

Message

From: Arnold, Charlie (CMS/CMCS) [b(6)]
[b(6)]
Sent: 4/5/2023 9:08:14 PM
To: Howe, Rory (CMS/CMCS) [b(6)]
[b(6)]
Subject: FW: FW: SPA MO 22-0025 NF rebase

Rory,

I had a conversation with the Tax Team on the MO NF SPA today. The state is using a tax that appears to have the same redistribution arrangements that are similar the MO FRA tax. It is on the 2nd clock. DRR just reached out to us on it last week on it.

DRR wants to approve the SPA, but we have reservations because the non-federal share is problematic and we will be issue a disallowance in the state on the same financing issues. They are seeking guidance from us, but our recommendation is that the issue should be taken to FMG Clearance. You should be hearing from them on it.

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: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Sent: Wednesday, April 5, 2023 9:52 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.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>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Sounds good and I agree that we need to take certain measures to show that we are not OK with the arrangement. Let me know if you think a companion letter or some type of caveat might be helpful to send with the approval (if we go the SPA approval route) to show that we want to move forward with the new methodology but do not agree with the old MPP arrangement.

Thanks again.

Fredrick J. Sebree
Accountant

Division of Reimbursement Review
Centers for Medicare and Medicaid Services
600 East Monroe Street, Room 215
Springfield, Illinois 62701

RightFax: 443-380-5221

Email: Fredrick.sebree@cms.hhs.gov

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, April 5, 2023 8:41 AM
To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.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>
Subject: RE: SPA MO 22-0025 NF rebase

Fred,

Understood. I don't think there is anything in the SPA itself that is objectionable from a policy or reimbursement standpoint. What we don't want to happen is for us to approve this SPA and then for the State to use that approval against us if we took a disallowance related to the FRA and their hospital tax. We don't want them to say, "CMS approved a SPA that was financed by a tax that has redistribution arrangements that are similar to the ones that they took a disallowance for. Therefore, they have indicated that they are okay with these types of arrangements." I will raise today at the tax team meeting and with Charlie at our meeting that is also scheduled for today.

Best,

Jonathan

Jonathan Endelman, PhD
Social Science Research Analyst
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Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
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410.786.4738
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Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Sent: Wednesday, April 5, 2023 9:01 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.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>
Subject: Re: SPA MO 22-0025 NF rebase

Thanks again Jonathan. It's on the second clock around day 45. They are modernizing thier old NF Reimbursement methodology so it's a big deal for the state, just fyi.

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Email: Fredrick.sebree@cms.hhs.gov

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Wednesday, April 5, 2023, 7:58 AM
To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.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>
Subject: RE: SPA MO 22-0025 NF rebase

Thanks Fred for letting us know. Well that's not good. I know we were thinking the opposite. Could you let us know what clock this is on? Thanks. I know we aren't looking at the other MPP arrangements. Only the hospital one. I am not sure how this affects the approvability of this SPA from an FMG perspective.

Best,

Jonathan

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Baltimore, MD 21244-1850

From: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Sent: Monday, April 3, 2023 8:37 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: FW: SPA MO 22-0025 NF rebase

Good morning Jonathan,

Responses from the state regarding the NFRA is attached. Looks like they are referencing the MPP for the distribution.

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RightFax: 443-380-5221
Email: Fredrick.sebree@cms.hhs.gov

From: Brite, Tony <Tony.Brite@dss.mo.gov>
Sent: Friday, March 31, 2023 12:13 PM
To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Cc: Crump, Marissa <Marissa.Crump@dss.mo.gov>; Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>; Percy, Nate <Nate.Percy@dss.mo.gov>
Subject: Fwd: SPA MO 22-0025 NF rebase

Fred,
Please find the responses and attachments related to the questions below.

Thanks,
Tony

From: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Sent: Wednesday, March 29, 2023 7:45 AM
To: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>; Crump, Marissa <Marissa.Crump@dss.mo.gov>
Cc: Brite, Tony <Tony.Brite@dss.mo.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Good morning,

MO 22-0025 has been presented to leadership and the SPA is good to go but our tax team wanted to touch base on the NFRA. Below are a few questions/confirmations:

1. To confirm, the Nursing Facility Reimbursement Allowance (NFRA) does not have any redistributions. Is that correct?
2. Is the NFRA broad-based and uniform? Are any providers excluded? Are any providers taxed at different rates?
3. Using the most recent data available, how much does the state anticipate raising from the NFRA?
4. For the purposes of the 6% test, what percentage of net patient revenue for the permissible class is raised by all taxes on the services of nursing facilities, including the NFRA?

Thanks again

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Email: Fredrick.sebree@cms.hhs.gov

From: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>
Sent: Tuesday, March 21, 2023 12:24 PM
To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>; Crump, Marissa <Marissa.Crump@dss.mo.gov>
Cc: Brite, Tony <Tony.Brite@dss.mo.gov>
Subject: RE: SPA MO 22-0025 NF rebase

The approval package looks good.

Thank you,

Rebecca L. Rucker, CPA
Assistant Deputy Director, IRU
Department of Social Services, MO HealthNet Division
(573) 751-3737
Rebecca.L.Rucker@dss.mo.gov

“Together we will build a best in class Medicaid program that addresses the needs of Missouri’s most vulnerable in a way that is financially sustainable.”

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From: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Sent: Tuesday, March 21, 2023 9:44 AM
To: Crump, Marissa <Marissa.Crump@dss.mo.gov>
Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>; Brite, Tony <Tony.Brite@dss.mo.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Thanks again for the responses, attached is the unsigned approval package. I updated the 179 to reflect the new title page in block 7 since it is not getting superseded but needing to get included in the new pages. I also updated the acting director, thanks for catching that. If you can send concurrence I will move forward with the approval recommendation.

V/R

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Email: Fredrick.sebree@cms.hhs.gov

From: Crump, Marissa <Marissa.Crump@dss.mo.gov>
Sent: Monday, March 20, 2023 2:11 PM
To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>; Brite, Tony <Tony.Brite@dss.mo.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Please see attached in response to your email below. Let us know if there is anything else you need from us.

Thank you,

Marissa Crump
Executive Assistant
Missouri Department of Social Services/MO HealthNet Division
Marissa.Crump@dss.mo.gov
(573)751-6884

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From: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Sent: Thursday, March 16, 2023 11:10 AM
To: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>; Brite, Tony <Tony.Brite@dss.mo.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Good morning,

Below are the last round of questions, I believe, I have. I attached the unsigned draft of the approval package as well as the SFQs. Please review the unsigned draft of the approval package to make sure we are capturing the new pages correctly, since the SPA is so big, so we can avoid any miscommunication or technical corrections after the approval. If we have updates to the pages or 179 we can just make the updates to this document, if that is alright.

Language

-The title page, prior to page 66, is not referenced in block 7 of the 179 and does not have any page number so it may get omitted on our side when cataloging in the system. Can we add "title" page to block 7 or assign a page number (65a) to make sure it gets included in CMS' version of the state plan (also in the correct location after 65)?

-Page 1 appears to be the beginning of the of the current (soon to be obsolete) NF methodology. It seems that the state intends to keep the old methodology and sunset it for 6/30/2022. So the beginning pages of the 4.19-D will be sunset after this SPA is approved (I am pretty sure is not the case but may be better to reference)? Please confirm my understanding and let me know if it would be more comprehensive to reference the new methodology and that it starts on page 66.

SFQs

-The non-federal share of the funding referenced in the SFQs for NF services includes appropriations, IGT, and CPE. I did not see taxes (NFRA) referenced in the SFQs but I see it is still in the plan language. Is the NFRA still a provider assessment for NF services? Does 13 CSR 70-10.110 still apply (\$12.93 to all NFs on a per patient basis)? If so can we get the NFRA added to the SFQs for this SPA and future SPAs where the NFRA is in effect?

-The SFQs references Swope Ridge Geriatric Center as the only provider that utilizes a CPE. It seems that there is a reconciliation process so I don't see any issues with the mechanics. My question is the frequency of the CPE. I see that the 2021 NF UPL captured the provider and it looks like we will see the provider in the 2023 NF UPL (given the language in the SFQs). Why was the provider omitted from the 2022 NF UPL? From the language it seems 2021 CPE was paid in 2022 for 2021 but it was in the 2021 UPL. Why is that not the case for the 2022 CPE? It looks like there hasn't been any changes to the language since MO 18-0015 starting on page 60 BB1, please confirm.

Thanks again and feel free to send any questions you have.

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Email: Fredrick.sebree@cms.hhs.gov

From: Sebree, Fredrick (CMS/CMCS)
Sent: Wednesday, March 15, 2023 2:34 PM
To: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>; Brite, Tony <Tony.Brite@dss.mo.gov>
Subject: RE: SPA MO 22-0025 NF rebase

I knew I seen them somewhere, thanks.

Fredrick J. Sebree
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Email: Fredrick.sebree@cms.hhs.gov

From: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>
Sent: Wednesday, March 15, 2023 2:32 PM
To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>; Brite, Tony <Tony.Brite@dss.mo.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Fredrick,

The standard funding questions are included in the cover letter. I've attached a copy of the letter for your convenience.

Thank you,

Rebecca L. Rucker, CPA

Assistant Deputy Director, IRU

Department of Social Services, MO HealthNet Division

(573) 751-3737

Rebecca.L.Rucker@dss.mo.gov

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From: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>

Sent: Wednesday, March 15, 2023 2:02 PM

To: Brite, Tony <Tony.Brite@dss.mo.gov>

Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>

Subject: RE: SPA MO 22-0025 NF rebase

Good afternoon Tony,

Can you forward the standard funding questions for NF services? I am not seeing it in my folder. My apologies if it was sent and I am missing it.

Fredrick J. Sebree

Accountant

Division of Reimbursement Review

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Email: Fredrick.sebree@cms.hhs.gov

From: Brite, Tony <Tony.Brite@dss.mo.gov>

Sent: Monday, March 6, 2023 2:34 PM

To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>

Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>

Subject: RE: SPA MO 22-0025 NF rebase

Fred,

The stakeholders concerns regarding the payment methodology have been remedied. Hope that helps with the review.

Thanks,

Tony

From: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Sent: Monday, March 6, 2023 10:42 AM
To: Brite, Tony <Tony.Brite@dss.mo.gov>
Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Good morning Tony,

I had a chance to go through both the informal inquiry and the formal RAI last week and I think are looking good. It's a big SPA so I plan to comb through the pages another time and finish the review of the UPL soon but I don't anticipate any issues. Thanks for sending the NF reimbursement FAQs with the stakeholders comments and questions during the process. The only question I can think of at this point is if all the stakeholder concerns remedied. If you could confirm that I will keep you in the loop as the review progresses. I am hoping to wrap it up by next week if that works.

Thanks for checking in.

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From: Brite, Tony <Tony.Brite@dss.mo.gov>
Sent: Monday, March 6, 2023 10:07 AM
To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Hello Fred,
I am checking in on the status of the NF rate review. Can you provide any information in terms of timeline? Or whether we should expect any additional questions?

Thanks for your help!

Tony

From: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Sent: Thursday, February 23, 2023 10:53 AM
To: Crump, Marissa <Marissa.Crump@dss.mo.gov>; Walker, Michala (CMS/CMCS) <Michala.Walker@cms.hhs.gov>
Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>; Brite, Tony <Tony.Brite@dss.mo.gov>; Bromwell, Robert (CMS/CMCS) <Robert.Bromwell@cms.hhs.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Thanks again Marissa, Ill keep you in the loop as I review.

Fredrick J. Sebree

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From: Crump, Marissa <Marissa.Crump@dss.mo.gov>
Sent: Thursday, February 23, 2023 10:47 AM
To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>; Walker, Michala (CMS/CMCS) <Michala.Walker@cms.hhs.gov>
Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>; Brite, Tony <Tony.Brite@dss.mo.gov>; Bromwell, Robert (CMS/CMCS) <Robert.Bromwell@cms.hhs.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Attached is our response to this IRAI.

Thank you,

Marissa Crump
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From: Brite, Tony <Tony.Brite@dss.mo.gov>
Sent: Monday, October 31, 2022 10:10 AM
To: Crump, Marissa <Marissa.Crump@dss.mo.gov>
Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>
Subject: Fwd: SPA MO 22-0025 NF rebase

FYI

Sent from my iPad

Begin forwarded message:

From: "Sebree, Fredrick (CMS/CMCS)" <Fredrick.Sebree@cms.hhs.gov>
Date: October 31, 2022 at 10:04:50 AM CDT
To: "Brite, Tony" <Tony.Brite@dss.mo.gov>
Cc: "Rucker, Rebecca L" <Rebecca.L.Rucker@dss.mo.gov>, "Read, Deborah (CMS/CMCS)" <Deborah.Read@cms.hhs.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Good morning Tony,

Sorry again for the delay. Below are a few informal questions I have for MO 22-0025, NF rebase:

1. Attached are the proposed pages for 66-120 that contains the new language. These pages annotate "draft" on each of the pages with the exception of the title page. Is there a final "clean" version? Does the state want to keep the first title page or is it part of the draft version?
2. Please provide a calculation of the budget impact annotated on the CMS 179 block 6.
3. Does the state have any supporting info/documentation/explanation behind how the rate methodology was developed to help support the economy and efficiency of the rates? The UPL helps support the economy and efficiency, just wanted to know if it was establish during the development of the methodology in some way. Were stakeholders involved in the rate development process? If so, how? Was the methodology modeled after another state?
4. Please provide any stakeholder comments/concerns, if any, during the public notice period.
5. Did the state model the value based language and incentives from CMS guidance? If not, how was the methodology developed?

Our quality team at CMS will be reviewing the incentive language as well as myself. We will get back to you on any specifics in the language as soon as we can.

Thanks again

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From: Brite, Tony <Tony.Brite@dss.mo.gov>
Sent: Friday, October 28, 2022 9:22 AM
To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>
Subject: RE: SPA MO 22-0025 NF rebase

Thanks Fred, we just wanted to make sure we hadn't missed it. Have a good weekend!

From: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Sent: Friday, October 28, 2022 9:16 AM
To: Brite, Tony <Tony.Brite@dss.mo.gov>
Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>
Subject: Re: SPA MO 22-0025 NF rebase

Hello Tony,

You are correct and I was hoping to send them this week. I'll make sure to get them out to you first thing next week. Hope that is alright.

Thanks for checking in.

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From: Brite, Tony <Tony.Brite@dss.mo.gov>
Sent: Friday, October 28, 2022, 9:01 AM
To: Sebree, Fredrick (CMS/CMCS) <Fredrick.Sebree@cms.hhs.gov>
Cc: Rucker, Rebecca L <Rebecca.L.Rucker@dss.mo.gov>
Subject: SPA MO 22-0025 NF rebase

Hi Fred,
You had mentioned on the 15 day call a few weeks ago that you anticipated providing us with initial questions that week on 22-0025 for Nursing Facilities. Do you know if those were sent? I have not seen them come through yet.

Thanks,
Tony

Message

From: Briskin, Perrie (CMS/CMCS) b(6)
b(6)
Sent: 4/17/2023 3:04:35 PM
To: Howe, Rory (CMS/CMCS) b(6)
b(6)
Dorsey, Jennifer
Beverly (CMS/CMCS)
Hebert, Krista
Janu, Shanna
CC: Silanskis, Jeremy (CMS/CMCS) b(6)
b(6)
Maccarroll, Amber
Subject: RE: RE: For CMCS Review: Missouri Medicaid Deferral Reactive
Attachments: Draft FRA Tax Letter - 4-11-23.docx; Talking Points for OA-MO Gov Call.docx

Hi – Dan has asked that I send the latest letter and TPs to Rachel and Jessica Schubel today as a FYSA.

I know the timeline for release is still TBD, but do we know **when we will be ready to send the attached to get IOS/EOP feedback on the text?** With the previous timeline, we were going to send to IOS/EOP this week but not sure where these are now – if they still need OGC feedback?

From: Briskin, Perrie (CMS/CMCS)
Sent: Thursday, April 13, 2023 12:12 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Thank you, Rory. That all makes sense. We will wait to hear more from FMG.

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, April 13, 2023 10:25 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Hi all,

We met with OGC yesterday on the recent Texas litigation (that covers the same financing topic as in Missouri). OGC indicated that the DOJ attorney assigned to the TX case will need to review the MO letter before release. OGC said that DOJ has not yet assigned an attorney to the TX litigation. We raised with Dan yesterday afternoon and have all agreed that we will need to push back the MO letter release by at least a week.

It might make sense to wait to land on a date until we heard from OGC and DOJ on a feasible timeline. Does that make sense?

Thanks,
Rory

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Thursday, April 13, 2023 10:19 AM
To: Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Hi Beverly – Did FMG send up the TPs and Reactive to OCD?

Thank you!

From: Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>
Sent: Wednesday, April 12, 2023 2:08 PM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: Re: For CMCS Review: Missouri Medicaid Deferral Reactive

We'll want to share the updated letter with OC as well, for awareness, as they review the reactive. It helps to make sure any edits are appropriate.

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Date: Wednesday, April 12, 2023 at 9:46 AM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>, Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>, Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>, Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>, Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>, Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Thank you! Sounds great.

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Wednesday, April 12, 2023 9:40 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Yes, Rory did share the letter with OGC yesterday evening and we are discussing now with the team, updates to TP and Reactive due today.

Beverly

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Wednesday, April 12, 2023 9:38 AM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Is FMG still on track today to send OCD today the OA TPs and Reactive Statement?

Draft OA TPs/Reactive Statement	4/12/23	FMG provides OCD/OGC OA talking points and reactive statement for review
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From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Wednesday, April 12, 2023 9:32 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Thank you

Beverly

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Wednesday, April 12, 2023 9:31 AM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

That is a good point. I think OC needs to see the reactive (so you send it to Jennifer, like you would with other comms materials).

For the rest of the package, I can handle sharing it around with OL/OA/HHS/EOP. I updated the action step to:

FMG sends reactive to OC, Perrie sends to OA/OL/HHS/EOP: Letter, TPs, Reactive	4/17/23 COB	
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From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Wednesday, April 12, 2023 9:24 AM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna

(CMS/CMCS) <Shanna.Janu@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

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

Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Good morning Perrie,

Yes, we have what we need and will make the edits provided by the OCD, and will forward the letter, TP and Reactive to OGC and will also connect with OL **One question on the action step for 4/17 below**. We do not normally forward documents to OC and OA. Who are the contacts and are we sharing as an FYI or are we to request review and edit?

FMG sends to OA/OL/OC and Perrie sends to HHS EOP: Letter, TPs, Reactive	4/17/23 COB
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Please confirm,

Thank you

Beverly

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Sent: Tuesday, April 11, 2023 1:01 PM

To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Hebert, Krista

(CMS/CMCS) <krista.hebert@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu,

Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>

Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Hi Beverly,

I updated the timeline in the SP link. Sorry about that.

It looks like Dan and AMC sent their comments in the letter. So does FMG have all it needs right now from OCD to finalize? Will this go to OGC next, along with TPs and reactive (see my edits in the timeline).

Thank you!

Best,

Perrie

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Sent: Monday, April 10, 2023 10:12 AM

To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Hebert, Krista

(CMS/CMCS) <krista.hebert@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu,

Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>

Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Good morning Perrie,

Thanks for the detailed timeline for MO. We did already prepare a timeline that was **added to Dan's briefing book on 4/6 2:58pm (See SP link below)**. It looks like the OCD is reviewing since Anne Marie's comments have been added. It appears that we are mostly aligned with dates for the larger tasks I.e, contact

OL/OGC/State/Governor but there are other tasks that may need aligning. **Can we have all OCD edits/comments in the documents in Dan's briefing book?** That would help us immensely. Also, please confirm for the 4/19 OA update whether Dan will provide a status to the Administrator and no formal paper is needed correct?

- **Link: FMG - Missouri FRA Tax - Draft Letter to Governor and Timeline**

Thank you

Beverly

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Thursday, April 6, 2023 5:58 PM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Hebert, Krista (CMS/CMCS) <krista.hebert@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Hi Beverly – I put in more detail into the timeline. I think my concern is needing time for OA/OC/OL/HHS/EOP review. Take a look at the below and see if this works for OGC

- Wed 4/12 COB – FMG sends to Dan's book: notice letter, OA TPs, timeline, and reactive
- Thurs 4/13 9AM – Dan's edits due
- Thurs 4/13 – FMG makes edits
- Fri 4/14 9AM – FMG sends to OGC for review: notice letter, OA TPs
- Fri 4/14 9AM – FMG sends to OC for review: reactive
- Mon 4/17 COB – OGC, OC comments due
- Tues 4/18 COB – FMG sends OA/OL/OC notice letter, OA TPs, timeline, reactive. Perrie sends to HHS/EOP also.
- Tues 4/18 – Rory reaches out to SMD and OA reaches out to Gov office to schedule calls for Thursday
- Wed 4/19 4PM – Dan briefs Administrator on CMCS Issues
- Wed 4/19 – Consider a call with OL
- Wed 4/19 COB – OA/OL/OC/HHS/EOP comments due
- Thurs 4/20 – Rory speaks with SMD, OA speaks with Gov office to review what is in the notice letter
- **Fri 4/21 12PM – Letter issued**

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Tuesday, April 4, 2023 9:42 PM
To: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Perrie, we have a version of the Reactive that we are editing. I'll make the team aware of items needed by 4/12 and the timeline/actions leading up to release.

MO Notice Letter Planned Release Steps:

- (1) Weds 4/12 by COB:** Draft OA TPs, notice letter, timeline & reactive statement to **Dan's book for his review**
- (2) Fri 4/14- Mon 4/17:** DFP will clear the OA TPs and notice letter with OGC and will provide any edits.
- (3) Tues 4/18** – Connect with OL to share timeline, reactive/ discuss any outreach to members that might be needed
- (4) Tues 4/18:** Reach out to SMD (Rory/OCD) and Governor's office (OA) to schedule call for Thursday
- (5) Thurs 4/20:** Rory and the OCD will contact/call the MO SMD (Todd Richardson) OCD and OA will contact the MO Governor's office to signal the information the notice letter will include
- (6) Fri 4/21@ 12pm: Notice letter is Issued to the state.**

Beverly

From: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>
Sent: Tuesday, April 4, 2023 9:22 PM
To: Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Hi Beverly – Picking MO thread back up now that we have a new letter and new date (4/21).

Please see reactive attached. Does this need to be updated at all? I read it and it actually looks like it can still stand even with the change in the letter we are sending.

For an updated timeline, I took a first pass at updating the below. Does this looks right?

