

EXHIBIT B

March 25, 2019

CMS FOIA Officer
Centers for Medicare & Medicaid Services
Mailstop N2-20-16
7500 Security Boulevard
Baltimore, MD 21244

Dear FOIA officer,

Under the Freedom of Information Act, 5 U.S.C. subsection 552, I am requesting access to the following documents (both paper and electronic) related to a CMS memo to state survey agency directors dated March 1, 2019.

<https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Downloads/QSO19-07-NH.pdf>

The memo refers to approximately 1500 nursing homes that CMS calls “late adopters,” described as “facilities that had not improved their antipsychotic medication utilization rates for long-stay nursing home residents since 2011Q4 and had high rates of usage.”

NPR is requesting the December 2017 notification document (or documents if there is more than one version) to nursing facilities that they have been designated “late adopters.” We are further requesting the notification document (or documents if there is more than one version) sent to corporate chains with large numbers of late adopter nursing homes. We also request any correspondence from individual nursing homes or corporate chains in response to these notifications, as well as CMS replies.

In order to help you determine my status for the purpose of assessing fees, you should know that I am a representative of the news media affiliated with NPR and that this request is made as part of news gathering and not for commercial use.

I ask for 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 operations of the government related to the use of antipsychotic drugs in nursing homes, the CMS “National Partnership

to Improve Dementia Care in Nursing Homes,” and the impact on beneficiaries of the Medicare and/or Medicaid programs.

If you have any questions about handling this request, you may telephone me at 310-815-4261 (office). I can also be reached by email: ijaffe@npr.org.

Sincerely,
Ina Jaffe
Correspondent, NPR News
9909 Jefferson Blvd.
Culver City, CA 90232

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Correspondent, NPR News

9909 Jefferson Blvd., Culver City, CA 90232

310-387-8974

ijaffe@npr.org