: Healthcare Related Taxes CIB-DRAFT.docx

Hi Anna,

Please see below a summary of the information we just shared on LA. Please also see attached an informal copy of the draft health care-related tax CIB.

FMG is not aware of any disallowances recently issued or in process for Louisiana. We believe the issue relates to an active 2022 Financial Management Review (FMR) that FMG is conducting regarding whether the state claimed the 6.2 percentage point FFCRA FMAP accurately (not whether they complied with section overall section 6008 requirements). The FMR, which covered the first two quarters of calendar year 2020, is still ongoing and we have not issued a draft report to the state or finalized any potential findings.

Preliminarily, FMG staff and our contractor identified almost \$4 billion in FFP claimed that did not appear to have supporting documentation. Throughout the FMR, we have provided the state an opportunity to provide supporting documentation and they have now documented all but about \$800 million FFP. The state recently expressed some challenges with producing the remaining documentation due to its contractor. We are continuing to work with the state to obtain any remaining documentation and are not certain whether there will be a finding in this area (and if so, how much). If a disallowance is ultimately necessary on this issue, it would likely not occur until late 2023, it could be for a significantly reduced amount, and it would follow many additional opportunities for the state to demonstrate that its claims at issue were allowable.

Please let us know if you have questions about either the Louisiana issue or the draft Tax CIB.

Thanks,

Rory

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

From: Howe, Rory (CMS/CMCS)

Sent: Monday, December 12, 2022 2:23 PM

To: Howe, Rory (CMS/CMCS); Arroyo, Anna R. EOP/OMB

Cc: Maccarroll, Amber (CMS/CMCS); Wolgast, Henry K. EOP/OMB; Duguay, Vanessa J. EOP/OMB; Cheung, Douglas G. EOP/OMB

Subject: Tuesday call on LA disallowance

When: Tuesday, December 13, 2022 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where:

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

Rory Howe is inviting you to a scheduled ZoomGov meeting.

Join ZoomGov Meeting

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

Meeting ID: (b)(6)

Password: (b)(6)

One tap mobile

+16692545252, (b)(6) US (San Jose)

+16468287666, (b)(6) US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

833 568 8864 US Toll-free

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Password: (b)(6)

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Join by SIP

Password: (b)(6)

sip:(b)(6)@sip.zoomgov.com

This meeting may be recorded. The host is responsible for maintaining any official recordings/transcripts of this meeting. If recorded, this meeting becomes an official record and shall be retained by the host in their files for 3 years or if longer needed for agency business. If a recording intends to be fully transcribed or is being captured for the purpose of creating meeting minutes, the host shall retain the record in their files for 3 years or if no longer needed for agency business, whichever is later.

From: Arroyo, Anna R. EOP/OMB <(b)(6)>
Sent: Monday, December 12, 2022 2:08 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6); Duguay, Vanessa J. EOP/OMB (b)(6)
Subject: RE: Tuesday call on LA disallowance

Hello again—Below is an update on our availability. Thanks!

9:30-10, 10:30-11, 11:30-1:30, and 3:30-4:40

From: Arroyo, Anna R. EOP/OMB
Sent: Monday, December 12, 2022 1:13 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: 'Maccarroll, Amber (CMS/CMCS)' <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
Subject: Tuesday call on LA disallowance

Hi Rory—Can we schedule a 30 minute call tomorrow to discuss the LA disallowance issue that was discussed at the Friday EOP-HHS Medicaid meeting? Topher asked us for details and we'd like to discuss a few follow-up questions. It would be helpful if you could send

paper (assuming you have something on the shelf) in advance of the call. We are available tomorrow at 9:30-11, 11:30-1:30, and 3:30-4:40. Thanks!

From: "Howe, Rory (CMS/CMCS)" (b)(6)
(b)(6)

Sent: 8/31/2023 12:39:04 PM -0400

To: "Campbell, Matthew (HHS/OGC)" <Matthew.Campbell@hhs.gov>; "Giles, John (CMS/CMCS)" <John.Giles1@cms.hhs.gov>

CC: "Saslaw, Alexandra R. (CIV)" <Alexandra.R.Saslaw@usdoj.gov>; "Hoskins, David (HHS/OGC)" <David.Hoskins@hhs.gov>; "Vogel, Jeremy (HHS/OGC)" <Jeremy.Vogel@hhs.gov>; "Kaiser, Bridgette (HHS/OGC)" <Bridgette.Kaiser@hhs.gov>

Subject: RE: RE: PI Motion in Florida Hold Harmless Litigation

Hi, Matt. Thanks for connecting today. Sorry for the delayed response. Would 10AM EDT work tomorrow?

From: Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>
Sent: Tuesday, August 29, 2023 4:02 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>
Cc: Saslaw, Alexandra R. (CIV) (b)(6) Hoskins, David (HHS/OGC) <David.Hoskins@hhs.gov>; Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>
Subject: PI Motion in Florida Hold Harmless Litigation

Rory and John,

(b)(5)

Matt

Matthew A. Campbell

Attorney

Office of the General Counsel – CMS Division

U.S. Department of Health & Human Services

330 Independence Ave. S.W.

Cohen Building, Room 5316

Washington, D.C. 20201

(202) 240-3275 (office)

(b)(6)

(mobile)

From: "Howe, Rory (CMS/CMCS)" (b)(6)
Sent: 11/8/2022 3:56:31 PM -0500
To: "Costello, Anne Marie (CMS/CMCS)" <AnneMarie.Costello@cms.hhs.gov>
CC: "McClenathan, Jane (CMS/CMCS)" <Jane.McClenathan@cms.hhs.gov>;
"Silanskis, Jeremy (CMS/CMCS)" <Jeremy.Silanskis@cms.hhs.gov>;
"Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Thanks and understood. You were right on it! Apologies for any confusion.

