

EXHIBIT E

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 060520187011 and PIN: FG9E

June 21, 2018

Jackson Williams
Dialysis Patient Citizens
1012 14th Street, NW
Suite 1475
Washington, DC 20005

Dear Mr. Williams:

This letter is in response to your Freedom of Information Act (FOIA) (5 U.S.C. §552) request of June 1, 2018, addressed to this office for the following records:

- Access to letters sent by OFM Division of Medicare Secondary Payer Operations in February 2018, to an unknown number of health plan administrators regarding the Medicare Secondary Payer (MSP) provisions of the Social Security Act pertaining to end-stage renal disease (ESRD).

After careful review of the records submitted to me (41) pages. I have determined to deny you access to the requested records, in its entirety, without deletions. This determination is in pursuant to Exemptions 7(A) of the FOIA.

Exemption 7(A) of the FOIA, as amended, protects from disclosure "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings."

If you believe that the information withheld should not be exempt from disclosure, or this response constitutes an adverse determination, you may appeal. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision.

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Your appeal must be mailed within 90 days from the date of receipt of this letter, to:

Principal Deputy Administrator
Centers for Medicare and Medicaid Services
Room C5-16-03
7500 Security Blvd.
Baltimore, Maryland 21244-1850

Please clearly mark both the envelope and your letter “Freedom of Information Act Appeal.”

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact Danean Z. Jones of my staff at (410) 786-9356 or via email at Danean.Jones@cms.hhs.gov OR the HHS FOIA Public Liaison for assistance at:

Joseph Tripline
CMS FOIA Public Liaison
Centers for Medicare & Medicaid Services
7500 Security Blvd., MS N2-20-16
Baltimore, Maryland 21244-1850
Telephone: (410) 786-5353 fax (443)-380-7260
E-mail: [HHS FOIA Public Liaison@hhs.gov](mailto:HHS_FOIA_Public_Liaison@hhs.gov)

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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
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov
Fax: 202-741-5769

There is not a fee to process this case.

Sincerely yours,

A handwritten signature in black ink that reads "Hugh Gilmore". The signature is written in a cursive style with a large, prominent "H" and "G".

Hugh Gilmore
Director
Freedom of Information Group