MO Notice Letter Planned Release Steps:

- (1) Weds 4/12 by COB:** OA TPs, notice letter, timeline & reactive statement to **Dan's book for his review**
- (2) Fri 4/14- Mon 4/17:** DFP will clear the OA TPs and notice letter with OGC and will provide any edits.
- (3) Tues 4/18** – Connect with OL to share timeline, reactive/ discuss any outreach to members that might be needed
- (4) Tues 4/18:** Reach out to SMD (Rory/OCD) and Governor's office (OA) to schedule call for Thursday
- (5) Thurs 4/20:** Rory and the OCD will contact/call the MO SMD (Todd Richardson) OCD and OA will contact the MO Governor's office to signal the information the notice letter will include

(6) Fri 4/21@ 12pm: Notice letter is Issued to the state.

From: Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>
Sent: Thursday, March 23, 2023 6:53 PM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: Re: For CMCS Review: Missouri Medicaid Deferral Reactive

Thank you and thank you for your update on the reactive. I appreciate that context.

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Date: Thursday, March 23, 2023 at 2:56 PM
To: Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>, Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>, Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>, Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>, Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

Please use the updated attached timeline instead .

Beverly

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Thursday, March 23, 2023 2:45 PM
To: Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

+Perrie

Hi Jennifer,

See below our timeline of actions. I also want you to be aware that after review of the Reactive, we will need to make significant edits to strengthen CMS' position on the FRA tax as directed by Dan. We will provide updates by 12pm tomorrow if that's work on our end . Please let us know if you have questions.

MO Deferral Planned Release Steps:

- (1) Weds 3/23 by COB:** OA TPs, deferral letter, timeline & reactive statement to **Dan's book for his review**
- (2) Fri 3/24- Mon 3/27:** DFP will clear the OA TPs and deferral letter with OGC and will provide any edits.
- (3) TBD** – Connect with OL to share timeline, reactive/ discuss any outreach to members that might be needed (I'm thinking this should likely be Tuesday? – but open to other thoughts)

- (4) **Weds 3/29:** Reach out to SMD (Rory/OCD) and Governor's office (OA) to schedule call for Thursday
- (5) **Tues 3/29:** Rory and the OCD will contact/call the MO SMD (Todd Richardson) OCD and OA will contact the MO Governor's office to signal that the deferral is coming
- (6) **Weds 3/29:** to explain the reason for the deferral and that CMS is working with the state to obtain any additional documentation to support the claims
- (7) **Thurs 3/30:** Rory/Dan call w/ SMD; OA/Dan call w/ Governor
- (8) **Thurs 3/30:** OCD confirms that the Night Note went forward to OC in prep for a the 3/31 Grant award deferral letter being issued to the state
- (9) **Fri 3/31@ 12pm: Deferral letter is Issued to the state.**

Beverly

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Thursday, March 23, 2023 2:22 PM
To: Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>
Cc: Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>; 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: For CMCS Review: Missouri Medicaid Deferral Reactive

Thanks Jennifer, I will share with the team and will provide any edits/comments. Also, I am updating our timeline with all actions leading up to issuing the deferral and will provide that to you here shortly.

Beverly

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, March 23, 2023 2:18 PM
To: Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Cc: Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: For CMCS Review: Missouri Medicaid Deferral Reactive

+ Rory & Jeremy

From: Dorsey, Jennifer (CMS/CMCS) <jennifer.dorsey@cms.hhs.gov>
Sent: Thursday, March 23, 2023 1:28 PM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Janu, Shanna (CMS/CMCS) <Shanna.Janu@cms.hhs.gov>
Subject: FW: For CMCS Review: Missouri Medicaid Deferral Reactive

Hi Beverly,

Attached is the draft from OC on the Missouri disallowance. You'll see they used a lot of language from the CIB messaging, which is on purpose so that it's clear this isn't just Missouri.

Please let us know if you have edits.

Thank you,
Jennifer

Daniel E. Trucil, MA, MPH (he / him / his) | U.S. Department of Health & Human Services | Centers for Medicare & Medicaid Services
26 Federal Plaza | New York, NY 10278 | Cell: (240) 904-2050 | Email: daniel.trucil@cms.hhs.gov

Message

From: Endelman (he/him), Jonathan (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 4/17/2023 6:59:44 PM
To: Howe, Rory (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Arnold, Charlie
Subject: RE: RE: Update on New Texas Case

Rory,

Could you give me a call when you have a chance.

Best,

Jonathan

Jonathan Endelman, 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: Monday, April 17, 2023 1:38 PM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: FW: Update on New Texas Case

From: Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>
Sent: Monday, April 17, 2023 1:05 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>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Cc: Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>; Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>
Subject: RE: Update on New Texas Case

Rory,

We look forward to talking to everyone at 2 p.m. about the new Texas hold harmless litigation. On Friday, Texas filed a motion for preliminary injunction (see attached), seeking to enjoin CMS from enforcing the

February 17th CIB or relying on it during the pendency of the litigation, including in connection with ongoing or future audits. During today's call, we were hoping to discuss the following issues:

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Talk to you soon. Thanks.

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[REDACTED] b(6)
Sent: 4/17/2023 7:20:23 PM
To: Howe, Rory (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6); Arnold, Charlie
Subject: RE: RE: Update on New Texas Case

Today is my Eight Hour day so I am off at 3:30. I started at 7.

Best,

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Sent: Monday, April 17, 2023 1:05 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>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
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From: Endelman (he/him), Jonathan (CMS/CMCS) [b(6)]
[b(6)]
Sent: 4/17/2023 7:24:46 PM
To: Howe, Rory (CMS/CMCS) [b(6)]
[b(6)] Arnold, Charlie
Subject: RE: RE: Update on New Texas Case

I am supposed to have the health care-related tax question session at one. I present on one health care-related tax topic every two weeks for training and discussion. I could do 11 to 1 or 1 to 2. It shouldn't take more than five minutes. I am suppose to have a check in with Charlie tomorrow morning. I can tell her and she can tell you later.

Best,

Jonathan

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From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, April 17, 2023 3:22 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>
Subject: RE: Update on New Texas Case

Would 1PM tomorrow work?

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To: Howe, Rory (CMS/CMCS); [REDACTED] b(6); Maccarroll, Amber; [REDACTED] b(6); Silanskis, Jeremy; Fan, Kristin (CMS/CMCS)
CC: Kaiser, Bridgette (HHS/OGC); [REDACTED] b(6); Mannchen, Garrett; [REDACTED] b(6); Vogel, Jeremy
Subject: RE: RE: Update on New Texas Case
Attachments: 2023-04-14 Ex. A Texas PI Motion.pdf; 2023-04-14 Ex. B, Grady Declaration.pdf; 2023-04-14 Ex. C K. Fan Email.pdf; 2023-04-14 Ex. D to PI Motion, D. Tsai Letter.pdf; 2023-04-14 Ex. E to PI Motion, HSSC Comments to Rulemaking.pdf; 2023-04-14 Ex. F to PI Motion, Matthew Odom Letter.pdf; 2023-04-14 Text of Proposed Order for PI Motion.pdf

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Sent: 4/21/2023 1:19:54 PM [b(6)]
To: Costello, Anne Marie (CMS/CMCS) [b(6)] Vitolo, Sara
[b(6)] Howe, Rory (CMS/CMCS)
[b(6)]
Subject: FW: FW: Texas Congressional Delegation Letter on the CMS Informational Bulletin (the "Bulletin") entitled "Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments"
Attachments: Texas Delegation CMS Letter on the Bulletin on Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments.pdf

Assuming you already got this from Dan, but just making sure you have it.

From: Dervan, Elizabeth (CMS/OL) <elizabeth.dervan@cms.hhs.gov>
Sent: Thursday, April 20, 2023 6:41 PM
To: Hunter, Ian (CMS/OL) <Ian.Hunter@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Boulanger, Jennifer (CMS/OL) <Jennifer.Boulanger@cms.hhs.gov>; Lewis, Carissa (CMS/OL) <Carissa.Lewis@cms.hhs.gov>
Subject: FW: Texas Congressional Delegation Letter on the CMS Informational Bulletin (the "Bulletin") entitled "Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments"
Importance: High

FYI

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Thursday, April 20, 2023 6:30 PM
To: Dervan, Elizabeth (CMS/OL) <elizabeth.dervan@cms.hhs.gov>; CBL (she/her), Administrator (CMS/OA) <CBL@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>
Subject: FW: Texas Congressional Delegation Letter on the CMS Informational Bulletin (the "Bulletin") entitled "Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments"
Importance: High

From: Coney, Lillie <Lillie.Coney@mail.house.gov>
Sent: Thursday, April 20, 2023 5:48 PM
To: 'secretary@hhs.gov' <secretary@hhs.gov>; Mccluskie, Sean (HHS/IOS) <Sean.Mccluskie@hhs.gov>; Ramirez, Angela (HHS/IOS) <Angela.Ramirez@hhs.gov>; Brooks-LaSure, Chiquita (CMS/OA) <Chiquita.Brooks-LaSure@cms.hhs.gov>; Woronoff, Arielle (CMS/OL) <Arielle.Woronoff@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Cc: Coney, Lillie <Lillie.Coney@mail.house.gov>; Arceo, Amy <Amy.Arceo@mail.house.gov>
Subject: Texas Congressional Delegation Letter on the CMS Informational Bulletin (the "Bulletin") entitled "Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments"
Importance: High

April 19, 2023

The Honorable Xavier Becerra
Secretary, U.S. Department of Health & Human
Services
200 Independence Avenue, S.W.
Washington, DC 20201

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 2021

The Honorable Daniel Tsai
The Deputy Administrator and Director
Center for Medicaid and CHIP Services
Centers for Medicare and Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Becerra, Administrator Brooks-LaSure, and Deputy Administrator and Director Tsai:

As members of the Texas Congressional Delegation, we have worked with President Biden and with you to improve access to care for all Americans, regardless of income or need. We applaud the Department of Health and Human Services (“HHS”) for its dedication to sustaining and strengthening the health care safety net. The Administration’s investment in the Medicaid program is invaluable, particularly as we transition out of a global public health emergency. We share the Administration’s commitment to supporting our most vulnerable communities and stand ready to assist with your agency’s laudable efforts.

However, while we closely align with your mission, we are deeply concerned by the Informational Bulletin (the “Bulletin”) entitled “Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments”, which was released by the Centers for Medicare & Medicaid Services (“CMS”) on February 17, 2023. The Bulletin echoes many of the themes of the Medicaid Fiscal Accountability Regulation (“MFAR”) proposed in 2019. The Bulletin specifically revives the agency’s attempts to assert its jurisdiction over wholly private arrangements between hospitals, lacking any state involvement.

As you may recall, the MFAR proposed rule received such strong bipartisan opposition that President Trump’s Administration initiated its withdrawal. President Biden also noted his opposition to MFAR as part of his campaign platform, followed by HHS taking quick action to withdraw the proposed rule in January 2021. Like President Biden, we recognized the existential threat the proposed policies posed to our communities’ hospitals and the Medicaid beneficiaries they serve, prompting us to introduce bipartisan legislation that would have halted any implementation of the MFAR proposed rule.

It is clear, however, that some within CMS continue to push the MFAR agenda despite its withdrawal and the agency lacking the authority to set forth such provider tax policies. In fact, the Office of Inspector General (“OIG”) previously opined that there are no regulations to preclude this type of arrangement. Moreover, when CMS raised this issue last year in federal court, a federal judge in Texas reasoned that CMS’s legal position was not at all in line with the Medicaid statute. In short, the Bulletin is a significant and inappropriate shift in policy by CMS that is inconsistent with current law and the agency’s own history of enforcement action.

A policy shift of this significance threatens not only the most vulnerable citizens of our home state, but Medicaid beneficiaries across the country. We question what good this policy shift will have for the health care safety net and how it will ensure equitable access to care for patients. In the nearly four years since CMS first announced its MFAR proposal, not a single time has CMS staff been able to quantify the impact or assure us that this policy will not disrupt equitable access to care.

Moreover, we wish to emphasize that the local provider taxes under attack serve a critical purpose: they provide an avenue for hospitals that have historically struggled to gain access to much-needed supplemental Medicaid payments. This path is a lifeline for hospitals along the southern border and in the 89 Texas counties where non-governmental hospitals are the primary providers for Medicaid patients—areas where Medicaid beneficiaries already have limited access to care. Absent the local financing mechanism, these hospitals, and the patients they serve once again face disenfranchisement.

For these reasons, we ask CMS to withdraw the Bulletin and refrain from seeking to enforce it until the agency can determine the impact it will have on the providers serving our Medicaid beneficiaries. Unless we understand how this policy enhances, rather than reduces equitable access to care, we will continue in our efforts to oppose the agency's policies.

Thank you for your attention to this very important matter.

Very Truly Yours

Sheila Jackson Lee
Member of Congress

Colin Allred
Member of Congress

Joaquin Castro
Member of Congress

Jasmine Crockett
Member of Congress

Henry Cuellar
Member of Congress

Marc A. Veasey
Member of Congress

Vincent Gonzalez
Member of Congress

Regards,
Lillie Coney
Chief of Staff
Congresswoman Sheila Jackson Lee (TX-18)
2426 Rayburn HOB
Washington, DC 20515
(202) 225-3816
(202) 870-6429
Lillie.Coney@mail.house.gov

Message

From: Costello, Anne Marie (CMS/CMCS) <[REDACTED]>
Sent: 4/21/2023 4:05:36 PM
To: Kirchgraber, Kate (CMS/OL) <[REDACTED]>; Vitolo, Sara (CMS/CMCS)
Howe, Rory (CMS/CMCS)
Subject: RE: RE: Texas Congressional Delegation Letter on the CMS Informational Bulletin (the "Bulletin") entitled "Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments"

Thanks – yes, we received

From: Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>
Sent: Friday, April 21, 2023 9:20 AM
To: Costello, Anne Marie (CMS/CMCS) <AnneMarie.Costello@cms.hhs.gov>; Vitolo, Sara (CMS/CMCS) <Sara.Vitolo@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: FW: Texas Congressional Delegation Letter on the CMS Informational Bulletin (the "Bulletin") entitled "Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments"
Importance: High

Assuming you already go this from Dan, but just making sure you have it.

From: Dervan, Elizabeth (CMS/OL) <elizabeth.dervan@cms.hhs.gov>
Sent: Thursday, April 20, 2023 6:41 PM
To: Hunter, Ian (CMS/OL) <Ian.Hunter@cms.hhs.gov>; Kirchgraber, Kate (CMS/OL) <Kate.Kirchgraber@cms.hhs.gov>; Boulanger, Jennifer (CMS/OL) <Jennifer.Boulanger@cms.hhs.gov>; Lewis, Carissa (CMS/OL) <Carissa.Lewis@cms.hhs.gov>
Subject: FW: Texas Congressional Delegation Letter on the CMS Informational Bulletin (the "Bulletin") entitled "Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments"
Importance: High

FYI

From: Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>
Sent: Thursday, April 20, 2023 6:30 PM
To: Dervan, Elizabeth (CMS/OL) <elizabeth.dervan@cms.hhs.gov>; CBL (she/her), Administrator (CMS/OA) <CBL@cms.hhs.gov>; Katch (she/her), Hannah (CMS/OA) <Hannah.Katch@cms.hhs.gov>; Ellis (she/her), Kyla (CMS/OA) <Kyla.Ellis@cms.hhs.gov>
Subject: FW: Texas Congressional Delegation Letter on the CMS Informational Bulletin (the "Bulletin") entitled "Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments"
Importance: High

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Sent: Thursday, April 20, 2023 5:48 PM
To: 'secretary@hhs.gov' <secretary@hhs.gov>; Mccluskie, Sean (HHS/IOS) <Sean.Mccluskie@hhs.gov>; Ramirez, Angela

(HHS/IOS) <Angela.Ramirez@hhs.gov>; Brooks-LaSure, Chiquita (CMS/OA) <Chiquita.Brooks-LaSure@cms.hhs.gov>; Woronoff, Arielle (CMS/OL) <Arielle.Woronoff@cms.hhs.gov>; Tsai, Daniel (CMS/CMCS) <Daniel.Tsai@cms.hhs.gov>

Cc: Coney, Lillie <Lillie.Coney@mail.house.gov>; Arceo, Amy <Amy.Arceo@mail.house.gov>

Subject: Texas Congressional Delegation Letter on the CMS Informational Bulletin (the "Bulletin") entitled "Health Care-Related Taxes and Hold Harmless Arrangements Involving the Redistribution of Medicaid Payments"

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Marc A. Veasey
Member of Congress

Vincent Gonzalez
Member of Congress

Regards,
Lillie Coney
Chief of Staff
Congresswoman Sheila Jackson Lee (TX-18)

2426 Rayburn HOB
Washington, DC 20515
(202) 225-3816
(202) 870-6429
Lillie.Coney@mail.house.gov

Message

From: Boston, Beverly (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 4/24/2023 2:41:10 PM
To: Howe, Rory (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) adams, lia (CMS/CMCS)
[REDACTED] b(6) Maccarroll, Amber
[REDACTED] b(6) Silanskis, Jeremy
Subject: RE: RE: New SWIFT control: Jackson Lee SPS00504038

Alternatively and as done in the past for litigations, OGC can connect with OSORA and ask that the response be put on hold pending litigation which is the approach taken with the TX LPPF letters.

Beverly

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, April 24, 2023 10:11 AM
To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Subject: RE: New SWIFT control: Jackson Lee SPS00504038

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From: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Sent: Monday, April 24, 2023 9:50 AM
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: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Checking in on whether I should share with DFP to begin drafting a response or whether I should check-in with OSG given the litigation.

~ lia

From: adams, lia (CMS/CMCS)
Sent: Friday, April 21, 2023 1:47 PM
To: Howe, Rory (CMS/CMCS) (Rory.Howe@cms.hhs.gov) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy D. (CMS/CMCS) (Jeremy.Silanskis@cms.hhs.gov) <Jeremy.Silanskis@cms.hhs.gov>

Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Subject: FW: New SWIFT control: Jackson Lee SPS00504038

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Thanks,
Lia

From: Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>

Sent: Friday, April 21, 2023 1:24 PM

To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; CMS CMSO-Correspondence <CMSO_Correspondence@cms.hhs.gov>; Kassel, Adeena (CMS/CMCS) <Adeena.Kassel@CMS.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>

Subject: New SWIFT control: Jackson Lee SPS00504038

The attached has been assigned to FMG for Administrator signature. Response due 4/28.

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Please note: This control was created by the Office of the Secretary, therefore, timetables are non-negotiable and a response is required.

Toya R. Smith (she/her)

Division of Operations & Executive Support/Operations Services Group

Center for Medicaid and CHIP Services

Centers for Medicare & Medicaid Services

410-786-3245

toya.smith@cms.hhs.gov

Message

From: adams, lia (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 4/24/2023 2:58:47 PM
To: Howe, Rory (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Boston, Beverly
Maccarroll, Amber
[REDACTED]; Silanskis, Jeremy
Subject: RE: RE: New SWIFT control: Jackson Lee SPS00504038

Yes, will do!

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, April 24, 2023 10:55 AM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Thanks, Beverly. Lia, would you mind connecting with DFP and asking that they contact OGC to obtain their preferred/recommended approach on the response?

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Monday, April 24, 2023 10:41 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
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Thanks,
Lia

From: Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>
Sent: Friday, April 21, 2023 1:24 PM
To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; CMS CMSO-Correspondence <CMSO_Correspondence@cms.hhs.gov>; Kassel, Adeena (CMS/CMCS) <Adeena.Kassel@CMS.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>
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toya.smith@cms.hhs.gov

Message

From: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov> [b(6)]
Sent: 4/27/2023 6:11:03 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov> [b(6)]
CC: Maccarroll, Amber
Silanskis, Jeremy
Arnold, Charlie
Boston, Beverly
Clark, Jennifer
Subject: For OGD Review by Tomorrow - Friday, April 28: Jackson Lee SPS00504038

Hi Rory, Amber, and Jeremy,

DFP prepared a response to Texas Members of Congress that is ready for your review. Can you please review and provide any edits NLT Friday, April 28th COB. Link to document:
<https://share.cms.gov/center/CMCS/FMG/FMGFrontOffice/Shared%20Documents/FMG%20Correspondence/Jackson%20Lee%20-%20Due%2004.28.2023/Representatives%20Jackson%20Lee%20et%20al%20SWIFT%20response.docx?web=1>

In regards to placing it on hold, we heard back from OSG: "OSORA conferred with Exec Sec and, rather than place the control on hold, they would prefer that we close the control with a response saying that the litigation is pending and therefore we cannot comment on the details."

In regards to OGC review, DFP shared with OGC who had no legal comment on the response.

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From: Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>

Sent: Friday, April 21, 2023 1:24 PM

To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; CMS CMSO-Correspondence <CMSO_Correspondence@cms.hhs.gov>; Kassel, Adeena (CMS/CMCS) <Adeena.Kassel@CMS.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>

Subject: New SWIFT control: Jackson Lee SPS00504038

The attached has been assigned to FMG for Administrator signature. Response due 4/28.

When submitting the response to OSG for clearance, please include the names of the author and the clearing official. This information is required for clearance.

Please note: This control was created by the Office of the Secretary, therefore, timetables are non-negotiable and a response is required.

Toya R. Smith (she/her)

Division of Operations & Executive Support/Operations Services Group

Center for Medicaid and CHIP Services

Centers for Medicare & Medicaid Services

410-786-3245

toya.smith@cms.hhs.gov

Message

From: Maccarroll, Amber (CMS/CMCS) **b(6)**

Sent: 4/27/2023 6:20:17 PM

To: adams.lia (CMS/CMCS) **b(6)**

CC: **b(6)**

Subject: RE: RE: For OGD Review by Tomorrow - Friday, April 28: Jackson Lee SPS00504038

Howe, Rory (CMS/CMCS)

Wilanskis, Jeremy

; Arnold, Charlie

Boston, Beverly

Clark, Jennifer

Made a few minor edits in the document. Otherwise, I think it's good to go.

Thanks, Amber

From: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Sent: Thursday, April 27, 2023 2:11 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: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>
Subject: For OGD Review by Tomorrow - Friday, April 28: Jackson Lee SPS00504038

Hi Rory, Amber, and Jeremy,

DFP prepared a response to Texas Members of Congress that is ready for your review. Can you please review and provide any edits NLT Friday, April 28th COB. Link to document:
<https://share.cms.gov/center/CMCS/FMG/FMGFrontOffice/Shared%20Documents/FMG%20Correspondence/Jackson%20Lee%20-%20Due%2004.28.2023/Representatives%20Jackson%20Lee%20et%20al%20SWIFT%20response.docx?web=1>

In regards to placing it on hold, we heard back from OSG: “OSORA conferred with Exec Sec and, rather than place the control on hold, they would prefer that we close the control with a response saying that the litigation is pending and therefore we cannot comment on the details.”