From: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Sent: Tuesday, November 8, 2022 3:54 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

I sent the bullets to Hannah already so don't worry about revising. It is this sentence that made me think it is all connected.

We understand CMS has recently revised its interpretation of "emergency ambulance services" through verbal direction to some states.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, November 8, 2022 3:51 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Cc: McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Hi Anne Marie,

Please see attached the underlying AAA letter. I'm just connecting the dots here that, last week, OA delegated a meeting request from the American Ambulance Association to FMG and DEHPG. The AAA letter/meeting request generally references a reimbursement issue and does not directly link it to health care-related taxes, so I mistakenly thought the

request was about the GEMT CIB that we recently issued. Please let me know if you'd like me to update the bullets that we sent to note that the AAA has also requested a meeting with CMS on the health care-related tax issue.

As part of the meeting delegation email, OSG attached the letter from Governors Bel Edwards and Evers and the associated white paper. We have not separately received the governors' letter through SWIFT for a response.

I hope this helps connect the dots. Please let me know if you have questions or need anything else.

Thanks,

Rory

From: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Sent: Tuesday, November 8, 2022 3:25 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Cc: McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>
Subject: FW: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

I don't have the underlying letter but flagging this as I think it is related to the ambulance tax issue.

From: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Sent: Tuesday, November 8, 2022 8:28 AM
To: Harshman, Sara (CMS/CMCS) <Sara.Harshman@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Cross-Call, Jesse (OS/IEA) <Jesse.Cross-call@hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>
Cc: Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Hi – sorry that I’m just seeing this – this has come in a few different ways. We’ll loop back with you.

From: Harshman, Sara (CMS/CMCS) <Sara.Harshman@cms.hhs.gov>
Sent: Monday, November 7, 2022 11:54 AM
To: Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Cross-Call, Jesse (OS/IEA) <Jesse.Cross-call@hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Cc: Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>
Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Looping in Jane to help shuttle this request through the proper channels.

From: Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>
Sent: Monday, November 7, 2022 11:37 AM
To: Cross-Call, Jesse (OS/IEA) <Jesse.Cross-call@hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>
Cc: Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Harshman, Sara (CMS/CMCS) <Sara.Harshman@cms.hhs.gov>
Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Good morning. I’m adding Kristiana and Perrie and Sara for help since some folks are traveling.

From: Cross-Call, Jesse (OS/IEA) <Jesse.Cross-call@hhs.gov>
Sent: Monday, November 7, 2022 11:35 AM
To: Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Harris, Will (CMS/OA) <William.Harris@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>
Subject: FW: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Hannah, Will, and Kyla-

Hoping you could direct me to the person at CMS best equipped to speak to this air ambulance issue. The White House is looking to get a briefing/ additional context on the issue.

Jesse

From: Figueroa, Marvin (HHS/IEA) <Marvin.Figueroa@hhs.gov>
Sent: Thursday, October 27, 2022 6:06 PM
To: Nudelman, Joshua S. EOP/WHO (b)(6); Marshall, Kathleen M. EOP/WHO (b)(6); Cross-Call, Jesse (OS/IEA) <Jesse.Cross-call@hhs.gov>
Cc: Davis, Ryan A. EOP/WHO (b)(6)
Subject: Re: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Coordinating with CMS. Let me get you a status update on this on Monday.

From: Nudelman, Joshua S. EOP/WHO (b)(6)
Sent: Wednesday, October 26, 2022 11:01 AM
To: Marshall, Kathleen M. EOP/WHO (b)(6); Figueroa, Marvin (HHS/IEA) <Marvin.Figueroa@hhs.gov>
Cc: Davis, Ryan A. EOP/WHO (b)(6)
Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Hey Marvin- Would either 1:30 or 4:30 pm on Friday work for you for this back briefing? More than happy to look into Monday if these options don't work.

From: Marshall, Kathleen M. EOP/WHO (b)(6)
Sent: Tuesday, October 25, 2022 10:16 AM
To: Marvin.Figueroa@hhs.gov
Cc: Davis, Ryan A. EOP/WHO (b)(6); Nudelman, Joshua S. EOP/WHO (b)(6)
Subject: FW: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Hi Marvin could we get a back briefing on this issue? I am also adding in Ryan Davis because NEC has been dealing with supply chain issues associated with ambulances, and Josh to help schedule. Please note the attached letter from Governor Edwards and Evers - kate

From: Kathleen Lester <klester@lesterhealthlaw.com>
Sent: Monday, October 24, 2022 8:20 PM
To: Marshall, Kathleen M. EOP/WHO <(b)(6)>
Subject: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Good evening!

I hope you are doing well! I am working with the American Ambulance Association (AAA), which you may recall represents ground ambulance services of various types, sizes, and geographic locations throughout the United States. I am looking for some advice and help about how to get CMS to engage with us and other stakeholders to address a Medicaid reimbursement issue.

Ambulance services are struggling to recruit and retain staff, maintain service levels, and meet the demand for their services. The industry has been hit hard by the COVID-19 pandemic, wage inflation, and the national healthcare workforce shortage.

This is leading to:

- Delayed response times to medical 911 calls;
- Hospital overcrowding due to delays in discharge and transportation to other care sites; and
- Impaired access to care for vulnerable residents who rely on ambulance transportation.

