

EXHIBIT W

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop N2-20-16
Baltimore, Maryland 21244-1850



Office of Strategic Operations and Regulatory Affairs /Freedom of Information Group

Refer to: Control Number: 052220187046 and PIN UDL9
052220187048 and PIN QQF2
052220187050 and PIN 9SMF
052320187007 and PIN YV3U
052320187013 and PIN 4BZY

October 15, 2019

Kandi Hidde
Frost Brown Todd LLC
201 N. Illinois Street, Suite 1900
P.O. Box 44961
Indianapolis, IN 46244

Dear Ms. Hidde:

This letter is fourth interim response to your Freedom of Information Act (5 U.S.C. § 552) requests dated May 21, 2018. In your request, you sought material relating to several records as they relate to records released to Petrillo & Powell, Fred Schulte as well as records regarding Government Accountability Office (GAO), Risk Adjustment Payments System (RAPS), Medicare Advantage Organizations (MAO) and copies of other related matters in your requests for the timeframe of January 1, 2007 through the date of your requests.

Our agency initiated a search for records falling within the scope of your request, and located 851 pages of responsive documents. I have determined to release 685 pages to you, in their entirety, and deny you access to portions of two (2) of the released pages pursuant to Exemption (b)(4) of the FOIA (5 U.S.C. § 552(b)(4)). Also, I have determined to deny you access to portions of one of the one (1) of the released pages pursuant to Exemption (b)(5)). Furthermore, I have determined to deny you access to 163 pages, in their entirety, pursuant to Exemption (b)(5) of the FOIA (5 U.S.C. § 552(b)(5)).

Exemption (b)(4) protects information which constitutes “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” Commercial or financial matters are “confidential” for the purpose of this exemption if such voluntarily provided information is of a kind that would customarily not be released to the public by the person from whom the information was obtained, or if such required submissions are likely to: impair the government’s ability to obtain necessary information in the future; cause substantial

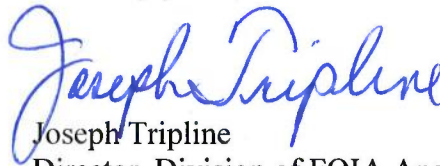
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harm to the competitive position of the person from whom the information was obtained; or impair the effectiveness of a government program.

Exemption (b)(5) permits the withholding of “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” Among the several bases upon which records may be withheld under this exemption, the deliberative process privilege applies to the materials withheld in this case. The privilege protects internal communications that are pre-decisional and contain staff advice, opinions and recommendations that are part of the agency’s deliberative decision-making process

The CMS office will need additional time to process additional documents to determine which portions of those records therefore may be released in response to your requests. An interim of additional non-exempt documents or portions of documents will be forwarded to you upon completion of that review every 60 days.

Sincerely yours,



Joseph Tripline
Director, Division of FOIA Analysis – A
Freedom of Information Group



OCT 18 2019