In regards to OGC review, DFP shared with OGC who had no legal comment on the response.

Thanks,
Lia

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, April 24, 2023 10:55 AM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Thanks, Beverly. Lia, would you mind connecting with DFP and asking that they contact OGC to obtain their preferred/recommended approach on the response?

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Sent: Monday, April 24, 2023 10:41 AM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Alternatively and as done in the past for litigations, OGC can connect with OSORA and ask that the response be put on hold pending litigation which is the approach taken with the TX LPPF letters.

Beverly

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, April 24, 2023 10:11 AM
To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Please share with DRP and ask them to connect with OGC and flag the response deadline. We may need to request a response extension (even though OSORA says they are non-negotiable) due to the litigation, particularly given DOJ might want to review our draft response. If we can't get an extension, DFP should just develop a very high-level "thank you" response to meet the deadline and we can flag that OGC may want DOJ to review as it moves through the clearance process.

From: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Sent: Monday, April 24, 2023 9:50 AM
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: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>
Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Checking in on whether I should share with DFP to begin drafting a response or whether I should check-in with OSG given the litigation.

~ lia

From: adams, lia (CMS/CMCS)
Sent: Friday, April 21, 2023 1:47 PM
To: Howe, Rory (CMS/CMCS) (Rory.Howe@cms.hhs.gov) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

<Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy D. (CMS/CMCS) (Jeremy.Silanskis@cms.hhs.gov)

<Jeremy.Silanskis@cms.hhs.gov>

Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Subject: FW: New SWIFT control: Jackson Lee SPS00504038

Hi Rory, Amber, Jeremy,

Attached is an incoming correspondence from Congress members regarding the health care-related taxes CIB that has been controlled to FMG for the Administrator's signature. Given the litigation, I wanted to flag for you and see whether we need to take precautions in responding.

Thanks,
Lia

From: Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>

Sent: Friday, April 21, 2023 1:24 PM

To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; CMS CMSO-Correspondence <CMSO_Correspondence@cms.hhs.gov>; Kassel, Adeena (CMS/CMCS) <Adeena.Kassel@CMS.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>

Subject: New SWIFT control: Jackson Lee SPS00504038

The attached has been assigned to FMG for Administrator signature. Response due 4/28.

When submitting the response to OSG for clearance, please include the names of the author and the clearing official. This information is required for clearance.

Please note: This control was created by the Office of the Secretary, therefore, timetables are non-negotiable and a response is required.

Toya R. Smith (she/her)

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Centers for Medicare & Medicaid Services

410-786-3245

toya.smith@cms.hhs.gov

Message

From: Endelman (he/him), Jonathan (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 1/12/2023 4:56:55 PM
To: Howe, Rory (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Subject: RE: RE: North Carolina

Thank you for your comments and direction. Glad I could be of service.

Best,

Jonathan

Jonathan Endelman
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: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, January 12, 2023 11:47 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: RE: North Carolina

Thanks, Jonathan.

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, January 12, 2023 11:12 AM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@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>; 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: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Subject: RE: North Carolina

Dear Laura,

Please see attached for FMG's questions. We have been working with Cecelia Williams cecilia.williams@dhhs.nc.gov and Betty J Staton Betty.J.Staton@dhhs.nc.gov at the State for the tax waiver, so might be beneficial to include them on the email as well when sending.

Best,

Jonathan

Jonathan Endelman
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7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Endelman (he/him), Jonathan (CMS/CMCS)
Sent: Tuesday, January 10, 2023 8:19 AM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@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>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Subject: RE: North Carolina

Thank you Laura. We look forward to working with you to resolve this issue.

Best,

Jonathan

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jonathan.endelman@cms.hhs.gov
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Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Sent: Tuesday, January 10, 2023 8:12 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@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>
Cc: Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Gibson, Alexis (CMS/CMCS) <alexis.gibson@cms.hhs.gov>
Subject: RE: North Carolina

Hi Jonathan and FMG colleagues,

Thank you for the update. As noted today, we are concerned with the length of time that this review has been on hold. We received the preprint in April 2022 and have been ready to approve this action pending this outstanding concern on the provider tax for several months. We appreciate that financing issues take time to resolve, but no questions have been issued to the state on the provider tax in months.

We appreciate that everyone is juggling several priorities, including NPRMs as well as ongoing work. However, we feel that continuing to hold this review in this manner is problematic.

If questions for the state cannot be finalized and sent to the state by COB 1/20, we will recommend moving ahead with approval of the SDP. We are happy to add language to the approval letter related to concerns around non-federal share if questions cannot be sent by that date; just let us know if you'd like to add the language and what language should be added.

We are happy to further discuss this if helpful.

Thanks,
Laura

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Monday, January 9, 2023 3:27 PM
To: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@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>
Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Subject: RE: North Carolina

Lovie,

North Carolina was brought up today during a meeting with Rory. He said he would take a look at the questions and get back to us soon. We just wanted to keep you updated. Thanks.

Best,

Jonathan

Jonathan Endelman
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Baltimore, MD 21244-1850

From: Endelman (he/him), Jonathan (CMS/CMCS)
Sent: Thursday, January 5, 2023 11:49 AM
To: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@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>
Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Subject: RE: North Carolina

Thank you Lovie. We are waiting on clearance to send the questions from Rory. I hope to bring this up with Charlie today at our meeting. Thank you.

Best,

Jonathan

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7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Sent: Thursday, January 5, 2023 10:39 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@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>
Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Subject: RE: North Carolina

Hi Anna and Jonathan,

Happy New Year! As a follow up to the emails below, can you provide a status update on FMG's question sets for NC. The state has requested updates regarding the questions since November 2022. Can you assist us with getting the questions cleared? We'd like to respond to the state and send any questions from FMG this week if possible.

Thanks,
Lovie

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, December 15, 2022 12:05 PM

To: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Burns, James (CMS/CMCS) <James.Burns@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>
Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Subject: RE: North Carolina

Hello Lovie,

I can confirm that the issue was brought up at the meeting with Rory yesterday. Rory stated that he would take a look at the questions and loop back with us after he had a chance to review them. I will be sure to keep you updated as more information becomes available. Thank you.

Best,

Jonathan

Jonathan Endelman
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From: Endelman (he/him), Jonathan (CMS/CMCS)
Sent: Thursday, December 15, 2022 10:58 AM
To: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Burns, James (CMS/CMCS) <James.Burns@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>
Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Subject: RE: North Carolina

Hello Lovie,

I believe there was supposed to be a meeting with Rory yesterday where we had planned to ask if Rory had taken a look at the questions for North Carolina. I am not sure if we brought that up at the meeting. Let me check and get back with you.

Best,

Jonathan

Jonathan Endelman
Social Science Research Analyst
Centers for Medicare & Medicaid Services (CMS)

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7500 Security Blvd.
Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Sent: Thursday, December 15, 2022 10:03 AM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Burns, James (CMS/CMCS) <James.Burns@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>

Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Subject: RE: North Carolina

Hi Jonathan,

I'm following up on the email below. Have you received feedback from Rory regarding the North Carolina question sets? The state is requesting a status update.

Thank you,
Lovie

From: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Sent: Tuesday, December 13, 2022 1:45 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Burns, James (CMS/CMCS) <James.Burns@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>

Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Subject: RE: North Carolina

Hi Jonathan and Stuart,

North Carolina is requesting a status update (please see attached email). During the FMG meeting yesterday and the email below you indicated you're waiting for feedback from Rory on the question sets. We'd like to respond to the state and send any questions from FMG this week if possible. We look forward to your update on next steps.

Thanks,
Lovie

From: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Sent: Monday, November 28, 2022 12:04 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS)

<Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Burns, James (CMS/CMCS) <James.Burns@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>
Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Subject: RE: North Carolina

Hi Jonathan—Great! Thanks for the update.

Lovie

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Monday, November 28, 2022 11:50 AM
To: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Burns, James (CMS/CMCS) <James.Burns@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>
Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Subject: RE: North Carolina

Lovie,

Yes. We have questions about the tax waiver submission itself as well as about our hold harmless concerns. Similar to how we handled the Louisiana IP/OP hospital tax, our plan is to ask the questions related to the tax waiver submission itself to the state through the tax waiver submission process and our questions concerning possible hold harmless arrangements through the state-directed payment financing review process. On his request, we have sent both sets of questions to Rory and are waiting to hear back from him with his feedback before sending the questions to the state. Please let us know if we can be of any further assistance at this time. Thank you.

Best,

Jonathan

Jonathan Endelman
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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: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Sent: Monday, November 28, 2022 10:18 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Burns, James (CMS/CMCS) <James.Burns@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>

Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>

Subject: RE: North Carolina

Hi Jonathan,

Happy Monday! North Carolina is requesting a status update regarding their tax waiver submission (please see attachment). Does FMG have follow questions for the state? I'll add this topic the DMCP/FMG meeting agenda for tomorrow.

Thanks,
Lovie

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

Sent: Tuesday, November 1, 2022 1:39 PM

To: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Burns, James (CMS/CMCS) <James.Burns@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>

Subject: FW: North Carolina

Dear all,

I started to review North Carolina's IP hospital services and OP hospital services health care-related taxes. I can already tell this one is going to require a lot of work before it gets to something approaching a tax for which we could recommend approval. It's certainly not the most straight forward or easily understandable submission we have ever received. It's been a decade since the state has come in to us with a tax waiver submission and it shows. I don't think someone has worked on this data in a long time. In general, the more recent a tax waiver approval is, the better shape it tends to be. In an ideal world, states would go in every so often to make sure the data is correct, clean things up, etc. We had a section of MFAR that had an expiration date of three years for tax waivers that I think would have partially addressed this issue. Please see attached for questions and the submission from the State. Please also see attached for the tax waiver approval from 2011. Also, it would be good to hear more detail from Rory about what he knows specifically about the pooling and redistribution mechanism that we believe may be attached to this tax and the extant hold harmless concerns. I am copying DMCP for awareness. I will also copy when we send questions to the state.

Best,

Jonathan

Jonathan Endelman
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: Friday, October 7, 2022 2:35 PM

To: cecilia.williams@dhhs.nc.gov; Betty.J.Staton@dhhs.nc.gov

Cc: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; CMS State Directed Payment

<StateDirectedPayment@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Burns, James (CMS/CMCS) <James.Burns@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>

Subject: North Carolina

Good afternoon Ms. Staton,

My name is Jonathan Endelman and I am a member of the tax team located in the Financial Management Group (FMG) at CMS. We are responsible for reviewing all health care-related tax waivers of the broad-based and uniformity requirements. We are acknowledging receipt of the State's submission of 10/6/2022 requesting a waiver of the broad-based and uniformity requirements for its inpatient and outpatient hospital services taxes. We will be in touch in case we have any questions or concerns over the course of our review. In the future, please address all tax waivers to:

Mr. Rory Howe, Director
Financial Management Group
Center for Medicaid and CHIP Services
U.S. Department of Health & Human Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850

Thank you.

Best,

Jonathan

Message

From: Silanskis, Jeremy (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 4/27/2023 6:24:20 PM
To: Maccarroll, Amber (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) adams, lia (CMS/CMCS)
[REDACTED] b(6) Howe, Rory (CMS/CMCS)
CC: Goldstein, Stuart (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) ; Arnold, Charlie
[REDACTED] b(6) Boston, Beverly
[REDACTED] b(6) Clark, Jennifer
Subject: RE: RE: For OGD Review by Tomorrow - Friday, April 28: Jackson Lee SPS00504038

Looks good to me too. Thanks.

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, April 27, 2023 2:20 PM
To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
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Thanks, Amber

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In regards to placing it on hold, we heard back from OSG: "OSORA conferred with Exec Sec and, rather than place the control on hold, they would prefer that we close the control with a response saying that the litigation is pending and therefore we cannot comment on the details."

In regards to OGC review, DFP shared with OGC who had no legal comment on the response.

Thanks,
Lia

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Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Thanks, Beverly. Lia, would you mind connecting with DFP and asking that they contact OGC to obtain their preferred/recommended approach on the response?

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Beverly

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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: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Checking in on whether I should share with DFP to begin drafting a response or whether I should check-in with OSG given the litigation.

~ lia

From: adams, lia (CMS/CMCS)

Sent: Friday, April 21, 2023 1:47 PM

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

Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Subject: FW: New SWIFT control: Jackson Lee SPS00504038

Hi Rory, Amber, Jeremy,

Attached is an incoming correspondence from Congress members regarding the health care-related taxes CIB that has been controlled to FMG for the Administrator's signature. Given the litigation, I wanted to flag for you and see whether we need to take precautions in responding.

Thanks,

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From: Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>

Sent: Friday, April 21, 2023 1:24 PM

To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; CMS CMSO-Correspondence <CMSO_Correspondence@cms.hhs.gov>; Kassel, Adeena (CMS/CMCS) <Adeena.Kassel@CMS.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>

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Please note: This control was created by the Office of the Secretary, therefore, timetables are non-negotiable and a response is required.

Toya R. Smith (she/her)

Division of Operations & Executive Support/Operations Services Group

Center for Medicaid and CHIP Services

Centers for Medicare & Medicaid Services

410-786-3245

toya.smith@cms.hhs.gov

Message

From: adams, lia (CMS/CMCS) b(6)
Sent: 4/27/2023 6:38:08 PM b(6)
To: Silanskis, Jeremy (CMS/CMCS) b(6)
b(6) Maccarroll, Amber
; Howe, Rory
CC: Goldstein, Stuart (CMS/CMCS) b(6)
b(6) Arnold, Charlie
Boston, Beverly
Clark, Jennifer
Subject: RE: RE: For OGD Review by Tomorrow - Friday, April 28: Jackson Lee SPS00504038

Thanks, Amber and Jeremy. Confirming I can submit back to OSG without Rory's review or should I wait to hear from him?

Thanks,
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Sent: Thursday, April 27, 2023 2:24 PM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
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~ lia

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To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>;

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Center for Medicaid and CHIP Services

Centers for Medicare & Medicaid Services

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toya.smith@cms.hhs.gov

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Sent: 4/27/2023 6:39:17 PM
To: adams, lia (CMS/CMCS) [b(6)]
CC: [b(6)]
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Howe, Rory (CMS/CMCS)
Arnold, Charlie
Boston, Beverly
Clark, Jennifer
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Sent: Thursday, April 27, 2023 2:38 PM
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<https://share.cms.gov/center/CMCS/FMG/FMGFrontOffice/Shared%20Documents/FMG%20Correspondence/Jackson%20Lee%20-%20Due%2004.28.2023/Representatives%20Jackson%20Lee%20et%20al%20SWIFT%20response.docx?web=1>

In regards to placing it on hold, we heard back from OSG: "OSORA conferred with Exec Sec and, rather than place the control on hold, they would prefer that we close the control with a response saying that the litigation is pending and therefore we cannot comment on the details."

In regards to OGC review, DFP shared with OGC who had no legal comment on the response.

Thanks,
Lia

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

Sent: Monday, April 24, 2023 10:55 AM

To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Thanks, Beverly. Lia, would you mind connecting with DFP and asking that they contact OGC to obtain their preferred/recommended approach on the response?

From: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Sent: Monday, April 24, 2023 10:41 AM

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

<Jeremy.Silanskis@cms.hhs.gov>

Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Alternatively and as done in the past for litigations, OGC can connect with OSORA and ask that the response be put on hold pending litigation which is the approach taken with the TX LPPF letters.

Beverly

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

Sent: Monday, April 24, 2023 10:11 AM

To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)

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

Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Please share with DRP and ask them to connect with OGC and flag the response deadline. We may need to request a response extension (even though OSORA says they are non-negotiable) due to the litigation, particularly given DOJ might want to review our draft response. If we can't get an extension, DFP should just develop a very high-level "thank you" response to meet the deadline and we can flag that OGC may want DOJ to review as it moves through the clearance process.

From: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

Sent: Monday, April 24, 2023 9:50 AM

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: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Checking in on whether I should share with DFP to begin drafting a response or whether I should check-in with OSG given the litigation.

~ lia

From: adams, lia (CMS/CMCS)

Sent: Friday, April 21, 2023 1:47 PM

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

<Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy D. (CMS/CMCS) (Jeremy.Silanskis@cms.hhs.gov)

<Jeremy.Silanskis@cms.hhs.gov>

Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Subject: FW: New SWIFT control: Jackson Lee SPS00504038

Hi Rory, Amber, Jeremy,

Attached is an incoming correspondence from Congress members regarding the health care-related taxes CIB that has been controlled to FMG for the Administrator's signature. Given the litigation, I wanted to flag for you and see whether we need to take precautions in responding.

Thanks,

Lia

From: Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>

Sent: Friday, April 21, 2023 1:24 PM

To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; CMS CMSO-Correspondence <CMSO_Correspondence@cms.hhs.gov>; Kassel, Adeena (CMS/CMCS) <Adeena.Kassel@CMS.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>

Subject: New SWIFT control: Jackson Lee SPS00504038

The attached has been assigned to FMG for Administrator signature. Response due 4/28.

When submitting the response to OSG for clearance, please include the names of the author and the clearing official. This information is required for clearance.

Please note: This control was created by the Office of the Secretary, therefore, timetables are non-negotiable and a response is required.

Toya R. Smith (she/her)

Division of Operations & Executive Support/Operations Services Group

Center for Medicaid and CHIP Services

Centers for Medicare & Medicaid Services

410-786-3245

toya.smith@cms.hhs.gov

Message

From: adams, lia (CMS/CMCS) [REDACTED]
Sent: 4/27/2023 6:42:12 PM [REDACTED]
To: Maccarroll, Amber (CMS/CMCS) [REDACTED]; Silanskis, Jeremy
[REDACTED] Howe, Rory (CMS/CMCS)
CC: Goldstein, Stuart (CMS/CMCS) [REDACTED]; Arnold, Charlie
[REDACTED] Boston, Beverly
[REDACTED] Clark, Jennifer
Subject: RE: RE: For OGD Review by Tomorrow - Friday, April 28: Jackson Lee SPS00504038

Thanks, all for quickly drafting and reviewing the response! It has moved back to OSG.

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Thursday, April 27, 2023 2:39 PM
To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>;
Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS)
<Charlie.Arnold@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Clark, Jennifer
(CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>
Subject: RE: For OGD Review by Tomorrow - Friday, April 28: Jackson Lee SPS00504038

It can go back to OSG. Thanks!

From: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Sent: Thursday, April 27, 2023 2:38 PM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS)
<Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS)
<Charlie.Arnold@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Clark, Jennifer
(CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>
Subject: RE: For OGD Review by Tomorrow - Friday, April 28: Jackson Lee SPS00504038

Thanks, Amber and Jeremy. Confirming I can submit back to OSG without Rory's review or should I wait to hear from him?

Thanks,
Lia

From: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Sent: Thursday, April 27, 2023 2:24 PM
To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; adams, lia (CMS/CMCS)

<Lia.Adams@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>

Subject: RE: For OGD Review by Tomorrow - Friday, April 28: Jackson Lee SPS00504038

Looks good to me too. Thanks.

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Sent: Thursday, April 27, 2023 2:20 PM

To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

Cc: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>

Subject: RE: For OGD Review by Tomorrow - Friday, April 28: Jackson Lee SPS00504038

Made a few minor edits in the document. Otherwise, I think it's good to go.

Thanks, Amber

From: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

Sent: Thursday, April 27, 2023 2:11 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: Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>

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<https://share.cms.gov/center/CMCS/FMG/FMGFrontOffice/Shared%20Documents/FMG%20Correspondence/Jackson%20Lee%20-%20Due%2004.28.2023/Representatives%20Jackson%20Lee%20et%20al%20SWIFT%20response.docx?web=1>

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Sent: Monday, April 24, 2023 10:55 AM

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Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>

Subject: RE: New SWIFT control: Jackson Lee SPS00504038

Thanks, Beverly. Lia, would you mind connecting with DFP and asking that they contact OGC to obtain their preferred/recommended approach on the response?

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Sent: Monday, April 24, 2023 10:41 AM

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Subject: RE: New SWIFT control: Jackson Lee SPS00504038

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Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

Subject: RE: New SWIFT control: Jackson Lee SPS00504038

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~ lia

From: adams, lia (CMS/CMCS)

Sent: Friday, April 21, 2023 1:47 PM

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

Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>

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Thanks,

Lia

From: Smith, Toya (CMS/CMCS) <Toya.Smith@cms.hhs.gov>

Sent: Friday, April 21, 2023 1:24 PM

To: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; CMS CMSO-Correspondence <CMSO_Correspondence@cms.hhs.gov>; Kassel, Adeena (CMS/CMCS) <Adeena.Kassel@CMS.hhs.gov>; Randle, Ronetta (CMS/CMCS) <Ronetta.Randle@cms.hhs.gov>; Taylor, Kenneth (CMS/CMCS) <Kenneth.Taylor@cms.hhs.gov>

Subject: New SWIFT control: Jackson Lee SPS00504038

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Toya R. Smith (she/her)

Division of Operations & Executive Support/Operations Services Group

Center for Medicaid and CHIP Services

Centers for Medicare & Medicaid Services

410-786-3245

toya.smith@cms.hhs.gov

Message

From: Vogel, Jeremy (HHS/OGC) [Jeremy.Vogel@hhs.gov]
Sent: 5/1/2023 7:36:42 PM
To: Howe, Rory (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6) Campbell, Matthew
CC: Kaiser, Bridgette (HHS/OGC); [REDACTED] b(6)
[REDACTED] b(6) Mannchen, Garrett
Subject: RE: RE: MO disallowance letter?

Hi Rory,

I'll punt to the litigators on the first issue. I will be OOO tomorrow but am happy to receive a download from Matt on Weds.; don't wait for me.

Somewhat relatedly, we spoke with Paul a bit more about the external parties meeting last Thursday re: LPPF-type arrangements. At Paul's request, would you be able to send us an electronic copy of the binder materials? Hopefully CMS has an electronic version; Paul mentioned thinking that Dan already had it, possibly via WH from an earlier meeting between WH & these external parties.

Thanks as always,

Jeremy Vogel (he/him)
Attorney, DHHS/OGC/CMSCD
(202) 205-8778 | Jeremy.Vogel@hhs.gov

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, May 1, 2023 3:24 PM
To: Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>; Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>
Cc: Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>
Subject: RE: MO disallowance letter?

Hi Matt and Jeremy,

I raised the potential timing with Dan today and he is interested in receiving feedback as soon as possible so that the Administrator can contact the Governor with as much time as possible before the date after which the MO legislature can no longer review new bills (I believe this is May 13th). Please let me know if there is anything that FMG can do to be helpful with the OGC/DOJ review.

