

EXHIBIT 5

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 110920187047 and PIN DRRB

12/17/2018

William A. Sarraille
Sidley Austin, LLP
1501 K Street, N.W.
Washington, DC 20005

Dear Mr. Sarraille:

This letter is an interim response to your Freedom of Information Act (5 U.S.C. § 552) request of 11/9/2018, which you sent to the Centers for Medicare and Medicaid Services. In your request, you sought access to records pertaining to a proposed rule in the Federal Register entitled “Proposed Rule: Medicare and Medicaid Programs; Policy and Technical Changes to the Medicare Advantage, Medicare Prescription Drug Benefit, Program of All-Inclusive Care for the Elderly (PACE), Medicaid Fee-for-Service, and Medicaid Managed Care Programs for Years 2020 and 2012” (the “Proposed Rule”). Specifically, you requested “all records containing any and all data, studies, analyses, communications, and or other information, regardless of form, that CMS considered, reviewed, created, received, or relied upon in connection with the Proposed Rule.”

Our agency initiated a search for records falling within the scope of your request, and located 1,944 pages of responsive documents. We are releasing those documents to you in their entirety, without deletions.

We are continuing to search and review records responsive to your request. Once CMS completes the processing of all records and provides you with our final response letter, appeal rights will be granted as required by 5 U.S.C. 552(A)(6)(A)(i)(aa).

Sincerely yours,

Jay Olin
Director, Division of FOIA Analysis – C
Freedom of Information Group

Enclosure