

# **EXHIBIT B**

## Torres, Christopher

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**From:** Briscoe, Brittany <foiarequest@hhs.gov>  
**Sent:** Wednesday, September 6, 2023 10:52 AM  
**To:** Torres, Christopher  
**Subject:** HHS FOIA Acknowledgement Letter -- 2023-01153-FOIA-OS  
**Attachments:** Acknowledgement Letter .pdf

Dear Mr. Torres

Please see the attached Acknowledgement Letter in response to your FOIA Request submitted to the Department of Health and Human Services (HHS) via PAL on August 28, 2023.

The letter contains important information concerning your FOIA matter which has been assigned tracking number **2023-01153-FOIA-OS**.

For status updates or other inquiries, please contact our office via email at FOIARequest@hhs.gov. *Please include your tracking number in the subject line of your inquiry,*

Sincerely,

Brittany Briscoe  
OS FOIA Division Intake  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs  
Washington, D.C. 20201

Refer to: Request Number **2023-01153-FOIA-OS**

**September 6, 2023**

***Sent via email:***

Christopher C. Torres  
Chief of Civil Litigation, AHCA  
Florida Agency for Health Care Administration  
2727 Mahan Drive, MS #3  
Tallahassee, FL 32308  
[christopher.torres@ahca.myflorida.com](mailto:christopher.torres@ahca.myflorida.com)

Dear Mr. Torres:

This acknowledges receipt of your August 28, 2023, Freedom of Information Act (FOIA) request, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division concerning “*Records and/or communications related to the U.S. Department of Health and Human Services (“HHS”) and the Florida Health Justice Project (“FHJP”), the National Health Law Program (“NHLP”), and their attorneys, agents, and employees, (as counsel of record for Plaintiffs), regarding the subject matter of litigation that was recently brought against both AHCA and the Florida Department of Children and Families (“DCF”), Chianne D, et al. v. Weida, et al., No. 3:23-cv-00985 (M.D. Fla.), challenging Medicaid redeterminations of recipient eligibility pursuant to 42 U.S.C. § 1396a(3) and its implementing regulation, 42 C.F.R. § 431.210(b). Specifically, the Requester requests the following Records in the possession of HHS and/or the HHS Office for Civil Rights from January 1, 2023, through the date of production of the Records: 1.Records related to or containing HHS’s communications with or regarding the Florida Health Justice Project and/or the National Health Law Program and litigation challenging Florida’s Medicaid redeterminations of recipient eligibility, including (but not limited to): the adequacy of recipient notification of determination of ineligibility, adequacy of recipient notification for reasons of recipient ineligibility, and recipient income standards. 2.Records related to or containing HHS’s internal communications concerning Florida’s Medicaid redeterminations of recipient eligibility, including (but not limited to): the adequacy of recipient notification of determination of ineligibility, adequacy of recipient notification for reasons of recipient ineligibility, and recipient income standards. 3.Records related to or containing HHS’s communications concerning Florida’s Medicaid redeterminations of recipient eligibility with the following individuals: Katy DeBriere, Miriam Harmatz, Lynn Hearn, Sarah Grusin, Miriam Heard, Amanda Avery, and Jane Perkins. 4.Records related to litigation CMS or HHS is currently involved in regarding States’ Medicaid redeterminations of recipient eligibility. (Date Range for Record Search: From 01/01/2023 To 08/28/2023)”*”.

We received your request on **August 28, 2023** and are also referring it to the Centers for Medicare and Medicaid Services (CMS) for direct response to you. Upon receipt, CMS will log your request, and provide you with a new tracking number for your reference. You may check the status of your request with CMS at 410-786-5353 or at [FOIA\\_Request@cms.hhs.gov](mailto:FOIA_Request@cms.hhs.gov).

Because you seek records which require a search in another office, Office for Civil Rights(OCR), “unusual circumstances” apply to your request, automatically extending the time limit to respond to your request for ten additional days. See 5 U.S.C. 552 § (a)(6)(B)(i)-(iii) (2012 & Supp. V. 2017). Further, we estimate needing more than 10 additional days to respond to your request and so, in the next paragraph of this letter we are offering you an opportunity to narrow your request, in case narrowing the request would enable us to respond to the request sooner. The actual time needed to process your request will depend on the complexity of our records search and on the volume and complexity of any material located. For your information, this Office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Our current workload is approximately 3000 cases.

Your request is assigned to the complex track. In an effort to speed up our records search, you may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located. You may also wish to await the completion of our records search to discuss either of these options.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact the HHS FOIA office via email at [foiarequest@hhs.gov](mailto:foiarequest@hhs.gov).

If you are not satisfied with any aspect of the processing and handling of this request, you have the right to seek dispute resolution services from:

HHS FOIA/PA Public Liaison  
FOI/Privacy Acts Division  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)  
Telephone: (202) 690-7453  
E-mail: [HHS\\_FOIA\\_Public\\_Liaison@hhs.gov](mailto:HHS_FOIA_Public_Liaison@hhs.gov)

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)

If you are not already submitting your requests through our Public Access Link (PAL), we recommend all future requests and appeals be submitted through PAL -



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Office of the Secretary

Assistant Secretary for Public Affairs  
Washington, D.C. 20201

<https://requests.publiclink.hhs.gov/>. Submitting requests through PAL automatically logs your requests into our tracking system and provides you with a tracking number. Your PAL account will allow you to track the progress of your request, receive your documents directly through the portal, and securely submit privacy-sensitive or business-sensitive documents.

Sincerely yours,

A handwritten signature in black ink, appearing to read "AP", written in a cursive style.

Arianne Perkins  
Director, Initial FOIA Requests  
FOI/Privacy Acts Division