On a related note, Dan asked that I raise with you a possible approach to resolution with Missouri that the Administrator could offer in her upcoming call with the Governor. I know you are busy on the letter, the brief, etc., but would you have 30 minutes tomorrow to discuss the possible approach? I will try to be as flexible as possible to meet your availability.

Thanks again,
Rory

From: Howe, Rory (CMS/CMCS)
Sent: Friday, April 28, 2023 1:17 PM
To: Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>

Cc: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>
Subject: RE: MO disallowance letter?

Thanks, Matt. I really appreciate the update.

b(5)

b(5)

b(5)

Rory

From: Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>

Sent: Friday, April 28, 2023 1:11 PM

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

Cc: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>

Subject: RE: MO disallowance letter?

Rory,

Sorry for the delay on this. We should have feedback on the Missouri letter toward the end of next week—hopefully, sooner.

b(5)

b(5)

Please let us know if this timeline works. Thanks.

Matt

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

Sent: Tuesday, April 25, 2023 10:13 AM

To: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>

Cc: Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>

Subject: RE: MO disallowance letter?

Hi Jeremy and Matt,

My leadership just pinged me on status of OGC and DOJ review of this draft letter. Do you have any sense of when DOJ and OGC will provide feedback?

Thanks,

Rory

From: Howe, Rory (CMS/CMCS)

Sent: Tuesday, April 11, 2023 8:08 PM

To: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>

Subject: RE: MO disallowance letter?

Hi Jeremy,

We have not started drafting the disallowance letter yet. However, I have attached an additional draft letter to the state that OA and Dan asked for and mentioned to Paul. I think this might be what Susan referenced. We are planning to release it on April 21st and it would provide notice to the state that we intend to issue a disallowance no earlier than 60

days following the letter if the state has not provided information supporting the allowability of the tax or demonstrating that the state has fixed the tax. Please let me know if you have questions.

As you mentioned below, I think it would be good to discuss during the TX call tomorrow given there is clear overlap. I hope this helps.

Thanks,
Rory

From: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>
Sent: Tuesday, April 11, 2023 5:41 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: MO disallowance letter?

Hi Rory,

Susan Lyons (you're probably aware, our Deputy Associate General Counsel for Litigation in CMSD) is asking about the draft disallowance letter to MO. Any update? I expect you might have paused this pending some further analysis/discussion of the Texas case, but if there is any update on your drafting of that letter, please let me know so I can pass it along.

Thanks & have a great evening,

Jeremy Vogel (he/him)
Attorney, United States Department of Health and Human Services
Office of the General Counsel, Centers for Medicare & Medicaid Services Division
330 Independence Ave. S.W., Washington, D.C. 20201
(202) 205-8778 | Jeremy.Vogel@hhs.gov

Message

From: Vogel, Jeremy (HHS/OGC) [Jeremy.Vogel@hhs.gov]
Sent: 5/1/2023 8:50:47 PM
To: Howe, Rory (CMS/CMCS) [b(6)]; Campbell, Matthew
[b(6)]
CC: Kaiser, Bridgette (HHS/OGC) [b(6)]; Mannchen, Garrett
[b(6)]
Subject: RE: RE: MO disallowance letter?

Thanks Rory. Appreciate it!

Jeremy Vogel (he/him)
Attorney, DHHS/OGC/CMCSD
(202) 205-8778 | Jeremy.Vogel@hhs.gov

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, May 1, 2023 4:40 PM
To: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>
Cc: Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>
Subject: RE: MO disallowance letter?

Thanks, Jeremy. Sorry, I missed this earlier. We only have a hard copy of the binder. The binder Dan received from the WH was a hard copy. I will try to scan the relevant sections when I am in the office tomorrow.

From: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>
Sent: Monday, May 1, 2023 3:37 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>
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b(5)

b(5)

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b(5)

b(5)

Please let us know if this timeline works. Thanks.

Matt

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

Sent: Tuesday, April 25, 2023 10:13 AM

To: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>

Cc: Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>

Subject: RE: MO disallowance letter?

Hi Jeremy and Matt,

My leadership just pinged me on status of OGC and DOJ review of this draft letter. Do you have any sense of when DOJ and OGC will provide feedback?

Thanks,
Rory

From: Howe, Rory (CMS/CMCS)

Sent: Tuesday, April 11, 2023 8:08 PM

To: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>

Subject: RE: MO disallowance letter?

Hi Jeremy,

We have not started drafting the disallowance letter yet. However, I have attached an additional draft letter to the state that OA and Dan asked for and mentioned to Paul. I think this might be what Susan referenced. We are planning to release it on April 21st and it would provide notice to the state that we intend to issue a disallowance no earlier than 60 days following the letter if the state has not provided information supporting the allowability of the tax or demonstrating that the state has fixed the tax. Please let me know if you have questions.

As you mentioned below, I think it would be good to discuss during the TX call tomorrow given there is clear overlap. I hope this helps.

Thanks,
Rory

From: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>

Sent: Tuesday, April 11, 2023 5:41 PM

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

Subject: MO disallowance letter?

Hi Rory,

Susan Lyons (you're probably aware, our Deputy Associate General Counsel for Litigation in CMSD) is asking about the draft disallowance letter to MO. Any update? I expect you might have paused this pending some further analysis/discussion of the Texas case, but if there is any update on your drafting of that letter, please let me know so I can pass it along.

Thanks & have a great evening,

Jeremy Vogel (he/him)

Attorney, United States Department of Health and Human Services

Office of the General Counsel, Centers for Medicare & Medicaid Services Division

330 Independence Ave. S.W., Washington, D.C. 20201

(202) 205-8778 | Jeremy.Vogel@hhs.gov

Message

From: Silanskis, Jeremy (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 5/2/2023 3:17:12 PM
To: Mcmillion, Todd (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6), Sampson, Tamara
CC: [REDACTED] b(6) Maccarroll, Amber
Subject: FW: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2
Attachments: TX-19-0036 Dissapproval Letter-05-01-2023_edits.docx

Have you guys reviewed and cleared the redraft of the letter? Thanks.

From: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Sent: Tuesday, May 2, 2023 11:03 AM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Hey Jeremy,

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Deficiency: No acceptable ACR demonstration supporting efficient and economic rates
Section 1902(a)(4) and 42 CFR 430.10 and 42 CFR 447.252(b) comprehensiveness
Deficiency: Lack of acceptable ACR prevents calculation of supplemental amount which is difference between ACR and base payments; Plan language lacks a list of qualified providers or the qualifying criteria is not supported by executed IGT agreements;
Section 1902(a)(2) and Section 1903(w)(6) contingent and acceptable NFS of resources
Deficiency: Lack of IGT agreements or description of IGT process supporting an IGT derived from acceptable state or local taxes

Monica can begin updates to the other 3 documents in this disapproval package.

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Sent: Monday, May 1, 2023 7:21 AM
To: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
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From: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Sent: Friday, April 28, 2023 6:14 PM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Cc: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>; 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>
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Good Afternoon Lia and Beverly,

Here is another disapproval. It is for TX-19-0036.

Thanks,
Tammy

From: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>
Sent: Thursday, April 27, 2023 10:06 PM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
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It took me a bit, but here are the four disapproval documents, formatted and in line with the NY Disapproval documents.

Please let me know if you need any additional edits done.

Thanks,

Wendy L. Harrison, LSW, CORJI

Policy Advisor/Technical Director
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)
7500 Security Boulevard, South Building

S3-14-18

Woodlawn, MD 21244

Cell: b(6)

Wendy.Harrison@cms.hhs.gov



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.

From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>

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Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>

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Wendy,

It's going to be hard for me to get to review these today and we really need to get these to OGD asap with the 45th day on 5/4.

Can you please look at the disapproval letter for accuracy and (importantly) flow as Gary mentioned. Gary added two comments; please confirm his understanding and related edits. Then align the other three documents with what is going through clearance for NY – attaching those drafts for Monica's benefit.

Thank you

Todd

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Good morning All.

Made some edits to Texas disapproval letter – sorry, I felt like the letter was repetitive too often. I looked at what is in for clearance on NY and tried to follow language/format. Please look at the letter one last time for accuracy and (importantly) flow. Two comments added (highlighted in yellow); please confirm my understanding and related edits. Then align the other three documents with what is going through clearance for NY – attaching those drafts for Monica's benefit.

From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>

Sent: Wednesday, April 26, 2023 7:32 AM

To: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>

Cc: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS)

<Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>

Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Gary,

Please TD review before moving on to OGD. Thank you

Todd

From: Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>

Sent: Tuesday, April 25, 2023 3:35 PM

To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS)

<Tamara.Sampson@cms.hhs.gov>

Cc: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS)

<Wendy.Harrison@cms.hhs.gov>

Subject: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good afternoon Tammy and Todd,

Attached you will find the following documents:

TX-19-0036 Disapproval documents:

- Decision Memo.
- QAs document.
- Disapproval Administrator Memo.
- Disapproval letter.
- Other related Emails/Documents:
 - 04/25/2023. Last communication email with the state via bi-weekly Teams call and via email. SEATool is been updated accordingly.
 - Initial Package submission from 12/23/2023.
 - RAI response from the state received on 03/20/2023 with additional questions to the RAI sent to the state on 03/29/2023.
 - 4.19-B Red-line SPA pages received from the state with additional questions to the RAI from DRR sent to the state on 03/29/2023.

TX-19-0036 GEMT-NIPT only SPA Details:

Review and Summary of TX-19-0036 RAI response:

- **SPA Purpose:** The proposed amendment establishes enhanced Medicaid reimbursements through a supplemental payment program for qualifying publicly owned ground emergency ambulance service providers.
- **Submission Date:** 12/23/2019
- **Effective Date:** 10/01/2019
- **Second Clock SPA:**
 - **RAI response received:** 03/20/2023
 - **25th Day:** 04/14/2023
 - **45th Day:** 05/04/2023
 - **90th Day:** 06/18/2023
- **Historical Clock Details:**

- CMS received SPA 19-0036 on December 23, 2019, with a proposed effective date of October 1, 2019. CMS issued a request for additional information (RAI) on March 19, 2020. Texas' RAI response was submitted on October 25, 2021. Texas withdrew the RAI response on November 11, 2021 and resubmitted responses on June 30, 2022. Texas withdrew the RAI response on December 19, 2022 and resubmitted responses on March 20, 2023. We have an outstanding request for additional information to the RAI sent to the state on March 29, 2023. As of April 25, 2023 CMS has not received a response from the state.
- Fiscal Impact was updated by the state on this RAI. The budget impact appears to be very low based on the list of Providers who initially sent in information indicating they were interested in participating to the state for FY19 and FY20.

Attachment to Block 6 of CMS Form 179

Transmittal Number 19-0036

	Total Fiscal Impact	Federal	State
FFY 2020	\$1,553,993	\$946,226	\$607,767
FFY 2021	\$1,833,401	\$1,133,225	\$700,176
FFY 2022	\$1,720,830	\$1,063,645	\$657,185

Please let me know if any further information is needed on my end.

Respectfully,

Monica Neiman

Social Science Research NIPT analyst for:

States: Alabama, Louisiana, Mississippi, New Mexico, Texas and Utah

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)

Work email: monica.neiman@cms.hhs.gov

Phone: 945-356-1231

Work Schedule: Monday -Thursday

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Message

From: Mcmillion, Todd (CMS/CMCS) [b(6)]
[b(6)]
Sent: 5/2/2023 4:26:40 PM
To: Silanskis, Jeremy (CMS/CMCS) [b(6)]
[b(6)] Sampson, Tamara
CC: Howe, Rory (CMS/CMCS) [b(6)]
[b(6)] Maccarroll, Amber
Subject: RE: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

I have and am OK with it

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Financial Management Group (FMG)
Division of Reimbursement Review (DRR)
7500 Security Boulevard, South Building
S3-14-18

Woodlawn MD 21244

Cel: **b(6)**

Wendy.Harrison@cms.hhs.gov



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- Disapproval letter.
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Review and Summary of TX-19-0036 RAI response:

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- **Effective Date:** 10/01/2019
- **Second Clock SPA:**
 - **RAI response received:** 03/20/2023
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 - **90th Day:** 06/18/2023
- **Historical Clock Details:**
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Attachment to Block 6 of CMS Form 179

Transmittal Number 19-0036

	Total Fiscal Impact	Federal	State
FFY 2020	\$1,553,993	\$946,226	\$607,767
FFY 2021	\$1,833,401	\$1,133,225	\$700,176
FFY 2022	\$1,720,830	\$1,063,645	\$657,185

Please let me know if any further information is needed on my end.

Respectfully,

Monica Neiman

Social Science Research NIPT analyst for:

States: Alabama, Louisiana, Mississippi, New Mexico, Texas and Utah

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)

Work email: monica.neiman@cms.hhs.gov

Phone: 945-356-1231

Work Schedule: Monday -Thursday

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Message

From: Silanskis, Jeremy (CMS/CMCS) [b(6)]
[b(6)]
Sent: 5/2/2023 4:30:42 PM
To: Mcmillion, Todd (CMS/CMCS) [b(6)]
[b(6)] Sampson, Tamara
CC: Howe, Rory (CMS/CMCS) [b(6)]
[b(6)] Maccarroll, Amber
Subject: RE: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Thanks. Please add the disapproval letter to the agenda for tomorrow's internal clearance meeting. Although MO has withdrawn the RAI response for the FQHC SPA, please add that one as well as was discussed during the DRR/DRP meeting this morning.

From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Sent: Tuesday, May 2, 2023 12:27 PM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
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Sent: Tuesday, May 2, 2023 11:03 AM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
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Sent: Monday, May 1, 2023 7:21 AM
To: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
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To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
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Sent: Thursday, April 27, 2023 10:06 PM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
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It took me a bit, but here are the four disapproval documents, formatted and in line with the NY Disapproval documents.

Please let me know if you need any additional edits done.

Thanks,

Wendy L. Harrison, LSW, CORJI

Policy Advisor/Technical Director
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)
7500 Security Boulevard, South Building
S3-14-18
Woodlawn, MD 21244
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Gary,
Please TD review before moving on to OGD. Thank you

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From: Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Sent: Tuesday, April 25, 2023 3:35 PM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>
Subject: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good afternoon Tammy and Todd,

Attached you will find the following documents:

TX-19-0036 Disapproval documents:

- Decision Memo.
- QAs document.
- Disapproval Administrator Memo.
- Disapproval letter.

- Other related Emails/Documents:
 - 04/25/2023. Last communication email with the state via bi-weekly Teams call and via email. SEATool is been updated accordingly.

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- 4.19-B Red-line SPA pages received from the state with additional questions to the RAI from DRR sent to the state on 03/29/2023.

TX-19-0036 GEMT-NIPT only SPA Details:

Review and Summary of TX-19-0036 RAI response:

- **SPA Purpose:** The proposed amendment establishes enhanced Medicaid reimbursements through a supplemental payment program for qualifying publicly owned ground emergency ambulance service providers.
- **Submission Date:** 12/23/2019
- **Effective Date:** 10/01/2019
- **Second Clock SPA:**
 - **RAI response received:** 03/20/2023
 - **25th Day:** 04/14/2023
 - **45th Day:** 05/04/2023
 - **90th Day:** 06/18/2023
- **Historical Clock Details:**
 - CMS received SPA 19-0036 on December 23, 2019, with a proposed effective date of October 1, 2019. CMS issued a request for additional information (RAI) on March 19, 2020. Texas' RAI response was submitted on October 25, 2021. Texas withdrew the RAI response on November 11, 2021 and resubmitted responses on June 30, 2022. Texas withdrew the RAI response on December 19, 2022 and resubmitted responses on March 20, 2023. We have an outstanding request for additional information to the RAI sent to the state on March 29, 2023. As of April 25, 2023 CMS has not received a response from the state.
- Fiscal Impact was updated by the state on this RAI. The budget impact appears to be very low based on the list of Providers who initially sent in information indicating they were interested in participating to the state for FY19 and FY20.

Attachment to Block 6 of CMS Form 179

Transmittal Number 19-0036

	Total Fiscal Impact	Federal	State
FFY 2020	\$1,553,993	\$946,226	\$607,767
FFY 2021	\$1,833,401	\$1,133,225	\$700,176
FFY 2022	\$1,720,830	\$1,063,645	\$657,185

Please let me know if any further information is needed on my end.

Respectfully,

Monica Neiman

Social Science Research NIPT analyst for:

States: Alabama, Louisiana, Mississippi, New Mexico, Texas and Utah

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
Financial Management Group (FMG)
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Subject: RE: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2
Attachments: TX-19-0036 Dissapproval Letter-05-01-2023_edits comments JS.docx

Please see the attached comments.

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Cell: **b(6)**

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- Fiscal Impact was updated by the state on this RAI. The budget impact appears to be very low based on the list of Providers who initially sent in information indicating they were interested in participating to the state for FY19 and FY20.

Attachment to Block 6 of CMS Form 179

Transmittal Number 19-0036

	Total Fiscal Impact	Federal	State
FFY 2020	\$1,553,993	\$946,226	\$607,767
FFY 2021	\$1,833,401	\$1,133,225	\$700,176
FFY 2022	\$1,720,830	\$1,063,645	\$657,185

Please let me know if any further information is needed on my end.

Respectfully,

Monica Neiman

Social Science Research NIPT analyst for:

States: Alabama, Louisiana, Mississippi, New Mexico, Texas and Utah

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)

Work email: monica.neiman@cms.hhs.gov

Phone: 945-356-1231

Work Schedule: *Monday -Thursday*

Information not releasable to the public unless authorized by law: The information transmitted may not have been publicly disclosed and may be pre-decisional, privileged and confidential. It is intended only for the person or entity to which it is addressed and must not be disseminated, distributed, or copied to persons not authorized to receive it. Unauthorized disclosure may result in prosecution to the fullest extent of the law. If you are not an intended recipient, or have received this message in error, please delete it without reading it. Also, please notify the sender that you have received this communication in error. Your receipt of this message is not intended to waive any applicable privilege.

Message

From: Mcmillion, Todd (CMS/CMCS) [b(6)]
[b(6)]
Sent: 5/2/2023 5:27:08 PM
To: Silanskis, Jeremy (CMS/CMCS) [b(6)]
[b(6)] Sampson, Tamara
CC: Howe, Rory (CMS/CMCS) [b(6)]
[b(6)] Maccarroll, Amber
Subject: RE: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Jeremy,

You just want the disapproval letter for Clearance tomorrow, right? Not the entire package

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Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

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Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

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Sent: Tuesday, May 2, 2023 11:03 AM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS)

<TODD.MCMILLION@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>

Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

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Sent: Monday, May 1, 2023 7:21 AM

To: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>

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

Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good morning –

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Thanks.

From: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>

Sent: Friday, April 28, 2023 6:14 PM

To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>

Cc: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Knight, Gary (CMS/CMCS)

<Gary.Knight@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Neiman, Monica

(CMS/CMCS) <Monica.Neiman@cms.hhs.gov>; 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: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good Afternoon Lia and Beverly,

Here is another disapproval. It is for TX-19-0036.

Thanks,
Tammy

From: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>
Sent: Thursday, April 27, 2023 10:06 PM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

It took me a bit, but here are the four disapproval documents, formatted and in line with the NY Disapproval documents.

Please let me know if you need any additional edits done.

Thanks,

Wendy L. Harrison, LSW, CORJI

Policy Advisor/Technical Director
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)
7500 Security Boulevard, South Building
S3-14-18

Woodlawn, MD 21244

Cell b(6)

Wendy.Harrison@cms.hhs.gov



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Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Wendy,

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Can you please look at the disapproval letter for accuracy and (importantly) flow as Gary mentioned. Gary added two comments; please confirm his understanding and related edits. Then align the other three documents with what is going through clearance for NY – attaching those drafts for Monica's benefit.

Thank you

Todd

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Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good morning All.

Made some edits to Texas disapproval letter – sorry, I felt like the letter was repetitive too often. I looked at what is in for clearance on NY and tried to follow language/format. Please look at the letter one last time for accuracy and (importantly) flow. Two comments added (highlighted in yellow); please confirm my understanding and related edits. Then align the other three documents with what is going through clearance for NY – attaching those drafts for Monica's benefit.

From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Sent: Wednesday, April 26, 2023 7:32 AM
To: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Cc: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Gary,
Please TD review before moving on to OGD. Thank you

Todd

From: Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Sent: Tuesday, April 25, 2023 3:35 PM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>
Subject: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good afternoon Tammy and Todd,

Attached you will find the following documents:

TX-19-0036 Disapproval documents:

- Decision Memo.
- QAs document.
- Disapproval Administrator Memo.
- Disapproval letter.
- Other related Emails/Documents:
 - 04/25/2023. Last communication email with the state via bi-weekly Teams call and via email. SEATool is been updated accordingly.
 - Initial Package submission from 12/23/2023.
 - RAI response from the state received on 03/20/2023 with additional questions to the RAI sent to the state on 03/29/2023.
 - 4.19-B Red-line SPA pages received from the state with additional questions to the RAI from DRR sent to the state on 03/29/2023.

TX-19-0036 GEMT-NIPT only SPA Details:

Review and Summary of TX-19-0036 RAI response:

- **SPA Purpose:** The proposed amendment establishes enhanced Medicaid reimbursements through a supplemental payment program for qualifying publicly owned ground emergency ambulance service providers.
- **Submission Date:** 12/23/2019
- **Effective Date:** 10/01/2019
- **Second Clock SPA:**
 - **RAI response received:** 03/20/2023
 - **25th Day:** 04/14/2023
 - **45th Day:** 05/04/2023
 - **90th Day:** 06/18/2023
- **Historical Clock Details:**
 - CMS received SPA 19-0036 on December 23, 2019, with a proposed effective date of October 1, 2019. CMS issued a request for additional information (RAI) on March 19, 2020. Texas' RAI response was submitted on October 25, 2021. Texas withdrew the RAI response on November 11, 2021 and resubmitted responses on June 30, 2022. Texas withdrew the RAI response on December 19, 2022 and resubmitted responses on March 20, 2023. We have an outstanding request for additional information to the RAI sent to the state on March 29, 2023. As of April 25, 2023 CMS has not received a response from the state.
- Fiscal Impact was updated by the state on this RAI. The budget impact appears to be very low based on the list of Providers who initially sent in information indicating they were interested in participating to the state for FY19 and FY20.

Attachment to Block 6 of CMS Form 179

Transmittal Number 19-0036

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Please let me know if any further information is needed on my end.

