


# **EXHIBIT E**

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**Submission ID:** 880726

# Success!

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You'll hear back from the agency confirming receipt in the coming weeks using the contact information you provided. If you have questions about your request, feel free to reach out to the agency FOIA personnel using the information provided below.

### Contact the agency

~~FOIA Requester Service Center~~

202-616-0307

~~Sarah Westenberg, FOIA Public Liaison~~

202-616-0307

Christina Butler Acting Chief, FOIA/PA Unit  
Room 803, Keeney Building 950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

## Request summary

Request submitted on **September 28, 2023**.

The confirmation ID for your request is **880726**.

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## Contact information

### Name

Olivia Benjamin

### Mailing address

111 Huntington Ave.  
Suite 2500  
Boston, MA 02118  
United States

### Phone number

6172263165

### Company/organization

VRA Enterprises, LLC

### Email

obenjamin@foley.com

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## Your request

1. VRA Enterprises, LLC requests all documents relating to Medicare's demonstration program (announced by the Centers for Medicare & Medicaid Services ("CMS") April 4, 2022) covering over-the-counter COVID-19 tests (the "Demonstration"), including but not limited to: (a) all documents sufficient to articulate all prerequisites for providing over-the-counter test kits to Medicare Part B beneficiaries under the Demonstration; (b) all

communications regarding whether email outreach to Medicare Part B beneficiaries is permissible under the Demonstration; (c) all documents, guidance, and communication regarding whether solicitation of Medicare Part B beneficiaries is permissible under the Demonstration; (d) all communications regarding whether participants may provide Medicare Part B beneficiaries with recurring monthly over-the-counter COVID-19 tests at a beneficiary's request under the Demonstration; (e) all guidance, communications, and documents regarding what, if any, requirements apply before a beneficiary may receive recurring monthly over-the-counter COVID-19 tests; (f) all guidance, communications, and documents regarding what, if any, restrictions apply to advertising for provision of over-the-counter COVID-19 test kits under the Demonstration; and (g) what, if any, evaluation of necessity must be done before providing Medicare Part B beneficiaries with over-the-counter COVID-19 test under the Demonstration. 2. All drafts of guidance, public facing materials, websites, and other content or communications describing the Demonstration; 3. All documents and communications with any government agency, including but not limited to the CMS, the Department of Health and Human Services ("HHS") Office of Inspector General, the White House, Congress, and the Government Accountability Office, regarding the Demonstration and any applicable rules, regulations, or guidance; 4. All documents relating to the HHS or CMS's suspension of payments or pre-payment review of any healthcare provider for the provision of over-the-counter COVID-19 tests; 5. All documents relating to CMS's December 6, 2022, decision to suspend payments to VRA Enterprises, LLC (NPI: 1043636921) (the "Pharmacy") including but not limited to: (a) all communications and documents relating in any way to the decision to suspend the Pharmacy's payments; and (b) all recordings or documents relating to beneficiary interviews and witness interviews conducted, and hotline complaints received, relating to the Pharmacy's provision of over-the-counter COVID-19 tests under the Demonstration. 6. All documents relating to CMS's decision to continue to suspend payments to the Pharmacy despite the Pharmacy's rebuttal submissions, including but not limited to all communications relating to the Pharmacy's rebuttal.

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## Fees

**What type of requester are you?**

other

**Fee waiver**

no

## The amount of money you're willing to pay in fees, if any

2500

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## Request expedited processing

### Expedited processing

no



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### CONTACT

Office of Information Policy (OIP)  
U.S. Department of Justice  
441 G St, NW, 6th Floor  
Washington, DC 20530  
E-mail: [National.FOIAPortal@usdoj.gov](mailto:National.FOIAPortal@usdoj.gov)

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