We are working with numerous states to increase Medicaid reimbursement for ambulance providers to help them with these challenges. However, CMS is reinterpreting a definition that will reduce the amount of additional funding available to states by approximately half. Specifically, this interpretation could have an outsized impact on rural providers and transportation for patients between facilities that require medical care. The issue centers on how CMS is defining "emergency ambulance services".

We understand CMS has recently revised its interpretation of "emergency ambulance services" through verbal direction to some states. We are working to ask CMS to reconsider the definition reinterpretation and engage with industry stakeholders on this issue.

I am attaching a letter from Governors Edwards and Evers asking the Administrator to step in and help address this issue, as well as the legal memorandum they reference in their letter.

I hope that you can help us as well. I'm in the process of requesting a meeting with the Administrator, but would appreciate your assistance in helping to direct us as to the best way to solve this problem.

I appreciate your review of this issue. Please don't hesitate to reach out to me if you have questions.

Thanks!

Kathy

--

Kathleen J. Lester

Lester Health Law PLLC

601 13th Street, NW

11th Floor

Washington, DC 20005

phone 202.534.1773

ce (b)(6)

klester@lesterhealthlaw.com

From: "Howe, Rory (CMS/CMCS)" (b)(6)
(b)(6)
Sent: 11/18/2022 10:01:45 AM -0500
To: "Arroyo, Anna R. EOP/OMB" (b)(6)
CC: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>; "Wolgast, Henry K. EOP/OMB" (b)(6)
Subject: RE: RE: resuming financing monthly calls

Hi, Anna. Sorry for the delayed response. Yes, that sounds great. I will send out a new appointment shortly!

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Wednesday, November 16, 2022 10:10 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
Subject: resuming financing monthly calls

Hi Rory—I was wondering if we could resume our financing monthly call schedule, my apologies for being remiss in following up. Are you guys still available the first Thursday of the month at 10:30am? Below are the topics we previously discussed. Does this sound like a good plan? Thanks!

- December: FMR on SDPs
- January: UPL demonstrations deep dive
- February: Walk through graphs shared with us during MFAR review (about 11 exhibits)
- March: GAO-21-98, CMS Needs More Information on States' Financing and Payment Arrangements
- April: OIG report A-03-16-00202, Hospital Tax Program in Seven States

From: "Howe, Rory (CMS/CMCS)" (b)(6)
(b)(6)
Sent: 11/29/2022 4:31:01 PM -0500
To: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>
CC: "Silanskis, Jeremy (CMS/CMCS)" <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: RE: resuming financing monthly calls

That would be great, Amber. Thank you.

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Tuesday, November 29, 2022 4:20 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: FW: resuming financing monthly calls

Flagging to make sure you saw this – realize it's been a hectic day. I can get back to Anna if you want me to.

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Tuesday, November 29, 2022 11:13 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi Rory—Glad to hear you are available to resume the calls. Assume this Thursday 12/1 at 10:30am still works? Let me know if you want me to send out the appointment. Thanks!

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, November 18, 2022 10:02 AM
To: Arroyo, Anna R. EOP/OMB (b)(6)
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi, Anna. Sorry for the delayed response. Yes, that sounds great. I will send out a new appointment shortly!

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Wednesday, November 16, 2022 10:10 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
Subject: resuming financing monthly calls

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- March: GAO-21-98, CMS Needs More Information on States' Financing and Payment Arrangements
- April: OIG report A-03-16-00202, Hospital Tax Program in Seven States

From: "Howe, Rory (CMS/CMCS)" (b)(6)
(b)(6)
Sent: 1/12/2023 9:55:31 AM -0500
To: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: RE: resuming financing monthly calls

I think we should just say the current version is essentially the latest. The OGC comments were relatively light and we are rejecting a number of OL edits, but the team is still working on it.

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, January 12, 2023 9:46 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: FW: resuming financing monthly calls

What version of the CIB should we send them?

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Thursday, January 12, 2023 9:36 AM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Perfect, I'll send an updated appointment. On the CIB, if you have an updated draft you could share that would be great so we are looking at the most recent draft (if there have been changes). Thanks!

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, January 12, 2023 9:28 AM
To: Arroyo, Anna R. EOP/OMB (b)(6); Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi Anna –

Let's plan to do the UPL next Thursday (1/19) at the same time (10:30). If you have any questions on the CIB after you've had a chance to review, we can talk through those at that time as well.

Thanks, Amber

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Thursday, January 12, 2023 9:19 AM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

One other thing, we can also make time to review the draft CIB this week and connect next Tuesday if that works on you end. Let us know.

From: Arroyo, Anna R. EOP/OMB
Sent: Thursday, January 12, 2023 9:12 AM
To: 'Maccarroll, Amber (CMS/CMCS)' <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi Amber—Henry and I prepared for the UPL deep dive conversation (and actually have not had a chance to review the CIB yet) so if the UPL folks aren't available today for the UPL convo perhaps we can move to next week at the same time? I just don't think it will be a super fruitful conversation on the CIB if we haven't reviewed. Let me know what you prefer, we are flexible. Thanks!

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, January 12, 2023 9:06 AM
To: Arroyo, Anna R. EOP/OMB (b)(6); Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi Anna –

For today's call, we are wondering if we could switch the topics and discuss either the draft CIB on provider taxes or the MFAR topic (slated for February below)?