Respectfully,

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Social Science Research NIPT analyst for:

States: Alabama, Louisiana, Mississippi, New Mexico, Texas and Utah

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
Financial Management Group (FMG)
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Work email: monica.neiman@cms.hhs.gov

Phone: 945-356-1231

Work Schedule: Monday -Thursday

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Message

From: Silanskis, Jeremy (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 5/2/2023 5:44:06 PM
To: Mcmillion, Todd (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Sampson, Tamara
CC: Howe, Rory (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Maccarroll, Amber
Subject: RE: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Correct.

From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
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To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
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Policy Advisor/Technical Director
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Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good morning All.

Made some edits to Texas disapproval letter – sorry, I felt like the letter was repetitive too often. I looked at what is in for clearance on NY and tried to follow language/format. Please look at the letter one last time for accuracy and (importantly) flow. Two comments added (highlighted in yellow); please confirm my understanding and related edits. Then align the other three documents with what is going through clearance for NY – attaching those drafts for Monica's benefit.

From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Sent: Wednesday, April 26, 2023 7:32 AM
To: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Cc: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Gary,
Please TD review before moving on to OGD. Thank you

Todd

From: Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Sent: Tuesday, April 25, 2023 3:35 PM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS)

<Tamara.Sampson@cms.hhs.gov>

Cc: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS)

<Wendy.Harrison@cms.hhs.gov>

Subject: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good afternoon Tammy and Todd,

Attached you will find the following documents:

TX-19-0036 Disapproval documents:

- Decision Memo.
- QAs document.
- Disapproval Administrator Memo.
- Disapproval letter.
- Other related Emails/Documents:
 - 04/25/2023. Last communication email with the state via bi-weekly Teams call and via email. SEATool is been updated accordingly.
 - Initial Package submission from 12/23/2023.
 - RAI response from the state received on 03/20/2023 with additional questions to the RAI sent to the state on 03/29/2023.
 - 4.19-B Red-line SPA pages received from the state with additional questions to the RAI from DRR sent to the state on 03/29/2023.

TX-19-0036 GEMT-NIPT only SPA Details:

Review and Summary of TX-19-0036 RAI response:

- **SPA Purpose:** The proposed amendment establishes enhanced Medicaid reimbursements through a supplemental payment program for qualifying publicly owned ground emergency ambulance service providers.
- **Submission Date:** 12/23/2019
- **Effective Date:** 10/01/2019
- **Second Clock SPA:**
 - **RAI response received:** 03/20/2023
 - **25th Day:** 04/14/2023
 - **45th Day:** 05/04/2023
 - **90th Day:** 06/18/2023
- **Historical Clock Details:**
 - CMS received SPA 19-0036 on December 23, 2019, with a proposed effective date of October 1, 2019. CMS issued a request for additional information (RAI) on March 19, 2020. Texas' RAI response was submitted on October 25, 2021. Texas withdrew the RAI response on November 11, 2021 and resubmitted responses on June 30, 2022. Texas withdrew the RAI response on December 19, 2022 and resubmitted responses on March 20, 2023. We have an outstanding request for additional information to the RAI sent to the state on March 29, 2023. As of April 25, 2023 CMS has not received a response from the state.

- Fiscal Impact was updated by the state on this RAI. The budget impact appears to be very low based on the list of Providers who initially sent in information indicating they were interested in participating to the state for FY19 and FY20.

Attachment to Block 6 of CMS Form 179

Transmittal Number 19-0036

	Total Fiscal Impact	Federal	State
FFY 2020	\$1,553,993	\$946,226	\$607,767
FFY 2021	\$1,833,401	\$1,133,225	\$700,176
FFY 2022	\$1,720,830	\$1,063,645	\$657,185

Please let me know if any further information is needed on my end.

Respectfully,

Monica Neiman

Social Science Research NIPT analyst for:

States: Alabama, Louisiana, Mississippi, New Mexico, Texas and Utah

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)

Work email: monica.neiman@cms.hhs.gov

Phone: 945-356-1231

Work Schedule: Monday -Thursday

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Message

From: Mcmillion, Todd (CMS/CMCS) [b(6)]
Sent: 5/3/2023 10:15:09 AM
To: Silanskis, Jeremy (CMS/CMCS) [b(6)]
[b(6)] Sampson, Tamara
CC: Howe, Rory (CMS/CMCS) [b(6)]
[b(6)] Maccarroll, Amber
Subject: RE: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Jeremy,

For the TX-19-0036 disapproval letter, do you want the disapproval letter version with your comments from yesterday or a clean version? We've worked through most of them, but have a few left.

For the MO FQHC SPA, we prepped a paper and are waiting on comments from the FQHC Team. Since the SPA is now Off The Clock, could we bring this one to next week's FMG Clearance call or just do a verbal on today's FMG Clearance call?

Thanks

Todd

From: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Sent: Tuesday, May 2, 2023 11:31 AM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Thanks. Please add the disapproval letter to the agenda for tomorrow's internal clearance meeting. Although MO has withdrawn the RAI response for the FQHC SPA, please add that one as well as was discussed during the DRR/DRP meeting this morning.

From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Sent: Tuesday, May 2, 2023 12:27 PM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

I have and am OK with it

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

Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Have you guys reviewed and cleared the redraft of the letter? Thanks.

From: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>

Sent: Tuesday, May 2, 2023 11:03 AM

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

Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>

Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Hey Jeremy,

See if this flows better - tried to lay it out in this manner:

Section 1902(a)(30(A) efficiency and economy

Deficiency: No acceptable ACR demonstration supporting efficient and economic rates

Section 1902(a)(4) and 42 CFR 430.10 and 42 CFR 447.252(b) comprehensiveness

Deficiency: Lack of acceptable ACR prevents calculation of supplemental amount which is difference between ACR and base payments; Plan language lacks a list of qualified providers or the qualifying criteria is not supported by executed IGT agreements;

Section 1902(a)(2) and Section 1903(w)(6) contingent and acceptable NFS of resources

Deficiency: Lack of IGT agreements or description of IGT process supporting an IGT derived from acceptable state or local taxes

Monica can begin updates to the other 3 documents in this disapproval package.

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

Sent: Monday, May 1, 2023 7:21 AM

To: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>

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

Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good morning –

I took a quick look at the disapproval letter and have a couple of questions and suggestions.

Has there been recent contact with the state on this SPA? Did we request that they send in the information that is pending or withdraw the RAI response? Has the request been elevated to the state leadership and are they considering withdrawing the RAI or sending in the information to try to reach approval? Are there meetings scheduled to walk through what is pending to move this forward?

Regarding the disapproval letter – please take a look at the letter and the memos and try to re-order so that the statutory authorities are logically ordered and the deficiencies with the proposal are tied to the authorities. As currently drafted, the letter goes back and forth between economy and efficiency, comprehensive language, financing and issues related to the IGTs but it kinds of meanders back and forth on the issues.

Thanks.

From: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Sent: Friday, April 28, 2023 6:14 PM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Cc: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>; 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: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good Afternoon Lia and Beverly,

Here is another disapproval. It is for TX-19-0036.

Thanks,
Tammy

From: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>
Sent: Thursday, April 27, 2023 10:06 PM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

It took me a bit, but here are the four disapproval documents, formatted and in line with the NY Disapproval documents.

Please let me know if you need any additional edits done.

Thanks,

Wendy L. Harrison, LSW, CORII

Policy Advisor/Technical Director
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)
7500 Security Boulevard, South Building
S3-14-18

Woodlawn, MD 21244

Cell: b(6)

Wendy.Harrison@cms.hhs.gov



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From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Sent: Thursday, April 27, 2023 10:26 AM
To: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Wendy,

It's going to be hard for me to get to review these today and we really need to get these to OGD asap with the 45th day on 5/4.

Can you please look at the disapproval letter for accuracy and (importantly) flow as Gary mentioned. Gary added two comments; please confirm his understanding and related edits. Then align the other three documents with what is going through clearance for NY – attaching those drafts for Monica's benefit.

Thank you

Todd

From: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Sent: Thursday, April 27, 2023 8:54 AM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Cc: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good morning All.

Made some edits to Texas disapproval letter – sorry, I felt like the letter was repetitive too often. I looked at what is in for clearance on NY and tried to follow language/format. Please look at the letter one last time for accuracy and (importantly) flow. Two comments added (highlighted in yellow); please confirm my understanding and related edits. Then align the other three documents with what is going through clearance for NY – attaching those drafts for Monica's benefit.

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Cc: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Gary,
Please TD review before moving on to OGD. Thank you

Todd

From: Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Sent: Tuesday, April 25, 2023 3:35 PM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS)

<Tamara.Sampson@cms.hhs.gov>

Cc: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS)

<Wendy.Harrison@cms.hhs.gov>

Subject: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good afternoon Tammy and Todd,

Attached you will find the following documents:

TX-19-0036 Disapproval documents:

- Decision Memo.
- QAs document.
- Disapproval Administrator Memo.
- Disapproval letter.
- Other related Emails/Documents:
 - 04/25/2023. Last communication email with the state via bi-weekly Teams call and via email. SEATool is been updated accordingly.
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 - RAI response from the state received on 03/20/2023 with additional questions to the RAI sent to the state on 03/29/2023.
 - 4.19-B Red-line SPA pages received from the state with additional questions to the RAI from DRR sent to the state on 03/29/2023.

TX-19-0036 GEMT-NIPT only SPA Details:

Review and Summary of TX-19-0036 RAI response:

- **SPA Purpose:** The proposed amendment establishes enhanced Medicaid reimbursements through a supplemental payment program for qualifying publicly owned ground emergency ambulance service providers.
- **Submission Date:** 12/23/2019
- **Effective Date:** 10/01/2019
- **Second Clock SPA:**
 - **RAI response received:** 03/20/2023
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 - **45th Day:** 05/04/2023
 - **90th Day:** 06/18/2023
- **Historical Clock Details:**
 - CMS received SPA 19-0036 on December 23, 2019, with a proposed effective date of October 1, 2019. CMS issued a request for additional information (RAI) on March 19, 2020. Texas' RAI response was submitted on October 25, 2021. Texas withdrew the RAI response on November 11, 2021 and resubmitted responses on June 30, 2022. Texas withdrew the RAI response on December 19, 2022 and resubmitted responses on March 20, 2023. We have an outstanding request for additional information to the RAI sent to the state on March 29, 2023. As of April 25, 2023 CMS has not received a response from the state.

- Fiscal Impact was updated by the state on this RAI. The budget impact appears to be very low based on the list of Providers who initially sent in information indicating they were interested in participating to the state for FY19 and FY20.

Attachment to Block 6 of CMS Form 179

Transmittal Number 19-0036

	Total Fiscal Impact	Federal	State
FFY 2020	\$1,553,993	\$946,226	\$607,767
FFY 2021	\$1,833,401	\$1,133,225	\$700,176
FFY 2022	\$1,720,830	\$1,063,645	\$657,185

Please let me know if any further information is needed on my end.

Respectfully,

Monica Neiman

Social Science Research NIPT analyst for:

States: Alabama, Louisiana, Mississippi, New Mexico, Texas and Utah

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)

Work email: monica.neiman@cms.hhs.gov

Phone: 945-356-1231

Work Schedule: Monday -Thursday

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Message

From: Silanskis, Jeremy (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 5/3/2023 11:10:55 AM
To: Mcmillion, Todd (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Sampson, Tamara
CC: Howe, Rory (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Maccarroll, Amber
Subject: RE: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

I'm fine with a clean version of the letter. This probably came through in the comments, but I could not understand what specific issues we found with either the state's SPA language or the source of non-federal share. I understand that they did not provide ACR data and that presents a 1902(a)(30)(A) problem. The rest of the letter seemed focused on comprehensive language and that the state doesn't have IGT agreements in place but it isn't clear what the specific problems are with either. I think that's the walk through needed today (and the additional details needed in the disapproval letter to clearly link our issues with the SPA to the statutory and regulation provisions that prevent approval).

Since MO is not longer on the clock, I think it is fine to hold until next week. For that one, I think we need a paper to understand the problems presented in the SPA. I couldn't really follow the oral discussion yesterday, so a paper would be helpful. I think it would also be good to understand what new information the state sent in that caused us to find issues so late on the second clock.

Thanks.

From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Sent: Wednesday, May 3, 2023 6:15 AM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
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Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

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Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

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Section 1902(a)(4) and 42 CFR 430.10 and 42 CFR 447.252(b) comprehensiveness

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To: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good morning –

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Sent: Friday, April 28, 2023 6:14 PM
To: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Cc: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>; 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: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good Afternoon Lia and Beverly,

Here is another disapproval. It is for TX-19-0036.

Thanks,
Tammy

From: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>
Sent: Thursday, April 27, 2023 10:06 PM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

It took me a bit, but here are the four disapproval documents, formatted and in line with the NY Disapproval documents.

Please let me know if you need any additional edits done.

Thanks,

Wendy L. Harrison, LSW, CORJI

Policy Advisor/Technical Director
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)
7500 Security Boulevard, South Building
S3-14-18

Woodlawn, MD 21244

Cell: **b(6)**

Wendy.Harrison@cms.hhs.gov



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Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>

Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Wendy,

It's going to be hard for me to get to review these today and we really need to get these to OGD asap with the 45th day on 5/4.

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Thank you

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Good morning All.

Made some edits to Texas disapproval letter – sorry, I felt like the letter was repetitive too often. I looked at what is in for clearance on NY and tried to follow language/format. Please look at the letter one last time for accuracy and (importantly) flow. Two comments added (highlighted in yellow); please confirm my understanding and related edits. Then align the other three documents with what is going through clearance for NY – attaching those drafts for Monica's benefit.

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Cc: Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
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Gary,
Please TD review before moving on to OGD. Thank you

Todd

From: Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Sent: Tuesday, April 25, 2023 3:35 PM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>
Subject: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Good afternoon Tammy and Todd,

Attached you will find the following documents:

TX-19-0036 Disapproval documents:

- Decision Memo.
- QAs document.
- Disapproval Administrator Memo.
- Disapproval letter.
- Other related Emails/Documents:
 - 04/25/2023. Last communication email with the state via bi-weekly Teams call and via email. SEATool is been updated accordingly.
 - Initial Package submission from 12/23/2023.
 - RAI response from the state received on 03/20/2023 with additional questions to the RAI sent to the state on 03/29/2023.
 - 4.19-B Red-line SPA pages received from the state with additional questions to the RAI from DRR sent to the state on 03/29/2023.

TX-19-0036 GEMT-NIPT only SPA Details:

Review and Summary of TX-19-0036 RAI response:

- **SPA Purpose:** The proposed amendment establishes enhanced Medicaid reimbursements through a supplemental payment program for qualifying publicly owned ground emergency ambulance service providers.
- **Submission Date:** 12/23/2019
- **Effective Date:** 10/01/2019
- **Second Clock SPA:**
 - **RAI response received:** 03/20/2023
 - **25th Day:** 04/14/2023
 - **45th Day:** 05/04/2023
 - **90th Day:** 06/18/2023
- **Historical Clock Details:**
 - CMS received SPA 19-0036 on December 23, 2019, with a proposed effective date of October 1, 2019. CMS issued a request for additional information (RAI) on March 19, 2020. Texas' RAI response was submitted on October 25, 2021. Texas withdrew the RAI response on November 11, 2021 and resubmitted responses on June 30, 2022. Texas withdrew the RAI response on December 19, 2022 and resubmitted responses on March 20, 2023. We have an outstanding request for additional information to the RAI sent to the state on March 29, 2023. As of April 25, 2023 CMS has not received a response from the state.
- Fiscal Impact was updated by the state on this RAI. The budget impact appears to be very low based on the list of Providers who initially sent in information indicating they were interested in participating to the state for FY19 and FY20.

Attachment to Block 6 of CMS Form 179

Transmittal Number 19-0036

	Total Fiscal Impact	Federal	State
FFY 2020	\$1,553,993	\$946,226	\$607,767
FFY 2021	\$1,833,401	\$1,133,225	\$700,176
FFY 2022	\$1,720,830	\$1,063,645	\$657,185

Please let me know if any further information is needed on my end.

Respectfully,

Monica Neiman

Social Science Research NIPT analyst for:

States: Alabama, Louisiana, Mississippi, New Mexico, Texas and Utah

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)

Work email: monica.neiman@cms.hhs.gov

Phone: 945-356-1231

Work Schedule: Monday -Thursday

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Message

From: Mcmillion, Todd (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 5/3/2023 11:33:41 AM
To: Silanskis, Jeremy (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Sampson, Tamara
CC: Howe, Rory (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Maccarroll, Amber
Subject: RE: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Thanks Jeremy...I loaded a clean version of the TX-19-0036 disapproval letter on the clearance call folder

From: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Sent: Wednesday, May 3, 2023 6:11 AM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

I'm fine with a clean version of the letter. This probably came through in the comments, but I could not understand what specific issues we found with either the state's SPA language or the source of non-federal share. I understand that they did not provide ACR data and that presents a 1902(a)(30)(A) problem. The rest of the letter seemed focused on comprehensive language and that the state doesn't have IGT agreements in place but it isn't clear what the specific problems are with either. I think that's the walk through needed today (and the additional details needed in the disapproval letter to clearly link our issues with the SPA to the statutory and regulation provisions that prevent approval).

Since MO is not longer on the clock, I think it is fine to hold until next week. For that one, I think we need a paper to understand the problems presented in the SPA. I couldn't really follow the oral discussion yesterday, so a paper would be helpful. I think it would also be good to understand what new information the state sent in that caused us to find issues so late on the second clock.

Thanks.

From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Sent: Wednesday, May 3, 2023 6:15 AM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Jeremy,

For the TX-19-0036 disapproval letter, do you want the disapproval letter version with your comments from yesterday or a clean version? We've worked through most of them, but have a few left.

For the MO FQHC SPA, we prepped a paper and are waiting on comments from the FQHC Team. Since the SPA is now Off The Clock, could we bring this one to next week's FMG Clearance call or just do a verbal on today's FMG Clearance call?

Thanks

Todd

From: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Sent: Tuesday, May 2, 2023 11:31 AM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Thanks. Please add the disapproval letter to the agenda for tomorrow's internal clearance meeting. Although MO has withdrawn the RAI response for the FQHC SPA, please add that one as well as was discussed during the DRR/DRP meeting this morning.

From: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Sent: Tuesday, May 2, 2023 12:27 PM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

I have and am OK with it

From: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Sent: Tuesday, May 2, 2023 10:17 AM
To: Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>
Cc: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Subject: FW: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Have you guys reviewed and cleared the redraft of the letter? Thanks.

From: Knight, Gary (CMS/CMCS) <Gary.Knight@cms.hhs.gov>
Sent: Tuesday, May 2, 2023 11:03 AM
To: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Harrison, Wendy (CMS/CMCS) <Wendy.Harrison@cms.hhs.gov>; Neiman, Monica (CMS/CMCS) <Monica.Neiman@cms.hhs.gov>
Subject: RE: TX-19-0036 -DRR-Clean Disapproval Packages-GEMT SPA-Second clock: 90th day: 06/18/2023- P2

Hey Jeremy,

See if this flows better - tried to lay it out in this manner:

Section 1902(a)(30(A) efficiency and economy

Deficiency: No acceptable ACR demonstration supporting efficient and economic rates
Section 1902(a)(4) and 42 CFR 430.10 and 42 CFR 447.252(b) comprehensiveness
Deficiency: Lack of acceptable ACR prevents calculation of supplemental amount which is difference between ACR and base payments; Plan language lacks a list of qualified providers or the qualifying criteria is not supported by executed IGT agreements;
Section 1902(a)(2) and Section 1903(w)(6) contingent and acceptable NFS of resources
Deficiency: Lack of IGT agreements or description of IGT process supporting an IGT derived from acceptable state or local taxes

Monica can begin updates to the other 3 documents in this disapproval package.

From: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Sent: Monday, May 1, 2023 7:21 AM
To: Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>
Cc: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
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Attached you will find the following documents:

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TX-19-0036 GEMT-NIPT only SPA Details:

Review and Summary of TX-19-0036 RAI response:

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Attachment to Block 6 of CMS Form 179

Transmittal Number 19-0036

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Please let me know if any further information is needed on my end.

Respectfully,

Monica Neiman

Social Science Research NIPT analyst for:

States: Alabama, Louisiana, Mississippi, New Mexico, Texas and Utah

Centers for Medicare & Medicaid Services
Center for Medicaid and CHIP Services
Financial Management Group (FMG)
Division of Reimbursement Review (DRR)

Work email: monica.neiman@cms.hhs.gov

Phone: 945-356-1231

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Message

From: Vogel, Jeremy (HHS/OGC) [Jeremy.Vogel@hhs.gov]
Sent: 5/3/2023 12:04:02 PM
To: Howe, Rory (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Campbell, Matthew
CC: Kaiser, Bridgette (HHS/OGC) [REDACTED] b(6)
[REDACTED] b(6) Mannchen, Garrett
Subject: Re: Re: MO disallowance letter?

Thanks so much, Rory. This is very helpful.

Jeremy Vogel (he/him)
Attorney, DHHS/OGC/CMSCD
(202) 205-8778 | Jeremy.Vogel@hhs.gov

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Tuesday, May 2, 2023 8:13:30 AM
To: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>
Cc: Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>
Subject: RE: MO disallowance letter?

Hi Jeremy and Matt,

The consultant binder is pretty voluminous, so I've attached key sections that would be not be able to obtain (or would be difficult to obtain) elsewhere. There is a timeline on page 5 that essentially serves as a table of contents for the binder. In addition to the attachment, for ease of reference I've listed below some additional documents in the binder that I did not scan because they are easy to obtain elsewhere. Finally, there were a few documents in the binder that I did not scan or include in the below list because you likely have them at your fingertips (2023 CIB, recent TX filing, etc.). I hope this helps.

1993 Final Rule

FR Vol 58 No. 155, 8/13/1993, 43156

2003 OIG Audit

<https://oig.hhs.gov/oas/reports/region7/70202097.pdf>

2004 OIG Audit

<https://oig.hhs.gov/oas/reports/region7/70204006.pdf>

2008 Final Rule

FR Vol 73 No. 36, 2/22/2008, 9685

2018 OIG Audit

<https://oig.hhs.gov/oas/reports/region3/31600202.pdf>

MFAR NPRM

<https://www.govinfo.gov/content/pkg/FR-2019-11-18/pdf/2019-24763.pdf>

2021 EO

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

Rory

From: Howe, Rory (CMS/CMCS)
Sent: Monday, May 1, 2023 4:40 PM
To: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>
Cc: Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>
Subject: RE: MO disallowance letter?

Thanks, Jeremy. Sorry, I missed this earlier. We only have a hard copy of the binder. The binder Dan received from the WH was a hard copy. I will try to scan the relevant sections when I am in the office tomorrow.

