

EXHIBIT C



Improving Life Through Empowerment

June 1, 2018

Center for Medicare and Medicaid Services
Division of Freedom of Information
7500 Security Boulevard
Baltimore, MD 21244

Dear Mr. Gilmore:

Pursuant to the Freedom of Information Act, I am requesting 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). These letters are described in the emails that are reproduced in the appendix to this letter.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operation or activities of the government and is not primarily in my commercial interest, to wit:

Requestor is a consumer advocate. Should the agency choose not to post the materials on its own website, the documents will be posted on Dialysis Patient Citizens' website so they are accessible to other stakeholders and the media. In addition, requestor will work with a reporter or reporters to write an article about the issues raised by these letters as the issue of commercial insurance coverage for dialysis is of considerable interest to the media.

I ask that my request receive expedited processing for the following reasons:

1. The letters in question relate to an ongoing dispute between kidney patient advocates and a group of health plan administrators and benefit administrators who operate a so-called "dialysis carve-out" in violation of the MSP laws. Because these plan administrators and benefit advisors (and presumably their trade associations) have access to these letters which signal CMS' position on the MSP laws, but patient advocates do not have access to the letters, the Requestor is materially disadvantaged in advocating for his policy positions before Congress and regulators. Requestor does not know what the letters said.
2. Requestor would like to discuss the issues raised by these letters at upcoming conferences of employee benefits professionals including the EBN Benefits Forum and Expo scheduled for September 24-26 and the IFEBP Annual Employee Benefits Conference October 14-17, both of which are typically addressed by the benefit advisors who peddle

the “dialysis carve-out” to employers. Because these advisors have access to the letters but Requestor does not, Requestor is unable to seek equal time on panel discussions on this matter.

3. Because commercial insurance coverage for dialysis improves the profitability of dialysis providers, efforts to restrict it have attracted much attention on Wall Street. Requestor frequently receives calls from stock market analysts and “political intelligence” firms. One major investor is known to hold a short position on a large dialysis organization’s stocks. The fact that the content of these letters is known by the recipients and by agency staff but not by the general public invites insider trading; the letters should be released as soon as possible.

I request that the information I seek be provided in electronic format.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jackson Williams".

Jackson Williams
Director of Regulatory Affairs