Thanks, Amber

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Wednesday, November 16, 2022 10:10 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
Subject: resuming financing monthly calls

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- February: Walk through graphs shared with us during MFAR review (about 11 exhibits)
- March: GAO-21-98, CMS Needs More Information on States' Financing and Payment Arrangements
- April: OIG report A-03-16-00202, Hospital Tax Program in Seven States

From: "Costello, Anne Marie (CMS/CMCS)" <AnneMarie.Costello@cms.hhs.gov>
Sent: 11/8/2022 3:57:30 PM -0500
To: "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
CC: "McClenathan, Jane (CMS/CMCS)" <Jane.McClenathan@cms.hhs.gov>;
"Silanskis, Jeremy (CMS/CMCS)" <Jeremy.Silanskis@cms.hhs.gov>;
"Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Not worries. I would not have thought about ground emergency services as the same issue if I had not just read your paper and prepping to talk to Hannah

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, November 8, 2022 3:57 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Cc: McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Thanks and understood. You were right on it! Apologies for any confusion.

From: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Sent: Tuesday, November 8, 2022 3:54 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

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Sent: Tuesday, November 8, 2022 3:51 PM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
Cc: McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>

Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

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I hope this helps connect the dots. Please let me know if you have questions or need anything else.

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

Sent: Tuesday, November 8, 2022 3:25 PM

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

Cc: McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>

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Cc: Yao, Kristiana (CMS/OA) <Kristiana.Yao1@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; McClenathan, Jane (CMS/CMCS) <Jane.McClenathan@cms.hhs.gov>; Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>
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Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

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Hannah, Will, and Kyla-

Hoping you could direct me to the person at CMS best equipped to speak to this air ambulance issue. The White House is looking to get a briefing/ additional context on the issue.

Jesse

From: Figueroa, Marvin (HHS/IEA) <Marvin.Figueroa@hhs.gov>

Sent: Thursday, October 27, 2022 6:06 PM

To: Nudelman, Joshua S. EOP/WHO (b)(6); Marshall, Kathleen M. EOP/WHO (b)(6) Cross-Call, Jesse (OS/IEA) <Jesse.Cross-call@hhs.gov>

Cc: Davis, Ryan A. EOP/WHO (b)(6)

Subject: Re: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Coordinating with CMS. Let me get you a status update on this on Monday.

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Sent: Wednesday, October 26, 2022 11:01 AM

To: Marshall, Kathleen M. EOP/WHO (b)(6); Figueroa, Marvin (HHS/IEA) <Marvin.Figueroa@hhs.gov>

Cc: Davis, Ryan A. EOP/WHO (b)(6)

Subject: RE: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Hey Marvin- Would either 1:30 or 4:30 pm on Friday work for you for this back briefing? More than happy to look into Monday if these options don't work.

From: Marshall, Kathleen M. EOP/WHO (b)(6)

Sent: Tuesday, October 25, 2022 10:16 AM

To: Marvin.Figueroa@hhs.gov

Cc: Davis, Ryan A. EOP/WHO (b)(6) Nudelman, Joshua S. EOP/WHO (b)(6)

Subject: FW: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Hi Marvin could we get a back briefing on this issue? I am also adding in Ryan Davis because NEC has been dealing with supply chain issues associated with ambulances, and Josh to help schedule. Please note the attached letter from Governor Edwards and Evers - kate

From: Kathleen Lester <klester@lesterhealthlaw.com>

Sent: Monday, October 24, 2022 8:20 PM

To: Marshall, Kathleen M. EOP/WHO <(b)(6)>

Subject: [EXTERNAL] Assistance with a Medicaid Issue for Ground Ambulance Services

Good evening!

I hope you are doing well! I am working with the American Ambulance Association (AAA), which you may recall represents ground ambulance services of various types, sizes, and geographic locations throughout the United States. I am looking for some advice and help about how to get CMS to engage with us and other stakeholders to address a Medicaid reimbursement issue.

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I am attaching a letter from Governors Edwards and Evers asking the Administrator to step in and help address this issue, as well as the legal memorandum they reference in their letter.

I hope that you can help us as well. I'm in the process of requesting a meeting with the Administrator, but would appreciate your assistance in helping to direct us as to the best way to solve this problem.

I appreciate your review of this issue. Please don't hesitate to reach out to me if you have questions.

Thanks!

Kathy

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Kathleen J. Lester

Lester Health Law PLLC

601 13th Street, NW

11th Floor

Washington, DC 20005

phone 202.534.1773

cell (b)(6)

klester@lesterhealthlaw.com

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Sent: 11/8/2022 3:54:19 PM -0500
To: "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
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"Silanskis, Jeremy (CMS/CMCS)" <Jeremy.Silanskis@cms.hhs.gov>;
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From: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>
Sent: 11/29/2022 4:20:00 PM -0500
To: "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
CC: "Silanskis, Jeremy (CMS/CMCS)" <Jeremy.Silanskis@cms.hhs.gov>
Subject: FW: FW: resuming financing monthly calls

Flagging to make sure you saw this – realize it's been a hectic day. I can get back to Anna if you want me to.

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Tuesday, November 29, 2022 11:13 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi Rory—Glad to hear you are available to resume the calls. Assume this Thursday 12/1 at 10:30am still works? Let me know if you want me to send out the appointment. Thanks!

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, November 18, 2022 10:02 AM
To: Arroyo, Anna R. EOP/OMB (b)(6)
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi, Anna. Sorry for the delayed response. Yes, that sounds great. I will send out a new appointment shortly!