From: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>
Sent: Monday, May 1, 2023 3:37 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>
Cc: Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>
Subject: RE: MO disallowance letter?

Hi Rory,

I'll punt to the litigators on the first issue. I will be OOO tomorrow but am happy to receive a download from Matt on Weds.; don't wait for me.

Somewhat relatedly, we spoke with Paul a bit more about the external parties meeting last Thursday re: LPPF-type arrangements. At Paul's request, would you be able to send us an electronic copy of the binder materials? Hopefully CMS has an electronic version; Paul mentioned thinking that Dan already had it, possibly via WH from an earlier meeting between WH & these external parties.

Thanks as always,

Jeremy Vogel (he/him)
Attorney, DHHS/OGC/CMSD
(202) 205-8778 | Jeremy.Vogel@hhs.gov

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Monday, May 1, 2023 3:24 PM
To: Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>; Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>
Cc: Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC)

<Garrett.Mannchen@hhs.gov>

Subject: RE: MO disallowance letter?

Hi Matt and Jeremy,

I raised the potential timing with Dan today and he is interested in receiving feedback as soon as possible so that the Administrator can contact the Governor with as much time as possible before the date after which the MO legislature can no longer review new bills (I believe this is May 13th). Please let me know if there is anything that FMG can do to be helpful with the OGC/DOJ review.

On a related note, Dan asked that I raise with you a possible approach to resolution with Missouri that the Administrator could offer in her upcoming call with the Governor. I know you are busy on the letter, the brief, etc., but would you have 30 minutes tomorrow to discuss the possible approach? I will try to be as flexible as possible to meet your availability.

Thanks again,
Rory

From: Howe, Rory (CMS/CMCS)

Sent: Friday, April 28, 2023 1:17 PM

To: Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>

Cc: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>

Subject: RE: MO disallowance letter?

Thanks, Matt. I really appreciate the update.

b(6)

b(6)

Rory

From: Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>

Sent: Friday, April 28, 2023 1:11 PM

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

Cc: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Kaiser, Bridgette (HHS/OGC) <Bridgette.Kaiser@hhs.gov>; Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>

Subject: RE: MO disallowance letter?

Rory,

Sorry for the delay on this. We should have feedback on the Missouri letter toward the end of next week—hopefully sooner.

b(6)

b(6)

Please let us know if this timeline works. Thanks.

Matt

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

Sent: Tuesday, April 25, 2023 10:13 AM

To: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Campbell, Matthew (HHS/OGC) <Matthew.Campbell@hhs.gov>

Cc: Mannchen, Garrett (HHS/OGC) <Garrett.Mannchen@hhs.gov>

Subject: RE: MO disallowance letter?

Hi Jeremy and Matt,

My leadership just pinged me on status of OGC and DOJ review of this draft letter. Do you have any sense of when DOJ and OGC will provide feedback?

Thanks,
Rory

From: Howe, Rory (CMS/CMCS)
Sent: Tuesday, April 11, 2023 8:08 PM
To: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>
Subject: RE: MO disallowance letter?

Hi Jeremy,

We have not started drafting the disallowance letter yet. However, I have attached an additional draft letter to the state that OA and Dan asked for and mentioned to Paul. I think this might be what Susan referenced. We are planning to release it on April 21st and it would provide notice to the state that we intend to issue a disallowance no earlier than 60 days following the letter if the state has not provided information supporting the allowability of the tax or demonstrating that the state has fixed the tax. Please let me know if you have questions.

As you mentioned below, I think it would be good to discuss during the TX call tomorrow given there is clear overlap. I hope this helps.

Thanks,
Rory

From: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>
Sent: Tuesday, April 11, 2023 5:41 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: MO disallowance letter?

Hi Rory,

Susan Lyons (you're probably aware, our Deputy Associate General Counsel for Litigation in CMSD) is asking about the draft disallowance letter to MO. Any update? I expect you might have paused this pending some further analysis/discussion of the Texas case, but if there is any update on your drafting of that letter, please let me know so I can pass it along.

Thanks & have a great evening,

Jeremy Vogel (he/him)
Attorney, United States Department of Health and Human Services
Office of the General Counsel, Centers for Medicare & Medicaid Services Division
330 Independence Ave. S.W., Washington, D.C. 20201
(202) 205-8778 | Jeremy.Vogel@hhs.gov

Message

From: Arnold, Charlie (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6)
Sent: 5/3/2023 1:57:41 PM
To: sweeks@dncfp.nv.gov
CC: Howe, Rory (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6) Maccarroll, Amber
[REDACTED] b(6) Silanskis, Jeremy
Subject: FW: FW: Attestation Form
Attachments: Nevada Tax Attestation TA.docx

Good morning Administrator Weeks,

Thank you for reaching out to CMS regarding the state of Nevada's concerns on the types of arrangements that were described in the recently released CMCS Informational Bulletin (CIB). We are happy to provide any technical assistance that may be useful for the state regarding this topic.

On February 17, 2023, CMS released a CIB that describes how arrangements involving the pooling and redistribution of Medicaid payments funded by health care-related taxes may constitute an impermissible hold harmless arrangement as described by section 1903(w)(4) of the Social Security Act and implementing regulations at 42 C.F.R. § 438.68 (f). We appreciate the state of Nevada reaching out to us with their requests for clarification regarding this document. Forging a strong federal-state partnership is critical to upholding the fiscal integrity of the Medicaid program and ensuring the continued existence of a strong and sustainable medical safety net for all Americans.

Given the state's questions regarding the types of arrangements that are outlined in the CIB and our responsibility to oversee that all health care-related taxes are in compliance with federal requirements, we would, expect the state to provide us with the following information:

1. A comprehensive description of how the tax program (including any payment redistributions among providers) is structured, including at the provider level.
2. Copies of agreements relating to the tax program or payment redistributions in place between or among participating providers and/or the state and localities and a complete description of how the agreements work, including at the provider level.
3. As an alternative to providing the agreements in #2, attestations from each participating provider or from the state (attesting on behalf of each provider) that the providers do not participate in arrangements, through written agreements or otherwise (including non-written agreements or understandings that result in reasonable expectations for participating parties), which involve participating providers transferring, redirecting, redistributing (irrespective of state or local government involvement) Medicaid or other payments to other providers, directly or indirectly (irrespective of whether the state or units of local government are compelling or sanctioning provider participation).
4. If all participating providers or the state are able to provide the attestation(s) in #3, a comprehensive description of the process used by the state and providers to ensure the accuracy of the attestation(s) that the arrangements described in #3 have either stopped or were never in effect.

5. Additional information regarding the health care-related tax that we ask as part of our standard review process for the financing arrangements funding the non-federal share of state-directed payments as described in the pre-print for said payments.

We have attached a draft attestation that could serve as a template for the state to use with its providers in order to ensure that the practices described in the CIB are not occurring. The state can distribute this document to its providers, collect the signed attestations from providers, and inform CMS when the attestation process has been completed. Alternatively, as described in the document, there are other pathways to achieve the same goal. As always, CMS is available to work with you on these options to ensure compliance with all federal requirements regarding health care-related taxes depending on the state's preference, such as holding a meeting with its providers.

Please let us know if you have any questions or concerns or would like to discuss further.

Thank you,

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: Stacie Weeks <sweeks@dhcfp.nv.gov>
Sent: Monday, November 7, 2022 7:29 PM
To: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Subject: Attestation Form

Do you happen to have a template for the attestation form for the provider tax/payments that you mentioned the other day on our call?



Nevada Department of
Health and Human Services

Stacie Weeks, JD, MPH
Deputy Administrator
Nevada Department of Health and Human Services
Division of Health Care Financing and Policy
1100 East William Street, Suite 101 | Carson City, NV 89701 -
Office: (775) 687-7101 | Email: sweeks@dhcfp.nv.gov
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Message

From: Fan, Kristin (CMS/CMCS) [REDACTED]
Sent: 5/3/2023 4:59:05 PM
To: Campbell, Matthew (HHS/OGC) [REDACTED]
CC: [REDACTED]
Subject: FW: FW: Tax Questions

Final string with the decision.

From: Wallace, Thomas J. <Thomas.Wallace@ahca.myflorida.com>
Sent: Monday, July 1, 2019 4:11 PM
To: Fan, Kristin A. (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Cc: Freeze, Janet G. (CMS/CMCS) <Janet.Freeze@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Lane, Robert (CMS/CMCS) <Robert.Lane@cms.hhs.gov>
Subject: RE: Tax Questions

Kristin,

This email will suffice and no need for a letter.

Thank you,

Tom

From: Fan, Kristin A. (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Sent: Saturday, June 29, 2019 7:04 AM
To: Wallace, Thomas J. <Thomas.Wallace@ahca.myflorida.com>
Cc: Freeze, Janet G. (CMS/CMCS) <Janet.Freeze@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>;
Lane, Robert (CMS/CMCS) <Robert.Lane@cms.hhs.gov>
Subject: Re: Tax Questions

We would consider this our formal response as we usually work through tax proposal. But you need a letter we can certainly do that.

Sent from my iPhone

On Jun 28, 2019, at 6:32 PM, Wallace, Thomas J. <Thomas.Wallace@ahca.myflorida.com> wrote:

Kristin,

Thank you for getting back to me on the decision. I was just wondering if I can take this email as the formal response or if CMS planned on sending us a letter with the same language you have provided me below?

Thank you and have a nice weekend.

Tom

From: Fan, Kristin A. (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>
Sent: Friday, June 28, 2019 8:50 AM
To: Wallace, Thomas J. <Thomas.Wallace@ahca.myflorida.com>
Cc: Freeze, Janet G. (CMS/CMCS) <Janet.Freeze@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Lane, Robert (CMS/CMCS) <Robert.Lane@cms.hhs.gov>
Subject: RE: Tax Questions

Thomas, as I mentioned we have concerns with proposal as described below.

CMS has reviewed the state's request for a waiver of the broad-based requirements pursuant to section 1903(w)(3)(E) of the Social Security Act (the Act) and 42 CFR 433.68(e). It appears that the proposed tax program contains a hold harmless arrangement that guarantees to hold the taxpayers harmless for the tax amount, which is prohibited by section 1903(w)(1)(A)(iii) of the Act and 42 CFR 433.68(f). Specifically, the two taxpaying hospitals, AdventHealth Orlando and Orlando Health, would receive more than their entire tax payments back in the form of increased LIP and DSH payments funded by the assessment. In addition, all three hospitals within the boundaries of the City of Orlando not included in the tax would receive no increase in either LIP or DSH payments funded by the assessment.

As specified in 42 CFR 433.72(a)(3), CMS cannot approve a state's waiver request if the tax program contains a hold harmless arrangement.

From: Fan, Kristin A. (CMS/CMCS)
Sent: Tuesday, May 28, 2019 5:04 PM
To: thomas.wallace@ahca.myflorida.com
Subject: Tax Questions

Thomas,

Sorry I missed your call and then I realized I didn't have your email address. Here are the follow-up tax questions for the Orlando proposal.

Kristin Fan

Message

From: Chadwick, Alpheus (CMS/OL) b(6)
b(6)
Sent: 5/8/2023 2:59:00 PM
To: Howe, Rory (CMS/CMCS) b(6)
Kirchgraber, Kate
Martino, Maria
Howell, Cherie (CMS/OL)
]; Wiley, Evelyn
Loverde, Maria

Subject: FW: FW: FL CMS Call on Informational Bulletin

Attachments: CMS Bulletin 1-Pgr[2].pdf; Bulletin - MFAR Resurfacing Impact.pdf

FYI – attached is the information OL rec'd from the Florida staff, who asked for a call and their interests.

Top-line, hospitals are saying that:

- The Informational Bulletin echoes themes from MFAR
- These are private agreements between providers
- Any changes to financing should be done through rulemaking and not in an Informational Bulletin

Sharing some of the materials that have been sent our way so you can get a sense of what we are hearing. If there is any way y'all could hop on a quick call this week, that would be really helpful!

Message

From: Bonelli, Anna (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6)
Sent: 1/12/2023 10:26:18 PM
To: Howe, Rory (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6) Maccarroll, Amber
[REDACTED] b(6); Silanskis, Jeremy
Subject: FW: FW: OMB Briefing paper- update needed by 10am on 1/13

Hi Rory,

DMCP asked for our review and update of this paper. It has the same language that was used to brief the department, and I think the language still holds, so I suggest no changes. Here's the specific language:

Discussion: States generally fund SDPs through one or more financing mechanisms. As the volume of SDP preprint submissions and total dollars flowing through SDPs continues to increase, CMS has observed that some states allow financing arrangements that may not meet federal requirements and have the effect of artificially inflating the federal share of Medicaid expenditures. In these arrangements, providers, with varying degrees of state awareness and involvement, appear to have pre-arranged agreements to redistribute Medicaid payments to pay for non-Medicaid activities. Specifically, it appears that the payment redistributions are designed to hold taxpaying providers harmless for the cost of a health care-related tax. Such provider redistributions violate section 1903(a)(1) because the providers have pre-arranged agreements to use Medicaid funding on non-Medicaid activities and violate 1903(w) of the Social Security Act because they hold taxpayers harmless for health care-related tax costs.

Recommendation: We propose to amend the current SDP regulation to make it a condition of SDP approval that states ensure that providers attest that they do not have a pre-arranged agreement to redistribute Medicaid payments, including arrangements that have the effect of holding provider taxpayers harmless. This approach would have the effect of prohibiting FFP when providers have such an arrangement and clarify CMS's authority to deny SDP proposals financed by such arrangements.

Thanks!
anna

From: Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>
Sent: Wednesday, January 11, 2023 4:27 PM
To: Barry, Meg (CMS/CMCS) <meg.barry@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Bougie, Joshua (CMS/CMCS) <Joshua.Bougie@cms.hhs.gov>; Burch Mack, Rebecca (CMS/CMCS) <Rebecca.BurchMack@cms.hhs.gov>; Burd, Carlye (CMS/CMCS) <Carlye.Burd@cms.hhs.gov>; Burns, Amanda Paige (CMS/CMCS) <AmandaPaige.Burns@cms.hhs.gov>; Caulder, Tara (CMS/CMCS) <Tara.Caulder@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Garbarczyk (she/her), Elizabeth (CMS/CMCS) <Elizabeth.Garbarczyk@cms.hhs.gov>; Gentile, Amy (CMS/CMCS) <Amy.Gentile@cms.hhs.gov>; Giles, John (CMS/CMCS)

<John.Giles1@cms.hhs.gov>; Jones, Elizabeth (CMS/CMCS) <Elizabeth.Jones@cms.hhs.gov>; Jones, Ticia (CMS/CMCS) <Ticia.Jones@cms.hhs.gov>; Jordan, Joyce (CMS/CMCS) <Joyce.Jordan@cms.hhs.gov>; King, Emily (CMS/CMCS) <Emily.King@cms.hhs.gov>; Kuhn, Juliet (CMS/CMCS) <Juliet.Kuhn@cms.hhs.gov>; Lagorio, Cassandra (CMS/CMCS) <CASSANDRA.LAGORIO@cms.hhs.gov>; Loizias, Alex (CMS/CMCS) <Alexandra.Loizias@cms.hhs.gov>; Regmi, Pooja (CMS/CMCS) <Pooja.Regmi@cms.hhs.gov>; Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Weaver, Allison (CMS/CMCS) <Allison.Weaver@cms.hhs.gov>; Wilson, Andrew (CMS/CMCS) <Andrew.Wilson1@cms.hhs.gov>

Subject: OMB Briefing paper- update needed by 10am on 1/13

We just received the briefing paper to be used for the OMB briefing, likely to occur the week of 1/23. We've been asked to review and update it by 10 am on Friday, 1/13.

The paper is here:

<https://share.cms.gov/center/CMCS/DEHPG/DMCP/layouts/15/DocIdRedir.aspx?ID=CMCS-6873794-665>

Hopefully, few if any edits will be needed given the short turnaround.

Let me know if you have questions or have problems with the document.

Thank you.

Message

From: Blalock, Nora [Nora.Blalock@mail.house.gov]
Sent: 4/25/2023 6:22:21 PM
To: Chadwick, Alpheus (CMS/OL) [Redacted] b(6)
[Redacted] Martino, Maria
CC: Flikier, Becca [Becca.Flikier@mail.house.gov]; Koetzle, Patrick [Patrick.Koetzle@mail.house.gov]
Subject: RE: RE: FL CMS Call on Informational Bulletin
Attachments: CMS Bulletin 1-Pgr[2].pdf; Bulletin - MFAR Resurfacing Impact.pdf

Al:

Thanks for getting back to me so quickly!

Top-line, hospitals are saying that:

- The Informational Bulletin echoes themes from MFAR
- These are private agreements between providers
- Any changes to financing should be done through rulemaking and not in an Informational Bulletin

Sharing some of the materials that have been sent our way so you can get a sense of what we are hearing. If there is any way y'all could hop on a quick call this week, that would be really helpful!

Thank you,
Nora

From: Chadwick, Alpheus (CMS/OL) <Alpheus.Chadwick@cms.hhs.gov>
Sent: Tuesday, April 25, 2023 1:57 PM
To: Blalock, Nora <Nora.Blalock@mail.house.gov>; Martino, Maria (CMS/OL) <Maria.Martino@cms.hhs.gov>
Cc: Flikier, Becca <Becca.Flikier@mail.house.gov>; Koetzle, Patrick <Patrick.Koetzle@mail.house.gov>
Subject: RE: FL CMS Call on Informational Bulletin

Hello Nora – can you give me a sense of what you've been hearing from your constituents, which will help us prepare for a call? Thx.

-Al

From: Blalock, Nora <Nora.Blalock@mail.house.gov>
Sent: Tuesday, April 25, 2023 1:11 PM
To: Chadwick, Alpheus (CMS/OL) <Alpheus.Chadwick@cms.hhs.gov>; Martino, Maria (CMS/OL) <Maria.Martino@cms.hhs.gov>
Cc: Flikier, Becca <Becca.Flikier@mail.house.gov>; Koetzle, Patrick <Patrick.Koetzle@mail.house.gov>
Subject: FL CMS Call on Informational Bulletin

Al & Maria:

I hope y'all are both doing well and enjoying your week! Becca (Frankel), Patrick (Wasserman Schultz) and I have been hearing a lot from Florida hospitals about Florida's Medicaid program and CMS' Informational Bulletin. We just did a check-in with Rick Van Buren, and he recommended we ask for a quick call with y'all on this issue.

Would y'all have any time in the next few days to chat with us?

Thank you so much!

Nora

Nora Blalock

Legislative Director

Office of Congresswoman Kathy Castor (FL-14)

202-225-3376 / nora.blalock@mail.house.gov

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Message

From: Arnold, Charlie (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6)
Sent: 5/8/2023 9:09:58 PM
To: Vogel, Jeremy (HHS/OGC); [REDACTED] b(6)
[REDACTED] b(6) Kosin, Donald
CC: Clark, Jennifer (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6) Goldstein, Stuart
Endelman (he/him),
McClure, Deb
]; Howe, Rory
Subject: RE: RE: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and
MO_Fee_OPH_Renewal_20230701-20240630

Good afternoon Jeremy and Don,

We have a very related question to the below FRA tax issue. Missouri has a nursing facility SPA in house in which the nonfederal share is being funded in part with the FRA tax. We are proposing to handle the approval of the SPA in a similar manner, as the 2023 SDP. We are proposing to include the following language in the SPA approval letter and would like your review/comment on the language:

CMS has identified concerns that the state's use of revenues derived from its Federal Reimbursement Allowance (FRA) tax program as a source of Missouri's non-federal share for this state plan amendment may not comply with certain health care-related tax requirements in section 1903(w)(4) of the Social Security Act and implementing regulations in 42 CFR 433.68(f)(3). Approval of this state plan rate amendment does not constitute an approval of the non-federal share funded by the FRA tax.

Please let us know if you are comfortable with this language being added to the approval letter of Missouri's nursing facility SPA and if you have any edits.

As always, thanks for your assistance.

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: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>
Sent: Monday, May 8, 2023 11:05 AM
To: Kosin, Donald (HHS/OGC) <Donald.Kosin@HHS.GOV>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>

Cc: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@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>; 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: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

FMG – did we circle back on this? We are comfortable with the companion letter approach.

Jeremy Vogel (he/him)
Attorney, DHHS/OGC/CMUSD
(202) 205-8778 | Jeremy.Vogel@hhs.gov

From: Kosin, Donald (HHS/OGC) <Donald.Kosin@HHS.GOV>
Sent: Tuesday, May 2, 2023 2:50 PM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>
Cc: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@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>; 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: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

Jeremy is on leave today. We will discuss this when he is back. My initial reaction is that the companion letter idea would be okay.

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Tuesday, May 2, 2023 7:28 AM
To: Vogel, Jeremy (HHS/OGC) <Jeremy.Vogel@hhs.gov>; Kosin, Donald (HHS/OGC) <Donald.Kosin@HHS.GOV>
Cc: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@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>; 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: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

Dear Jeremy and Don,

We had an issue that Rory asked that we run past you. As you know, we believe that the Missouri inpatient hospital services tax, known as the Federal Reimbursement Allowance or FRA contains an impermissible hold harmless arrangement involving the pooling and redistribution of Medicaid payments along the lines of the arrangements that we laid out in our CMCS informational bulletin on February 17, 2023. You wrote a memo on August 23, 2019 stating that you believed that CMS taking a disallowance related to the Missouri FRA tax on the basis that it contained an impermissible hold harmless was legally supportable. On September 9, 2021 you reviewed the 2019 opinion confirmed that you continued to believe that it was accurate, although you stated that you would hedge slightly more on the odds that it would be upheld in court and that CMS would prevail in the event of a legal challenge.

On April 27, 2023 FMG received two state-directed payment pre-prints for the State of Missouri for the time period of July 1, 2023 to June 30, 2024. They are both funded by, among other things, the FRA tax. We approved similar pre-prints

last year with a companion letter informing the state of our concerns and stating that we would be conducting a “focused review” of the FRA tax for the period ending December 31, 2022. We did so as part of the CMS-64 review for that quarter. The answers that we received from the state did not allay our concerns. We prepared a \$236 million deferral related to what we believed was an impermissible tax. After consulting with OGC, CMCS leadership decided against taking the deferral. This happened for several reasons. First, we were concerned that the state could file suit against us in federal court as a result of the deferral before the case got to the DAB. Second, we were concerned that recouping the funds immediately could have an impact in terms of the state’s negative cash flow balance. As a result, we determined that the best course of action would be for us to send a letter to the State of Missouri requesting that they cease the impermissible arrangement or we would initiate a disallowance at some date in the future. That is still our current plan I believe. We are waiting to hear back, which Charlie stated should happen soon.