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Wednesday, November 16, 2022 10:10 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
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Hi Rory—I was wondering if we could resume our financing monthly call schedule, my apologies for being remiss in following up. Are you guys still available the first Thursday of the month at 10:30am? Below are the topics we previously discussed. Does this sound like a good plan? Thanks!

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- January: UPL demonstrations deep dive
- February: Walk through graphs shared with us during MFAR review (about 11 exhibits)
- March: GAO-21-98, CMS Needs More Information on States' Financing and Payment Arrangements
- April: OIG report A-03-16-00202, Hospital Tax Program in Seven States

From: "Arroyo, Anna R. EOP/OMB" (b)(6)
Sent: 11/29/2022 11:13:02 AM -0500
To: "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
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Sent: 11/29/2022 4:45:54 PM -0500
To: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>; "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
CC: "Wolgast, Henry K. EOP/OMB" (b)(6)
Subject: RE: RE: resuming financing monthly calls

Great! I'll send out the appointment shortly.

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Tuesday, November 29, 2022 4:42 PM
To: Arroyo, Anna R. EOP/OMB (b)(6); Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi Anna –

Yes – 10:30 on Thursday still works. If you want to send out the appointment, that would be great, otherwise, I don't mind either.

Looking forward to connecting again,

Amber

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- March: GAO-21-98, CMS Needs More Information on States' Financing and Payment Arrangements
- April: OIG report A-03-16-00202, Hospital Tax Program in Seven States

From: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>
Sent: 11/29/2022 4:41:42 PM -0500
To: "Arroyo, Anna R. EOP/OMB" [REDACTED] (b)(6) "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
CC: "Wolgast, Henry K. EOP/OMB" [REDACTED] (b)(6)
Subject: RE: RE: resuming financing monthly calls

Hi Anna –

Yes – 10:30 on Thursday still works. If you want to send out the appointment, that would be great, otherwise, I don't mind either.

Looking forward to connecting again,

Amber

From: Arroyo, Anna R. EOP/OMB [REDACTED] (b)(6)
Sent: Tuesday, November 29, 2022 11:13 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB [REDACTED] (b)(6)
Subject: RE: resuming financing monthly calls

Hi Rory—Glad to hear you are available to resume the calls. Assume this Thursday 12/1 at 10:30am still works? Let me know if you want me to send out the appointment. Thanks!

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, November 18, 2022 10:02 AM
To: Arroyo, Anna R. EOP/OMB [REDACTED] (b)(6)
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB [REDACTED] (b)(6)
Subject: RE: resuming financing monthly calls

Hi, Anna. Sorry for the delayed response. Yes, that sounds great. I will send out a new appointment shortly!

From: Arroyo, Anna R. EOP/OMB [REDACTED] (b)(6)
Sent: Wednesday, November 16, 2022 10:10 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K.

EOP/OMB (b)(6)

Subject: resuming financing monthly calls

Hi Rory—I was wondering if we could resume our financing monthly call schedule, my apologies for being remiss in following up. Are you guys still available the first Thursday of the month at 10:30am? Below are the topics we previously discussed. Does this sound like a good plan? Thanks!

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- March: GAO-21-98, CMS Needs More Information on States' Financing and Payment Arrangements
- April: OIG report A-03-16-00202, Hospital Tax Program in Seven States

From: "Arroyo, Anna R. EOP/OMB" (b)(6)
Sent: 12/13/2022 11:16:09 AM -0500
To: "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
Subject: RE: RE: Tuesday call on LA disallowance

Thanks, Rory!

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, December 13, 2022 11:02 AM
To: Arroyo, Anna R. EOP/OMB (b)(6)
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6); Duguay, Vanessa J. EOP/OMB
(b)(6); Cheung, Douglas G. EOP/OMB
Subject: RE: Tuesday call on LA disallowance

Hi Anna,

Please see below a summary of the information we just shared on LA. Please also see attached an informal copy of the draft health care-related tax CIB.

FMG is not aware of any disallowances recently issued or in process for Louisiana. We believe the issue relates to an active 2022 Financial Management Review (FMR) that FMG is conducting regarding whether the state claimed the 6.2 percentage point FFCRA FMAP accurately (not whether they complied with section overall section 6008 requirements). The FMR, which covered the first two quarters of calendar year 2020, is still ongoing and we have not issued a draft report to the state or finalized any potential findings.

Preliminarily, FMG staff and our contractor identified almost \$4 billion in FFP claimed that did not appear to have supporting documentation. Throughout the FMR, we have provided the state an opportunity to provide supporting documentation and they have now documented all but about \$800 million FFP. The state recently expressed some challenges with producing the remaining documentation due to its contractor. We are continuing to work with the state to obtain any remaining documentation and are not certain whether there will be a finding in this area (and if so, how much). If a disallowance is ultimately necessary on this issue, it would likely not occur until late 2023, it could be for a significantly reduced amount, and it would follow many additional opportunities for the state to demonstrate that its claims at issue were allowable.

Please let us know if you have questions about either the Louisiana issue or the draft Tax CIB.

Thanks,

Rory

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

From: Howe, Rory (CMS/CMCS)

Sent: Monday, December 12, 2022 2:23 PM

To: Howe, Rory (CMS/CMCS); Arroyo, Anna R. EOP/OMB

Cc: Maccarroll, Amber (CMS/CMCS); Wolgast, Henry K. EOP/OMB; Duguay, Vanessa J. EOP/OMB; Cheung, Douglas G. EOP/OMB

Subject: Tuesday call on LA disallowance

When: Tuesday, December 13, 2022 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where:

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

Rory Howe is inviting you to a scheduled ZoomGov meeting.

Join ZoomGov Meeting

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

Meeting ID: [\(b\)\(6\)](#)

Password: [\(b\)\(6\)](#)

One tap mobile

+16692545252, [\(b\)\(6\)](#) US (San Jose)

+16468287666, [\(b\)\(6\)](#) US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

833 568 8864 US Toll-free

Meeting ID: (b)(6)

Password: (b)(6)

Find your local number: <https://cms.zoomgov.com/j/aeCOIYvge5>

Join by SIP

Password: (b)(6)

[sip:\(b\)\(6\)@sip.zoomgov.com](mailto:(b)(6)@sip.zoomgov.com)

This meeting may be recorded. The host is responsible for maintaining any official recordings/transcripts of this meeting. If recorded, this meeting becomes an official record and shall be retained by the host in their files for 3 years or if longer needed for agency business. If a recording intends be fully transcribed or is being captured for the purpose of creating meeting minutes, the host shall retain the record in their files for 3 years or if no longer needed for agency business, whichever is later.

From: Arroyo, Anna R. EOP/OMB (b)(6) >
Sent: Monday, December 12, 2022 2:08 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6) Duguay, Vanessa J. EOP/OMB (b)(6)
Subject: RE: Tuesday call on LA disallowance

Hello again! Below is an update on our availability. Thanks!

9:30-10, 10:30-11, 11:30-1:30, and 3:30-4:40

From: Arroyo, Anna R. EOP/OMB
Sent: Monday, December 12, 2022 1:13 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: 'Maccarroll, Amber (CMS/CMCS)' <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry

K. EOP/OMB

(b)(6)

Subject: Tuesday call on LA disallowance

Hi Roryâ€”Can we schedule a 30 minute call tomorrow to discuss the LA disallowance issue that was discussed at the Friday EOP-HHS Medicaid meeting? Topher asked us for details and weâ€™d like to discuss a few follow-up questions. It would be helpful if you could send paper (assuming you have something on the shelf) in advance of the call. We are available tomorrow at 9:30-11, 11:30-1:30, and 3:30-4:40. Thanks!

From: "Silanskis, Jeremy (CMS/CMCS)" <Jeremy.Silanskis@cms.hhs.gov>
Sent: 12/22/2022 9:56:06 AM -0500
To: "Beronio, Kirsten (CMS/CMCS)" <Kirsten.Beronio1@cms.hhs.gov>; "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>; "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: RE: Follow-up Harm Reduction IWG - Reimbursement

Hi Kirsten –

Sorry for the delay. We've been wrapped up in the end of year rush. Thank you for pushing back on adding SMDL or CIB guidance to the work plan. I think that would be difficult to pull-off with other 2023 priorities. The guidance that you've linked to is still correct and could be the basis for a slide deck or webinar. If you have any questions about the guidance and how it is applied, Asher Mikow in the Division of Reimbursement Policy is the best resource. Thanks!

Jeremy

From: Beronio, Kirsten (CMS/CMCS) <Kirsten.Beronio1@cms.hhs.gov>
Sent: Wednesday, December 14, 2022 5:14 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: FW: Follow-up Harm Reduction IWG - Reimbursement

Hi Rory and Amber. I was invited to attend a meeting convened by ONDCP a week or so ago regarding harm reduction related to substance use disorders (see summary below). Apparently, this group was convened in order to develop a recommendation for CMCS to issue a SMDL on bundled payments for these kinds of services. I informed the group that we could not add any new SMDLs or CIBs to the work plan for next year. They are still interested in exploring some other approaches to providing guidance, e.g., with a slide deck or webinar, on this topic of bundled payments for harm reduction services. Is the following guidance I found on Medicaid.gov applicable? Happy to talk further about this if that would be helpful.

<https://www.medicaid.gov/state-resource-center/downloads/spa-and-1915-waiver-processing/bundled-rate-payment-methodology.pdf>

Kirsten Beronio, JD

Senior Policy Advisor

Center for Medicaid And CHIP Services

Centers for Medicare and Medicaid Services

Kirsten.beronio1@cms.hhs.gov

240-749-8419

From: Bluestein, Jenna P. EOP/ONDCP (b)(6)
Sent: Wednesday, December 7, 2022 10:28 AM
To: Schwartz, Daniel (OS/ASPE) <Daniel.Schwartz@hhs.gov>; Carroll, Christopher (CMS/DHHS-OS) <Christopher.Carroll@cms.hhs.gov>; Baldwin, Lindsey (CMS/CM) <Lindsey.Baldwin@cms.hhs.gov>; Beronio, Kirsten (CMS/CMCS) <Kirsten.Beronio1@cms.hhs.gov>; Lunstead, Julie (HRSA) <JLunstead@hrsa.gov>; Duffy, Sarah (NIH/NIDA) [E] <duffys@nida.nih.gov>; Hobin, Jennifer (NIH/NIDA) [E] <jennifer.hobin@nih.gov>; Schubel, Jessica L. EOP/WHO (b)(6); Holleman, Chase (SAMHSA/CSAP) <Chase.Holleman@samhsa.hhs.gov>; Phillips, Karran (HHS/SAMHSA/CSAT) <Karran.Phillips@samhsa.hhs.gov>; Pitcher, Ariana (CMS/CM) <Ariana.Pitcher@cms.hhs.gov>
Cc: Connolly, Beth A. EOP/ONDCP (b)(6)
Subject: Follow-up Harm Reduction IWG - Reimbursement