We took the SDP issue to Rory yesterday. He stated that his preference would be that, if necessary, we would issue another companion letter with this year’s approvals for the SDPs. We wanted to run this approach by you to concur that you believe that this approach is reasonable. Please let us know your thoughts at your earliest convenience. We look forward to working with you on this issue. Please let us know if we can be of any further assistance.

Best,

Jonathan

Jonathan Endelman, PhD
Acting Technical Director
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: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>

Sent: Monday, May 1, 2023 5:11 PM

To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@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: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

Hi Jonathan,

Prior to moving forward on a companion letter, Rory asked that we confirm with OGC that this would be a reasonable approach. We can then let DMCP know this would be the path, that we will be pointing to the previous companion letter and the fact that the issues identified are still unresolved. As for the deferral, Rory said it went in Dan’s weekend book and we should be hearing something very soon.

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

Sent: Monday, May 1, 2023 3:02 PM

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: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

FYI. I just talked to Stuart who had just talked to Rory. He stated that Rory was okay with the companion letter approach, which is the same thing that we did last time with the Missouri SDP. From what I understand, that requires OA level of approval. So I believe us and DMCP would need to raise the issue to OCD and then OA. I am not sure what, exactly, we would say in the companion letter, but that is another matter.

As far as I am aware, we are still planning to take a disallowance for \$236 million. I have not heard what happened with the paper for continuing disallowances for subsequent quarters in Missouri. All I have heard is that it will be addressed by the Center Director "offline" in a night note.

I will draft a list of technical questions and send out to the team for comment before sending on. When we send on to DMCP we can let them know about Rory being okay with a companion letter.

Best,

Jonathan

Jonathan Endelman, PhD
Acting Technical Director
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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, April 28, 2023 11:29 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: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

I want us to hold off on asking hold harmless questions until we have further guidance. They are certainly warranted, so I would say yes on technical questions. But hold on others.

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

Sent: Friday, April 28, 2023 11:21 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: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

Kristin,

A response is due to DMCP by May 18th. I have other technical questions I would want to raise anyway not connected to the hold harmless issue. If we ask those it would buy us time. On the other hand, if we don't ask about the hold harmless issue, we certainly don't want Missouri to think that there isn't a problem as it relates to hold harmless.

Best,

Jonathan

Jonathan Endelman, PhD
Acting Technical Director
Centers for Medicare & Medicaid Services (CMS)
Center for Medicaid and CHIP Services (CMCS)
Financial Management Group (FMG)
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From: Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>

Sent: Friday, April 28, 2023 11:18 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: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

I don't think we have much choice but to renew. To my knowledge we have not heard back from OGC regarding how they want to approach Missouri in light of the Texas lawsuit. Do we know when DEHPG needs a response? Could we raise at a DFP touchbase?

From: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Thursday, April 27, 2023 3:47 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: RE: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

Dear team,

Please find the submission attached.

Charlie, Kristin, and Stuart, please let us know how you would like to handle this.

Best,

Jonathan

Jonathan Endelman, PhD
Acting Technical Director
Centers for Medicare & Medicaid Services (CMS)
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Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: Endelman (he/him), Jonathan (CMS/CMCS)
Sent: Thursday, April 27, 2023 3:44 PM
To: CMS State Directed Payment <StateDirectedPayment@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>
Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>; Schoonover, Matthew (CMS/CMCS) <matthew.schoonover@cms.hhs.gov>
Subject: RE: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

Drew,

As you may be aware, we have many questions about the Federal Reimbursement Allowance. I am raising this to my group leadership to see how they would like to handle the issue.

Best,

Jonathan

Jonathan Endelman, PhD
Acting Technical Director
Centers for Medicare & Medicaid Services (CMS)
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410.786.4738
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Mail Stop, S3-14-28
Baltimore, MD 21244-1850

From: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Sent: Thursday, April 27, 2023 3:02 PM
To: Cuno, Richard (CMS/CMCS) <Richard.Cuno@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; McClure, Deb (CMS/CMCS) <Deborah.McClure@cms.hhs.gov>
Cc: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Subject: FMG Consult Requested: MO_Fee_IPH_Renewal_20230701-20240630 and MO_Fee_OPH_Renewal_20230701-20240630

Good Afternoon,

The Division of Managed Care Policy (DMCP) is currently reviewing two 438.6(c) preprint submissions from Missouri – one preprint for inpatient hospital services and one for outpatient hospital services.

For both proposals, the state indicates that the non-federal share is funded by state general revenue, Health Care-Related Provider tax(es) / assessment(s), as well as “Healthy Families Trust Fund & Life Sciences Research Trust Fund (Tobacco Settlement Funds), Health Initiative Funds, Premium Funds, Uncompensated Care Funds”.

Table 5: Health Care-Related Provider Tax/Assessment(s)

Name of the Health Care-Related Provider Tax / Assessment (enter each on a separate line)	Identify the permissible class for this tax / assessment	Is the tax / assessment broad-based?	Is the tax / assessment uniform?	Is the tax / assessment under the 6% indirect hold harmless limit?	If not under the 6% indirect hold harmless limit, does it pass the “75/75” test?	Does it contain a hold harmless arrangement that guarantees to return all or any portion of the tax payment to the tax payer?
i. Federal Reimbursement Allowance	Hospital	Yes ▾	Yes ▾	Yes ▾		No ▾

Table six is blank:

Table 6: Health Care-Related Provider Tax/Assessment Waivers

Name of the Health Care-Related Provider Tax/Assessment Waiver (enter each on a separate line)	Submission Date	Current Status (Under Review, Approved)	Approval Date
i.			

Could you please let us know if FMG has any concerns with these funding sources and/or has follow up questions that you'd like us to send the state **by COB May 18th**?

I've attached both preprint submissions for your reference. Please feel free to loop in additional FMG staff as needed.

Many thanks,
Drew

Message

From: Maccarroll, Amber (CMS/CMCS) b(6)
b(6)
Sent: 1/13/2023 8:54:29 PM
To: Howe, Rory (CMS/CMCS) b(6)
b(6)
Subject: Jan 18th Joint Clearance Items

Rory – here are the blurbs for Joint Clearance

Decision:

Missouri Response to CMS's July 15, 2022 Companion Letter

- **Background:** FMG will brief CMCS leadership on our analysis and potential options related to Missouri's letter of August 25, 2022 concerning the pooling and redistribution arrangement operated by the Missouri Hospital Association associated with the Federal Reimbursement Allowance (FRA), which is Missouri's hospital tax. Missouri's August 25th letter was in response to the companion letter we sent to the state on July 15, 2022 concurrent with the approval of two state-directed payments funded by the tax. In the companion letter, we indicated CMS would conduct a focused financial review, also known as an FMR, on the state's hospital tax and initiate recoupment of any impermissible federal funds. We included a detailed history of the Missouri Partnership Plan (MPP) and prepared a point-by-point response to all of the arguments that Missouri raised in its August letter. FMG recommends informing Missouri that we still intend to conduct the FMR and notify the state that CMS intends to cancel the MPP effective July 1, 2024.
- **Group Presenting:** FMG
- **Decision Needed:** OCD Concurrence
- **Date Needed:** January 18, 2023

Discussion:

Financial Management Review (FMR) Engagement Letter to the State of Florida: Use of LPPFs in FL's State Directed Payments program.

- **Background:** As part of the annual Financial Management workplan for fiscal year (FY) 2023, FMG is conducting an FMR on Florida's State Directed Payments (SDPs), specifically reviewing the non-federal share of the SDPs for FYs 2021 and 2022. The non-federal share of the SDPs is funded by health care-related taxes imposed by units of local government, cities and counties, which are then transferred to the State Medicaid agency through intergovernmental transfers (IGTs). These taxes are called "Local Provider Participation Funds" (LPPF). In 2022, Florida submitted for CMS approval an SDP preprint funded by a LPPF with a total computable dollar amount of \$2,359,171,921 (\$1,433,196,942 Federal Financial Participation). In other states that use LPPF taxes, FMG has concerns that these taxes violate the "hold-harmless" provisions for provider taxes. FMG is conducting the FMR to determine if Florida's LPPF taxes are operating within the parameters of Federal statutes and regulations.
- **Group Presenting:** FMG

Message

From: Teal, Lela (CMS/CMCS) [b(6)]
[b(6)]
Sent: 1/13/2023 9:06:17 PM
To: Howe, Rory (CMS/CMCS) [b(6)]
[b(6)] Maccarroll, Amber
CC: Silanskis, Jeremy (CMS/CMCS) [b(6)]
[b(6)]
Subject: RE: RE: joint clearance materials that are due today

Thank you,

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Friday, January 13, 2023 4:06 PM
To: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Cc: Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: RE: joint clearance materials that are due today

Hi Lela,

Please see below the blurbs for FMG's clearance items (attached). Thank you again and have a great weekend!

Rory

Decision:

Missouri Response to CMS's July 15, 2022 Companion Letter

- **Background:** FMG will brief CMCS leadership on our analysis and potential options related to Missouri's letter of August 25, 2022 concerning the pooling and redistribution arrangement operated by the Missouri Hospital Association associated with the Federal Reimbursement Allowance (FRA), which is Missouri's hospital tax. Missouri's August 25th letter was in response to the companion letter we sent to the state on July 15, 2022 concurrent with the approval of two state-directed payments funded by the tax. In the companion letter, we indicated CMS would conduct a focused financial review, also known as an FMR, on the state's hospital tax and initiate recoupment of any impermissible federal funds. We included a detailed history of the Missouri Partnership Plan (MPP) and prepared a point-by-point response to all of the arguments that Missouri raised in its August letter. FMG recommends informing Missouri that we still intend to conduct the FMR and notify the state that CMS intends to cancel the MPP effective July 1, 2024.
- **Group Presenting:** FMG
- **Decision Needed:** OCD Concurrence
- **Date Needed:** January 18, 2023

Discussion:

Financial Management Review (FMR) Engagement Letter to the State of Florida: Use of LPPFs in FL's State Directed Payments program.

- **Background:** As part of the annual Financial Management workplan for fiscal year (FY) 2023, FMG is conducting an FMR on Florida's State Directed Payments (SDPs), specifically reviewing the non-federal share of the SDPs for FY 2022. The non-federal share of the SDPs is funded by health care-related taxes imposed by units of local government, cities and counties, which are then transferred to the State Medicaid agency through intergovernmental transfers (IGTs). These tax programs are called "Local Provider Participation Funds"

(LPPF). In other states that use LPPF taxes, FMG has concerns that these taxes violate the “hold-harmless” provisions for provider taxes. FMG sent a companion letter to Florida in September 2022 indicating concerns with the LPPF and informing the state of this FMR, which aims to determine if the LPPF meets Federal requirements.

- **Group Presenting:** FMG

From: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>

Sent: Friday, January 13, 2023 10:24 AM

To: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

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

Subject: RE: joint clearance materials that are due today

Yes, you can send to me directly thank you

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>

Sent: Friday, January 13, 2023 9:52 AM

To: Teal, Lela (CMS/CMCS) <Lela.Teal@cms.hhs.gov>

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

Subject: joint clearance materials that are due today

Hi Lela –

Happy Friday! Both Beverly and Lia are on leave today... (leaving Rory, Jeremy & me to fend for ourselves – LOL).

We’re working on finalizing our materials for Joint clearance next week, and are wondering if we’d be able to just send to you directly (instead of trying to upload to SP, which we would likely struggle with doing correctly). It will likely be closer to the deadline that we are finished (but will make sure we’re done before 4pm).

If this doesn’t work on your end, let me know and I can try to figure it out (although may need to connect w you to make sure I don’t mess it up!).

Thanks, Amber

Message

From: Boston, Beverly (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6)
Sent: 1/18/2023 6:30:03 PM
To: Maccarroll, Amber (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6); Howe, Rory
[REDACTED] b(6) Silanskis, Jeremy
Subject: Florida Hot Issues Request (Due 11am 1/18)

Hello,

The Florida LPPF issue was added to the SP link. Not sure if you cleared it as it was due at `11am today and likely was pulled and shared with the OCD.

<https://share.cms.gov/center/CMCS/Collaborations/Shared%20Documents/Forms/AllItems.aspx?RootFolder=%2Fcenter%2FCMCS%2FCollaborations%2FShared%20Documents%2FHot%20Issue%20Requests%2F2023%2FJan%20FL&FolderCTID=0x0120007D86D6C1AC6DFB42B77BA23441101830&View=%7BEDAB5CE3%2D472E%2D4714%2D80CC%2DB251EAFECBD5%7D>

Beverly

From: Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>
Sent: Friday, January 13, 2023 1:00 PM
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Subject: FW: Florida Hot Issues Request (Due 11am 1/18)

Importance: High

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Jason Stegmaier

Medicaid & CHIP Operations Group
Center for Medicaid and CHIP Services
Email: [REDACTED]r@cms.hhs.gov
Cell: [REDACTED] b(6)

Confidential and deliberative, pre-decisional communication.

Message

From: Maccarroll, Amber (CMS/CMCS) [REDACTED] b(6)
Sent: 1/18/2023 6:34:08 PM [REDACTED] b(6)
To: Boston, Beverly (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Howe, Rory (CMS/CMCS)
Silanskis, Jeremy
Subject: RE: RE: Florida Hot Issues Request (Due 11am 1/18)

Hey Beverly –

I think it's due to OCD by COB today – I gave the deadline of 11am when I sent it out to the Divisions for input to allow us time to review.

I'll take a look at it now.

Thanks, Amber

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Center for Medicaid and CHIP Services

Email: jason.stegmaier@cms.hhs.gov

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From: Maccarroll, Amber (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 1/18/2023 6:56:44 PM
To: Boston, Beverly (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Howe, Rory (CMS/CMCS)
[REDACTED] b(6) Silanskis, Jeremy
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[REDACTED] b(6)
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To: Maccarroll, Amber (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6); Howe, Rory
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Subject: RE: RE: Florida Hot Issues Request (Due 11am 1/18)

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Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: Due 11am 1/18: Florida Hot Issues Request (Due 11am 1/18)

Some additional info re: who Jon Blum will be meeting with is in the attached.

Thanks!
Amber

From: Maccarroll, Amber (CMS/CMCS)
Sent: Friday, January 13, 2023 12:25 PM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Lane, Robert (CMS/CMCS) <Robert.Lane@cms.hhs.gov>; Barraza, Leticia (CMS/CMCS) <Leticia.Barraza@cms.hhs.gov>; Ferguson, Dorothy (CMS/CMCS) <Dorothy.Ferguson@cms.hhs.gov>; Curry, Celestine (CMS/CMCS) <Celestine.Curry@cms.hhs.gov>; Mcmillion, Todd (CMS/CMCS) <TODD.MCMILLION@cms.hhs.gov>; Sampson, Tamara (CMS/CMCS) <Tamara.Sampson@cms.hhs.gov>; Thompson, Christopher (CMS/CMCS) <Christopher.Thompson@cms.hhs.gov>; Badaracco, Andrew (CMS/CMCS) <Andrew.Badaracco@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Kaminsky, Stephanie (CMS/CMCS) <Stephanie.Kaminsky@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Walker, Abigail (CMS/CMCS) <Abigail.Walker@cms.hhs.gov>; Heitt, Melissa (CMS/FCHCO) <Melissa.Heitt@cms.hhs.gov>; Gavens, Jay (CMS/CMCS) <Jay.Gavens@cms.hhs.gov>
Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy D. (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: FW: Florida Hot Issues Request (Due 11am 1/18)
Importance: High

Please see the below request re: FL Hot Issues. Please add any issues to the SP link below no later than 11am ET on Wednesday, January 18th. Please also flag any issues that you are adding so that we can review before the due date.

Any questions, let us know.

Thanks - Amber

From: Stegmaier, Jason (CMS/CMCS) <Jason.Stegmaier@cms.hhs.gov>
Sent: Friday, January 13, 2023 11:00 AM
To: Hill, Elizabeth (CMS/CMCS) <Elizabeth.Hill@cms.hhs.gov>; Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Kahn, Abby (CMS/CMCS) <Abigail.Kahn@cms.hhs.gov>; Guarisco, Victoria (CMS/CMCS) <Victoria.Guarisco@cms.hhs.gov>; Sumeracki, Jodie (CMS/CMCS) <Jodie.Sumeracki@cms.hhs.gov>; Bell, Stephanie (CMS/CMCS) <Stephanie.Bell@cms.hhs.gov>; Delozier, Adrienne (CMS/CMCS) <Adrienne.Delozier@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Cc: Briskin, Perrie (CMS/CMCS) <Perrie.Briskin@cms.hhs.gov>

Subject: Florida Hot Issues Request (Due COB 1/18)

Importance: High

Folks,

We have received a hot issues request for an upcoming trip that Jon Blum will be taking to Florida at the end of this month. Below are the details that we have for the trip itinerary. Could you please submit any hot issues to the document in SharePoint by COB 1/18? I have asked OPOLE for additional information on who Jon will be meeting with specifically and when I have that information I will share it with this group.

Information on Trip:

MS Principal Deputy Administrator and Chief Operating Officer Jon Blum will be visiting Jacksonville and Miami, Florida, on January 31-February 2, 2023. He plans to make several stops on this visit, meeting with the MAC, Florida Blue, CPI field office, local hospital systems and government leaders, navigators, mental health and substance abuse providers, advocates, and community health partners.

<https://share.cms.gov/center/CMCS/Collaborations/Shared%20Documents/Forms/AllItems.aspx?RootFolder=%2Fcenter%2FCMCS%2FCollaborations%2FShared%20Documents%2FHot%20Issue%20Requests%2F2023%2FJan%20FL&FolderCTID=0x0120007D86D6C1AC6DFB42B77BA23441101830&View=%7BEDAB5CE3%2D472E%2D4714%2D80CC%2DB251EAFECBD5%7D>

Jason Stegmaier

Medicaid & CHIP Operations Group

Center for Medicaid and CHIP Services

Email: jason.stegmaier@cms.hhs.gov

Cell: b(6)

Confidential and deliberative, pre-decisional communication.

Message

From: adams, lia (CMS/CMCS) b(6)
b(6)
Sent: 1/18/2023 6:37:02 PM
To: Howe, Rory (CMS/CMCS) b(6)
b(6) Maccarroll, Amber
; Silanskis, Jeremy
CC: Boston, Beverly (CMS/CMCS) b(6)
b(6) Arnold, Charlie
Clark, Jennifer
Goldstein, Stuart
Fan, Kristin
Bavens, Jay (CMS/CMCS)
ane, Robert (CMS/CMCS)
Barraza, Leticia
Subject: Outcomes FMG Items Joint Clearance 01/18/2023

Hi Rory, Amber, and Jeremy,

Below are outcomes from the 01/18/2023 Joint Clearance Meeting. Please make any corrections as needed.

1. **Missouri Response to CMS's July 15, 2022 Companion Letter**

- **Background:** FMG will brief CMCS leadership on our analysis and potential options related to Missouri's letter of August 25, 2022 concerning the pooling and redistribution arrangement operated by the Missouri Hospital Association associated with the Federal Reimbursement Allowance (FRA), which is Missouri's hospital tax. Missouri's August 25th letter was in response to the companion letter we sent to the state on July 15, 2022 concurrent with the approval of two state-directed payments funded by the tax. In the companion letter, we indicated CMS would conduct a focused financial review, also known as an FMR, on the state's hospital tax and initiate recoupment of any impermissible federal funds. We included a detailed history of the Missouri Partnership Plan (MPP) and prepared a point-by-point response to all of the arguments that Missouri raised in its August letter. FMG recommends informing Missouri that we still intend to conduct the FMR and notify the state that CMS intends to cancel the MPP effective July 1, 2024.
- **Group Presenting:** FMG
- **Decision Needed:** OCD Concurrence
- **Date Needed:** January 18, 2023

Wrap Up: FMG to circle-back with OCD offline on timing and OCD will help facilitate additional small group discussions

Discussion

2. Financial Management Review (FMR) Engagement Letter to the State of Florida: Use of LPPFs in FL's State Directed Payments program.

- **Background:** As part of the annual Financial Management workplan for fiscal year (FY) 2023, FMG is conducting an FMR on Florida's State Directed Payments (SDPs), specifically reviewing the non-federal share of the SDPs for FY 2022. The non-federal share of the SDPs is funded by health care-related taxes imposed by units of local government, cities and counties, which are then transferred to the State Medicaid agency through intergovernmental transfers (IGTs). These tax programs are called "Local Provider Participation Funds" (LPPF). In other states that use LPPF taxes, FMG has concerns that these taxes violate the "hold-harmless" provisions for provider taxes. FMG sent a companion letter to Florida in September 2022 indicating concerns with the LPPF and informing the state of this FMR, which aims to determine if the LPPF meets Federal requirements.
- **Group Presenting:** FMG

Wrap Up: FMG to circle-back with OCD offline on timing and OCD will help facilitate additional small group discussions

Thanks,
Lia

Message

From: adams, lia (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 1/23/2023 2:57:50 PM
To: Arnold, Charlie (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Clark, Jennifer
Fan, Kristin (CMS/CMCS)
Goldstein, Stuart
CC: Boston, Beverly (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6) Maccarroll, Amber
]; Gavens, Jay
Lane, Robert (CMS/CMCS)
]; Barraza, Leticia
Howe, Rory (CMS/CMCS)
Silanskis, Jeremy
Subject: Timelines for Missouri and Florida: Outcomes FMG Items Joint Clearance 01/18/2023
Attachments: Medicaid SDP Financing, 4-21-22, rev.docx

Hi DFP –

Following-up on OCD's ask from last week's Joint Clearance meeting on timelines for Missouri and Florida. I spoke with Rory this morning, he plans to connect with you on this soon but wanted to share a previous timeline that has gone up for Missouri and Texas.

Also, wanted to let you know that Amber shared the MPP with OCD last week.

Thanks,

Lia

From: adams, lia (CMS/CMCS)
Sent: Wednesday, January 18, 2023 1:37 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: Boston, Beverly (CMS/CMCS) <Beverly.Boston@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>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Gavens, Jay (CMS/CMCS) <Jay.Gavens@cms.hhs.gov>; Lane, Robert (CMS/CMCS) <Robert.Lane@cms.hhs.gov>; Barraza, Leticia (CMS/CMCS) <Leticia.Barraza@cms.hhs.gov>
Subject: Outcomes FMG Items Joint Clearance 01/18/2023

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- **Group Presenting:** FMG
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- **Group Presenting:** FMG

Wrap Up: FMG to circle-back with OCD offline on timing and OCD will help facilitate additional small group discussions

Thanks,
Lia

Message

From: Arnold, Charlie (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Sent: 1/23/2023 4:39:14 PM
To: adams, lia (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Clark, Jennifer
Fan, Kristin (CMS/CMCS)
Goldstein, Stuart
CC: Boston, Beverly (CMS/CMCS) [REDACTED] b(6)
[REDACTED] b(6)
Maccarroll, Amber
Gavens, Jay
Lane, Robert (CMS/CMCS)
Barraza, Leticia
Howe, Rory (CMS/CMCS)
Silanskis, Jeremy
Subject: RE: RE: Timelines for Missouri and Florida: Outcomes FMG Items Joint Clearance 01/18/2023

Thanks, Lia.