Hi all,

Thank you for joining the call on Friday, I thought we had a productive discussion! See below for my notes/outcomes from our meeting as a reminder and for folks who could not join:

- Purpose of this subgroup: develop a bundled payment for services delivered to people who use drugs/people with substance use disorders that can be billed for in both harm reduction (e.g., SSPs) and outpatient treatment (e.g., FQHCs/CHCs) settings.
- Goal of this subgroup: Announcement from CMS on this option encouraging state Medicaid programs to implement; CMS could put out an Informational Bulletin (though this might be some time in the future given other CMS priorities right now) and/or we could host a webinar.
- Set of services discussed for a potential bundle:
 - Case management (to potentially include an outreach component)
 - Plan of care/assessment
 - 1-1 Counseling (licensed counselors and/or peers)
 - Infectious disease testing
 - Wound care
 - Potential drug component: low-threshold buprenorphine and/or naloxone
- Remaining questions/next steps:
 - Determine eligible provider types and potential workforce models for delivering services (keeping in mind importance of peers, nurses, LCSW/LPC counselors); examine reimbursement rates for providers/services.

- Determine feasibility of a nondrug and drug component for a bundle (using the example of Medicare OTP payments)
- Consider secondary goals/needs re: implementation (e.g., building capacity of harm reduction programs to bill; evaluation)

Others please feel free to chime in if I missed anything, and please let me know if you have any questions. Looking forward to continuing this conversation soon!

Thank you,
Jenna

Jenna Bluestein

Policy Analyst, Office of Public Health

Office of National Drug Control Policy

Executive Office of the President

(b)(6)

<https://www.whitehouse.gov/ondcp/>

From: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>
Sent: 1/12/2023 9:27:33 AM -0500
To: "Arroyo, Anna R. EOP/OMB" (b)(6); "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
CC: "Wolgast, Henry K. EOP/OMB" (b)(6)
Subject: RE: RE: resuming financing monthly calls

Hi Anna –

Let's plan to do the UPL next Thursday (1/19) at the same time (10:30). If you have any questions on the CIB after you've had a chance to review, we can talk through those at that time as well.

Thanks, Amber

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Thursday, January 12, 2023 9:19 AM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

One other thing, we can also make time to review the draft CIB this week and connect next Tuesday if that works on you end. Let us know.

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Sent: Thursday, January 12, 2023 9:12 AM
To: 'Maccarroll, Amber (CMS/CMCS)' <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi Amber—Henry and I prepared for the UPL deep dive conversation (and actually have not had a chance to review the CIB yet) so if the UPL folks aren't available today for the UPL convo perhaps we can move to next week at the same time? I just don't think it will be a super fruitful conversation on the CIB if we haven't reviewed. Let me know what you prefer, we are flexible. Thanks!

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, January 12, 2023 9:06 AM

To: Arroyo, Anna R. EOP/OMB (b)(6) Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi Anna –

For today's call, we are wondering if we could switch the topics and discuss either the draft CIB on provider taxes or the MFAR topic (slated for February below)?

Thanks, Amber

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Sent: Wednesday, November 16, 2022 10:10 AM
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Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
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From: "Arroyo, Anna R. EOP/OMB" (b)(6)
Sent: 1/12/2023 9:12:17 AM -0500
To: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>; "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
CC: "Wolgast, Henry K. EOP/OMB" (b)(6)
Subject: RE: RE: resuming financing monthly calls

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From: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>
Sent: 1/12/2023 9:46:01 AM -0500
To: "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
Subject: FW: FW: resuming financing monthly calls

What version of the CIB should we send them?

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Thursday, January 12, 2023 9:36 AM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Perfect, I'll send an updated appointment. On the CIB, if you have an updated draft you could share that would be great so we are looking at the most recent draft (if there have been changes). Thanks!

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Sent: Thursday, January 12, 2023 9:28 AM
To: Arroyo, Anna R. EOP/OMB (b)(6) Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
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Sent: 1/12/2023 9:19:03 AM -0500
To: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>; "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
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From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, January 12, 2023 9:28 AM
To: Arroyo, Anna R. EOP/OMB (b)(6) Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
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From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Thursday, January 12, 2023 9:19 AM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

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Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi Amber—Henry and I prepared for the UPL deep dive conversation (and actually have not had a chance to review the CIB yet) so if the UPL folks aren't available today for the UPL convo perhaps we can move to next week at the same time? I just don't think it will be a super fruitful conversation on the CIB if we haven't reviewed. Let me know what you prefer, we are flexible. Thanks!

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, January 12, 2023 9:06 AM
To: Arroyo, Anna R. EOP/OMB (b)(6); Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Hi Anna –

For today's call, we are wondering if we could switch the topics and discuss either the draft CIB on provider taxes or the MFAR topic (slated for February below)?

Thanks, Amber

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Wednesday, November 16, 2022 10:10 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Wolgast, Henry K. EOP/OMB (b)(6)
Subject: resuming financing monthly calls

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- April: OIG report A-03-16-00202, Hospital Tax Program in Seven States

From: "Maccarroll, Amber (CMS/CMCS)" <Amber.MacCarroll@cms.hhs.gov>
Sent: 1/12/2023 10:05:21 AM -0500
To: "Arroyo, Anna R. EOP/OMB" (b)(6) "Howe, Rory (CMS/CMCS)" <Rory.Howe@cms.hhs.gov>
CC: "Wolgast, Henry K. EOP/OMB" (b)(6)
Subject: RE: RE: resuming financing monthly calls

Thanks Anna!

Also – the version of the CIB that you have is the latest.

Thanks, Amber

From: Arroyo, Anna R. EOP/OMB (b)(6)
Sent: Thursday, January 12, 2023 9:36 AM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

Perfect, I'll send an updated appointment. On the CIB, if you have an updated draft you could share that would be great so we are looking at the most recent draft (if there have been changes). Thanks!

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, January 12, 2023 9:28 AM
To: Arroyo, Anna R. EOP/OMB (b)(6) Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Wolgast, Henry K. EOP/OMB (b)(6)
Subject: RE: resuming financing monthly calls

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- March: GAO-21-98, CMS Needs More Information on States' Financing and Payment Arrangements
- April: OIG report A-03-16-00202, Hospital Tax Program in Seven States

From: "Arnold, Charlie (CMS/CMCS)" <Charlie.Arnold@cms.hhs.gov>
Sent: 2/27/2023 8:25:07 AM -0500
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>; "Spencer, Rene
(CMS/CMCS)" <Rene.Spencer@cms.hhs.gov>
Subject: FW: FW: [EXTERNAL] RE: FAHCA v. HHS

Good morning Rory,

We have heard back on the FL LIP settlement discussions for OCG below. The state is offering to do the following:

- Dismiss the district court appeal on the \$97M disallowance (we have those funds)
- Pay the \$150M self-reported overpayment disallowance we recently issued with the OIG audit disallowance
- CMS forgives the \$63M FL LIP FMR disallowance
- Pay 50% of the OIG FL LIP audit on Jackson Memorial Hospital

Total from the state would amount to \$383M on the FL LIP settlement. They are also requesting more than the 12 quarters to return the funds. In Joint Clearance, Dan felt that our optimal range for settlement should be 50%-77% of the total of the disallowances. This would put us at \$291M to \$451M. Also, we provided the NY extended repayment information to DOJ and it was determined that an extended repayment plan could be part of the settlement discussions.

I think DOJ started at the 77% range. FL's counter is within our 50%-77% range, at 66% of the total. DFP's recommendation would be to accept the offer.

Please let me know the next steps. After OGD's review and determination, I assume that we would need to take the decision to Joint Clearance. If so, we are ready for the discussion with Dan.

I have a lot of numbers in the email. Please let me know if you have any questions or need me to explain anything further.

Thanks,

Charlie Arnold

Director

CMCS/FMG/DFP

(443) 962-2499

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

From: Lewis, Howard H. (HHS/OGC) <Howard.Lewis@HHS.GOV>

Sent: Friday, February 24, 2023 4:15 PM

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

Subject: FW: [EXTERNAL] RE: FAHCA v. HHS

Hi Charlie,

(b)(5)

Please let me know what CMS thinks. If you want to set up a conference call with us to discuss this, we can do that as well. Thanks.

From: Romero, Kelsi (USAFLS); (b)(6)

Sent: Tuesday, February 21, 2023 1:49 PM

To: Lewis, Howard H. (HHS/OGC) <Howard.Lewis@HHS.GOV>
Cc: Williams, Audrey (HHS/OGC) <Audrey.Williams@hhs.gov>
Subject: RE: [EXTERNAL] RE: FAHCA v. HHS

Howard,

(b)(5)

Kelsi R. Romero

Assistant United States Attorney

United States Attorney's Office

Civil Division

99 Northeast Fourth Street

Miami, Florida 33132-2111

Office Direct: 305-961-9159

Office Cell: (b)(6)

Email: (b)(6)



From: Lewis, Howard H. (HHS/OGC) <Howard.Lewis@HHS.GOV>
Sent: Monday, November 21, 2022 11:44 AM
To: Romero, Kelsi (USAFLS) <KRomero1@usa.doj.gov>

Cc: Williams, Audrey (HHS/OGC) <Audrey.Williams@hhs.gov>
Subject: RE: [EXTERNAL] RE: FAHCA v. HHS

Hi Kelsi,

(b)(5)

From: Romero, Kelsi (USAFLS) (b)(6)
Sent: Monday, November 21, 2022 11:30 AM
To: Lewis, Howard H. (HHS/OGC) <Howard.Lewis@HHS.GOV>
Subject: FW: [EXTERNAL] RE: FAHCA v. HHS

Hi Howard,

(b)(5)

Kelsi R. Romero

Assistant United States Attorney

United States Attorney's Office

Civil Division

99 Northeast Fourth Street

Miami, Florida 33132-2111

Office Direct: 305-961-9159

Office Cell: (b)(6)

Email: (b)(6)



From: Caroline Brown <Cbrown@brownandpeisch.com>
Sent: Monday, November 21, 2022 11:26 AM
To: Romero, Kelsi (USAFLS) <KRomero1@usa.doj.gov>
Subject: RE: [EXTERNAL] RE: FAHCA v. HHS

Hi Kelsi,

I wanted to let you know that AHCA is still discussing the settlement proposal â€” I donâ€™t yet have a time when I will get back to you. Thanks for your patience. In the meantime, two of the disputes (the one arising out of the OIGâ€™s audit of Jackson, and the self-reported overpayments) are coming up on the timeframe for appeal to the Departmental Appeals Board. We intend to file notices of appeal and then ask the Board for a stay while discussions continue. Do you have any objections to that approach? And â€” if I donâ€™t speak to you beforehand â€” happy Thanksgiving!

Caroline