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: adams, lia (CMS/CMCS) <Lia.Adams@cms.hhs.gov>
Sent: Monday, January 23, 2023 9:58 AM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>
Cc: Boston, Beverly (CMS/CMCS) <Beverly.Boston@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Gavens, Jay (CMS/CMCS) <Jay.Gavens@cms.hhs.gov>; Lane, Robert (CMS/CMCS) <Robert.Lane@cms.hhs.gov>; Barraza, Leticia (CMS/CMCS) <Leticia.Barraza@cms.hhs.gov>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Silanskis, Jeremy (CMS/CMCS) <Jeremy.Silanskis@cms.hhs.gov>
Subject: Timelines for Missouri and Florida: Outcomes FMG Items Joint Clearance 01/18/2023

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Also, wanted to let you know that Amber shared the MPP with OCD last week.

Thanks,

Lia

From: adams, lia (CMS/CMCS)

Sent: Wednesday, January 18, 2023 1:37 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: Boston, Beverly (CMS/CMCS) <Beverly.Boston@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>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Gavens, Jay

(CMS/CMCS) <Jay.Gavens@cms.hhs.gov>; Lane, Robert (CMS/CMCS) <Robert.Lane@cms.hhs.gov>; Barraza, Leticia

(CMS/CMCS) <Leticia.Barraza@cms.hhs.gov>

Subject: Outcomes FMG Items Joint Clearance 01/18/2023

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- **Decision Needed:** OCD Concurrence
- **Date Needed:** January 18, 2023

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- **Group Presenting:** FMG

Wrap Up: FMG to circle-back with OCD offline on timing and OCD will help facilitate additional small group discussions

Thanks,
Lia

Message

From: Arnold, Charlie (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6)
Sent: 1/24/2023 8:54:59 PM
To: Howe, Rory (CMS/CMCS); [REDACTED] b(6)
[REDACTED] b(6)
Subject: FW: FW: FL Companion letter on LPPF
Attachments: FW: FW: State Directed Payment Approval; More Detailed Questions on Pooling (3).docx

Rory,

If you get a minute, can we discuss this today?

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: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Sent: Tuesday, January 24, 2023 12:22 PM
To: Arnold, Charlie (CMS/CMCS) <Charlie.Arnold@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@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>; Mosley, Elle (CMS/CMCS) <larrica.mosley@cms.hhs.gov>
Subject: RE: FL Companion letter on LPPF

Dear all,

Washington state heard about Florida's companion letter that we sent with the approval of their SDP. Please see attached. According to DMCP, Washington feels that they have "similar issues" compared to Florida. By "similar issues" I believe they mean about the pooling and redistribution. I don't believe they have locality taxes. But I'm not sure. Washington would like for us to send them a copy of Florida's companion letter. This is a sensitive topic anyway. The fact that we are about to release a CIB on this topic makes it more sensitive. These documents are not generally public information unless a state chooses to post it on its website and make it public information. A couple of questions:

1. Can we send Washington state a copy of Florida's companion letter?
2. If not/in addition can we send Washington a document similar to what we sent to Louisiana laying out the hold harmless requirements as it relates to pooling? (Please see attached)
3. If not, do we want to wait until the CIB comes out?
4. Obviously, the reference to what "similar issues" they are having is concerning. I have a feeling that there may be many more of these out there than we first realized.

Best,

Jonathan

From: Endelman (he/him), Jonathan (CMS/CMCS)
Sent: Tuesday, January 24, 2023 12:06 PM
To: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Subject: RE: FL Companion letter on LPPF

Anna,

The issue is, in general, a sensitive one and it is especially sensitive because we are in the process of issuing a CIB. To my knowledge, these companion letters are not public unless the state chooses to post it on its website and make it public. Let me check with the rest of the team. I think the fact that Washington state could have a “similar issue” as Florida is concerning.

Best,

Jonathan

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Sent: Tuesday, January 24, 2023 11:42 AM
To: Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>
Subject: FW: FL Companion letter on LPPF

Hi Jonathan, Can you think of any reason we wouldn't share our Florida companion letter with Washington state? I can't remember if we have posted them publicly or if we have sent them to others. Thanks!

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Sent: Tuesday, January 24, 2023 11:30 AM
To: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Cc: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Subject: RE: FL Companion letter on LPPF

To be honest, not clear; the email was routed through lots of hands before getting to us and there is not a lot of detail.

From: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Sent: Tuesday, January 24, 2023 11:29 AM
To: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Cc: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Subject: RE: FL Companion letter on LPPF

Hi Laura! I think it's fine but let me double check.

And when you say that Washington may have similar issues, do you mean they have an LPPF or something similar?
[nervous emoji]

From: Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>
Sent: Tuesday, January 24, 2023 10:23 AM
To: Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>
Cc: CMS State Directed Payment <StateDirectedPayment@cms.hhs.gov>
Subject: FL Companion letter on LPPF

Hi Anna,

We got a really random question from the Assistant Medicaid Director in WA. He heard about the companion letter issued to FL (the one that references LPPF and denotes CMS' concerns.) He is apparently having similar issues in WA or starting to and wanted a copy of the letter that FL received. We wanted to check with you all if you have any concerns with sharing that letter with WA; we think it should be fine, but wanted to check particularly given the FL FMR that will focus on the LPPF issue.

Thanks,
Laura

Laura Snyder
(she/her/hers)
Technical Director
Division of Managed Care Policy
Centers for Medicaid and CHIP Services
Phone: 410-786-3198
Laura.Snyder1@cms.hhs.gov

Message

From: Endelman (he/him), Jonathan (CMS/CMCS); [REDACTED] b(6)
b(6)
Sent: 9/29/2022 8:16:41 PM
To: Arnold, Charlie (CMS/CMCS) [charlie.arnold@cms.hhs.gov]; Bonelli, Anna (CMS/CMCS) [anna.bonelli@cms.hhs.gov]; Burns, James (CMS/CMCS) [james.burns@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]
Subject: FW: FW: State Directed Payment Approval
Attachments: Approval Letter- FL_Fee.IPH.OPH4_Renewal_20211001-20220930 AD Signed.pdf; FL Companion Letter, 9-29-22.pdf

Dear tax team,

The Florida SDP was approved today. Please find attached the approval letter and a companion letter.

Best,

Jonathan

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 29, 2022 3:07 PM
To: 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>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Lane, Robert (CMS/CMCS) <Robert.Lane@cms.hhs.gov>; Barraza, Leticia (CMS/CMCS) <Leticia.Barraza@cms.hhs.gov>; Gavens, Jay (CMS/CMCS) <Jay.Gavens@cms.hhs.gov>
Subject: FW: State Directed Payment Approval

FYI

From: Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Sent: Thursday, September 29, 2022 4:00 PM
To: Thomas.Wallace@ahca.myflorida.com
Cc: cole.giering@ahca.myflorida.com; Nobles, Ross <Ross.Nobles@ahca.myflorida.com>; Sokoloski, Kristin <Kristin.Sokoloski@ahca.myflorida.com>; Henley, Victoria <Victoria.Henley@ahca.myflorida.com>; Dalton, Ann <Ann.Dalton@ahca.myflorida.com>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Subject: State Directed Payment Approval

Good Afternoon Director Wallace –

CMS is pleased to share the attached approval package for FL_Fee_IPH.OPH4_Renewal_20211001-20220930, state directed payment submitted under 42 C.F.R. § 438.6(c) for the rating period covering October 1, 2021 through September 30, 2022 (Florida's SFY 2022 contract rating period). Also included in this approval package, CMS is providing a companion letter to the approval of Florida's state directed payment preprint. CMS remains concerned that the state's use of revenues derived from its Local Provider Participation Fund (LPPF) program as a source of Florida's non-federal share for this preprint may not comply with certain health care-related tax requirements in section 1903(w)(4) of the

Social Security Act and implementing regulations in 42 C.F.R. § 433.68(f)(3). CMS is committed to providing technical assistance on this issue and is available to continue discussions with Florida to ensure its sources of non-federal share meet all applicable federal requirements.

If you have any questions or concerns about this approval package, please don't hesitate to reach out to me directly. Thank you again for your partnership on these matters, and we look forward to our continued work together.

Carrie Smith
Deputy Director
Disabled and Elderly Health Programs Group

Message

From: Endelman (he/him), Jonathan (CMS/CMCS) **b(6)**

Sent: 9/29/2022 8:16:41 PM

To: Arnold, Charlie (CMS/CMCS) **b(6)**

b(6)

; Bonelli, Anna

L]; Burns, James

; Clark, Jennifer

Cuno, Richard

; Goldstein, Stuart

Subject: FW: FW: State Directed Payment Approval

Attachments: Approval Letter- FL_Fee.IPH.OPH4_Renewal_20211001-20220930 AD Signed.pdf; FL Companion Letter, 9-29-22.pdf

Dear tax team,

The Florida SDP was approved today. Please find attached the approval letter and a companion letter.

Best,

Jonathan

From: Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>
Sent: Thursday, September 29, 2022 3:07 PM
To: 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>; Clark, Jennifer (CMS/CMCS) <Jennifer.Clark@cms.hhs.gov>; Goldstein, Stuart (CMS/CMCS) <STUART.GOLDSTEIN@cms.hhs.gov>; Endelman (he/him), Jonathan (CMS/CMCS) <Jonathan.Endelman@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Fan, Kristin (CMS/CMCS) <Kristin.Fan@cms.hhs.gov>; Lane, Robert (CMS/CMCS) <Robert.Lane@cms.hhs.gov>; Barraza, Leticia (CMS/CMCS) <Leticia.Barraza@cms.hhs.gov>; Gavens, Jay (CMS/CMCS) <Jay.Gavens@cms.hhs.gov>
Subject: FW: State Directed Payment Approval

FYI

From: Smith, Carrie (CMS/CMCS) <Carrie.Smith@cms.hhs.gov>
Sent: Thursday, September 29, 2022 4:00 PM
To: Thomas.Wallace@ahca.myflorida.com
Cc: cole.giering@ahca.myflorida.com; Nobles, Ross <Ross.Nobles@ahca.myflorida.com>; Sokoloski, Kristin <Kristin.Sokoloski@ahca.myflorida.com>; Henley, Victoria <Victoria.Henley@ahca.myflorida.com>; Dalton, Ann <Ann.Dalton@ahca.myflorida.com>; Howe, Rory (CMS/CMCS) <Rory.Howe@cms.hhs.gov>; Maccarroll, Amber (CMS/CMCS) <Amber.MacCarroll@cms.hhs.gov>; Bonelli, Anna (CMS/CMCS) <Anna.Bonelli@cms.hhs.gov>; Giles, John (CMS/CMCS) <John.Giles1@cms.hhs.gov>; Snyder, Laura (CMS/CMCS) <Laura.Snyder1@cms.hhs.gov>; Deboy, Alissa (CMS/CMCS) <alissa.deboy1@cms.hhs.gov>
Subject: State Directed Payment Approval

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Carrie Smith
Deputy Director
Disabled and Elderly Health Programs Group

Appointment

From:

Dunn, Victoria (CMS/CMCS)

b(6)

b(6)

Sent:

5/22/2019 1:05:13 PM

To:

CMS CMCS Scheduling [

b(6)

b(6)

adams, lia

Arnold, Charlie

Badaracco, Andrew

a]; Barraza, Leticia

Beasley, Michelle

Benson, Deborah

n]; Blunt, Ford

Boston, Beverly

Branch, Jeoffrey

Brandt, John (CMS/OL)

oks, Bill (CMS/CMCS)

Brown, Sharon

y]; Buck, Megan K.

ullis, Brian (CMS/CMCS)

; Carroll, Lisa

Chan, Jeanie (CMS/CMCS)

; Cheng, Irene T.

Cieslicki, Mary E. (CMS/CMCS)

; Clark, Jennifer (CMS/CMCS)

; CMS IEAG Scheduler

ul]; CMS VTC

y, Mark (CMS/CMCS)

y]; Cuno, Richard

a]; Curry, Celestine

D'Angelo, Laura

dson, Timothy G.

b(6)

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on, Kristin (CMS/CMCS)

Dunn, Victoria

, Endelman (he/him),

b(6)

h]; Fan, Kristin

Farrell, Billy (CMS/CMCS)

erguson, Dorothy

b(6)

Ferretti, Ross H.

b(6)

reeze, Janet G. (CMS/CMCS)

, Friedrich, Charles A.

, Gavens, Jay (CMS/CMCS)

b(6)

Gillaspie, Cynthia

Glaze, Jackie

Goldstein, Stuart

]; Halter, Mark

]; Harris, Byron J.

b(6)

, Harrison, Wendy

b(6)

]; Harshman, Sara

]; Hickey, Jessica

Hines, Charles

Hoang, Dzung

b(6)

, Holligan, Ricardo

b(6)

, Holt, Kathryn

b(6)

olzbaaur, Charlene M.

owe, Rory (CMS/CMCS)

, Hughes, Ruth

b(6)

, Hulbert, Melissa S.

b(6)

Hunt, Trinia J. (CMS/CMCHO)

Velez, Jocelyn (CMS/DHHS-OS)

b(6)

James-Hailey, Novena

b(6)

, Johns, Hamilton

Joyce, Tannisse

Keller, Betty S.

b(6)

, Kessler, Christopher

b(6)

, Kimball (he,him),

Kimble, Davida

; Knight, Gary

; Lambert, Diana

; Lane, Robert

; Lee, Hye Sun

Levels, Sandra

b(6)

yles, Tia (CMS/CMCS)

, Lynch, Calder (CMS/OA)

b(6)

Maccarroll, Amber

b(6)

, Mack, Rosa

Mannix, Norma

; Marchioni, Mary

; McClure, Deb

b(6)

McGreal, Richard R.

b(6)

Mcmillion, Todd (CMS/CMCS)

b(6)

Meacham, David L.

b(6)

Michael, Lindsay (CMS/CMCS)

b(6)

Mikow, Asher

b(6)

Miller, Teia N.

b(6)

Motley (she/her), Danielle

b(6)

Nanes, Cynthia

Nelson, Barbara

Pellanda, Manning

; Powell, Eric

b(6)

]; Richards, Barbara
Roberts, Shantrina
Sabir, Jerimiah A.
Louie, Henrietta
Sampson, Tamara
]; Savage, Courtenay
Shields, Karen

b(6)

Steiner, Stacey (CMS/CMCS)

b(6)

; Silanskis, Jeremy
Siler-Price, Mara
Solomon, Alma
o]; stahlecker, avery
]; Storey, Christine
Straley, Kyle

b(6)

Anh (CMS/CMCS)
eal, Lela (CMS/CMCS)
Thomas, Douglas

b(6)

; Thomas, Stephanie
Thompson, Christopher
]; Tilahun, Negussie
Traylor, Christopher
; Verma, Rajender
Weaver, Robert K.

b(6)

]; Weidler, Timothy A.
]; Whelan, Ellen-Marie

b(6)

Yablochnikov, Daniil
Zolynas, Brian

CC:

Kennedy, Jocelyn (CMS/CMCS)

b(6)

b(6)

Subject: FMG Clearance | Materials (Updated Agenda)
Attachments: Medicaid state-only findings_05.16.19.docx; FMG CLEARANCE Agenda 05-22-2019.docx
Location: Conference Room A / Dial: 1-877-267-1577 Meeting b(6)

Start: 5/22/2019 5:00:00 PM
End: 5/22/2019 5:30:00 PM
Show Time As: Tentative

Recurrence: Weekly
every Wednesday from 1:00 PM to 2:00 PM

Required Attendees: Adams, Lia (CMS/CMCS); Arnold, Charlie (CMS/CMCS); Badaracco, Andrew (CMS/CMCS); Barraza, Leticia (CMS/CMCHO); Beasley, Michelle (CMS/CMCS); Benson, Deborah J. (CMS/CMCHO); Blunt, Ford J. (CMS/CMCHO); Boston, Beverly A. (CMS/CMCS); Branch, Jeoffrey A. (CMS/CMCHO); Brandt, John (CMS/OL); Brooks, Bill D. (CMS/CMCHO); Brown, Sharon J. (CMS/CMCS); Buck, Megan K. (CMS/CMCHO); Burdullis, Brian M. (CMS/CMCHO); Carroll, Lisa (CMS/CMCS); Chan, Jeanie (CMS/CMCHO); Cheng, Irene T. (CMS/CMCHO); Cieslicki, Mary E. (CMS/CMCS); Clark, Jennifer (CMS/CMCS); CMS IEAG Scheduler; CMS VTC; Cooley, Mark S. (CMS/CMCS); Cuno, Richard A. (CMS/CMCS); Curry, Celestine J. (CMS/CMCHO); D'Angelo, Laura (CMS/CMCHO); Davidson, Timothy G. (CMS/CMCS); Dillon, Kristin C. (CMS/CMCHO); Dunn, Victoria (CMS/CMCS); Endelman, Jonathan (CMS/CMCS); Fan, Kristin A. (CMS/CMCS); Farrell, Billy B. (CMS/CMCHO); Ferguson, Dorothy A. (CMS/CMCHO); Ferretti, Ross H. (CMS/CMCHO); Freeze, Janet G. (CMS/CMCS); Friedrich, Charles A. (CMS/CMCHO); Gavens, Jay C. (CMS/CMCS); Gillaspie, Cynthia D. (CMS/CMCHO); Glaze, Jackie L. (CMS/CMCHO); Goldstein, Stuart S. (CMS/CMCS); Halter, Mark D. (CMS/CMCHO); Harris, Byron J. (CMS/CMCS); Harrison, Wendy L. (CMS/CMCS); Harshman, Sara (CMS/CMCS); Hickey, Jessica M. (CMS/CMCHO); Hines, Charles (CMS/CMCS); Hoang, Dzung A. (CMS/CMCHO); Holligan, Ricardo E. (CMS/CMCHO); Holt, Kathryn (CMS/CMCHO); Holzbaur, Charlene M. (CMS/CMCHO); Howe, Rory (CMS/CMCS); Hughes, Ruth A. (CMS/CMCHO); Hulbert, Melissa S. (CMS/CMCS); Hunt, Trinia J. (CMS/CMCHO); Ihrig, Jocelyn B. (CMS/CMCS); James-Hailey, Novena M. (CMS/CMCHO); Johns, Hamilton J. (CMS/CMCS); Joyce, Tannisse L. (CMS/CMCHO); Keller, Betty S. (CMS/CMCS); Kessler, Christopher G. (CMS/CMCS); Kimball, Richard M. (CMS/CMCS); Kimble, Davida R. (CMS/CMCHO); Knight, Gary L. (CMS/CMCHO); Lambert, Diana (CMS/OFM); Lane, Robert (CMS/CMCS); Lee, Hye Sun (CMS/CMCHO); Levels, Sandra K. (CMS/CMCHO); Lyles, Tia (CMS/CMCS); Lynch, Calder (CMS/OA); MacCarroll, Amber L. (CMS/CMCS); Mack, Rosa (CMS/CMCS); Mannix, Norma J. (CMS/CMCS); Marchioni, Mary A. (CMS/CMCHO); McClure, Deborah A. (CMS/CMCS); McGreal, Richard R. (CMS/CMCHO); McMillion, Todd (CMS/CMCHO); Meacham, David L. (CMS/CMCHO); Michael, Lindsay (CMS/CMCS); Mikow, Asher S. (CMS/CMCS); Miller, Teia N. (CMS/CMCHO); Motley, Danielle O. (CMS/CMCS); Nanes, Cynthia (CMS/CMCHO); Nelson, Barbara A. (CMS/CMCS); Pellanda, Manning J. (CMS/CMCHO); Powell, Eric M. (CMS/CMCHO); Richards, Barbara K. (CMS/CMCS); Roberts, Shantrina D. (CMS/CMCHO); Sabir, Jerimiah A. (CMS/CMCS); Sam-Louie, Henrietta C. (CMS/CMCHO); Sampson, Tamara L. (CMS/CMCHO); Savage, Courtenay (CMS/CMCHO); Shields, Karen (CMS/CMCS); Shuman, Stacey S. (CMS/CMCHO); Silanskis, Jeremy D. (CMS/CMCS); Siler-Price, Mara (CMS/CMCHO); Solomon, Alma (CMS/CMCHO); Stahlecker, Avery (CMS/CMCS); Storey, Christine B. (CMS/CMCHO); Straley, Kyle (CMS/CMCHO); Ta, Anh-Dung (CMS/CMCHO); Teal, Lela (CMS/CMCS); Thomas, Douglas A. (CMS/CMCS); Thomas, Stephanie D. (CMS/CMCS); Thompson, Christopher C. (CMS/CMCS); Tilahun, Negussie (CMS/CMCS); Traylor, Christopher (CMS/CMCS); VERMA, RAJENDER (CMS/CMCHO); Weaver, Robert K. (CMS/CMCS); Weidler, Timothy A. (CMS/CMCHO); Whelan, Ellen Marie (CMS/CMCS); Yablochnikov, Daniil (CMS/CMCS); Zolynas, Brian (CMS/CMCHO)

Optional Attendees: Kennedy, Jocelyn (CMS/CMCS)

Agenda:



FMG
CLEARANCE Ag...

Standing Items:

ACCESS NPRM, J. Silanskis, no paper

Medicaid Fiscal Accountability Regulation (MFAR), DRSF/DFO, no paper

DSH Allotment Reduction Rule, R. Howe, no paper

Discussion Items:

1. **Topic:** New Hampshire Financing Issues, *K. Fan*, **no paper**

Action Needed By: May 22, 2019

Decision Requested: Yes, FMG would like OCD to make a decision on how we should move forward with addressing these issues.

Summary: FMG would like to revisit the New Hampshire funding issues with OCD and decide on an approach to move forward.

2. **OIG State-only Findings (specifically the New Mexico finding),** *K. Fan*, **paper**



Medicaid
state-only finding...

Access Information

1. Please call the following number:
WebEx: 1-877-267-1577
2. Follow the instructions you hear on the phone.

Your WebEx Meeting Number:

b(6)