

LOEVY & LOEVY
A CIVIL RIGHTS LAW FIRM

FOIA status - estimated date of completion

1 message

Alex Shteynshlyuger <dralex@newyorkurologyspecialists.com>
To: Doris Davis <doris.davis@cms.hhs.gov>
Bcc: eun@loevy.com

Sun, Jun 28, 2020 at 3:03 PM

Dear Ms. Doris Davis,

Could you provide me the estimated completion date for the following FOIA request:

1) Control # 042320207001; PIN Z59P (Submitted on 4/22/2020)

Sincerely,

Alex Shteynshlyuger MD



FOIA status - estimated date of completion

Alex Shteynshlyuger <dralex@newyorkurologyspecialists.com>
To: "Davis, Doris A. (CMS/OSORA)" <Doris.Davis@cms.hhs.gov>
Bcc: eun@loevy.com

Mon, Jun 29, 2020 at 10:05 AM

Dear Doris,

I think you have mixed things up a bit.

1. 041320207068 is a separate FOIA request related to CMS FAQs dated 4/13/2020. I forwarded you the original request a minute ago with a separate email,
2. Control Number 042320207001 is an unrelated FOIA request related to Horizon BCBS dated 4/22/2020. I forwarded you the original request a minute ago with a separate email

Please reopen FOIA # 042320207001 that was closed in error and provide a status update on it.

Sincerely,

Alex Shteynshlyuger MD

On Mon, Jun 29, 2020 at 10:28 AM Davis, Doris A. (CMS/OSORA) <Doris.Davis@cms.hhs.gov> wrote:

Dear Requester:

You submitted this request twice and control number 042320207001 has been closed. We are working on control number 041320207068. An estimated timeframe could be between 60-120 days.

Thank you,

Doris Davis

Government Information Specialist

📞 410.786.5915 ✉️ doris.davis@cms.hhs.gov

7500 Security Blvd., C5-11-18/Mailstop C5-11-06
Baltimore, MD 21244-1850

Centers for Medicare & Medicaid Services (CMS)

Office of Strategic Operations & Regulatory Affairs
(OSORA),

Division of FOIA Analysis – A

If you need to speak with someone regarding a pending FOIA request, please contact the coordinator assigned the request submitted. The contact name and phone number of the coordinator can be located on the acknowledgement letter forwarded by our office.

For answers to general FOIA related questions, please visit our web-based FOIA Service Center at <http://www.cms.gov/center/freedom-of-information-act-center.html>.

To check the status of your existing FOIA request with your CMS FOIA Control and Pin, go to <http://www.cms.gov/apps/FOIA/>.

[Quoted text hidden]

Freedom of Information Act Request

April 28, 2020

Attn: Hugh Gilmore

Director of Division of Freedom of Information, Office of Strategic Operations and Regulatory Affairs
Centers for Medicare & Medicaid Services, Mailstop N2-20-16

7500 Security Boulevard

Baltimore, MD 21244

Via email: FOIA_Request@cms.hhs.gov

Dear Sir/Madam:

Pursuant to the Freedom of Information Act (5 U.S.C. § 552), Alex Shteynshlyuger MD requests that the CMS (Centers of Medicare and Medicaid Services and the Department of Health and Human Services) produce **all records** from **1/1/2017 to 4/20/2020** regarding:

- CMS Complaint 19-XXX-01127 (also known as 01127, 19xxx01127) against NASCO
- CMS Complaint 19-TRA-01144 (also known as 01144 and 1144, 19TRA01144) against BCBS of Massachusetts
- CMS Complaint 18-TRA-01040 (also known as 01040 and 1040, 18TRA01040) against BCBS Association (Blue Cross Blue Shield Association)
- Any ASETT Complaints involving BCBS of Massachusetts
- Any ASETT Complaints involving NASCO
- Any ASETT Complaints involving Blue Cross Blue Shield Association

To aid your search, but not to limit the search in any way, these are some additional search keywords that may help identify responsive materials:

- NASCO
- BCBS MA, Blue Cross Blue Shield of Massachusetts
- gjoffre@foleyhoag.com, Giselle J Joffre, Foley Hoag, Phone: 617-832-1173
- BCBS Association, caitlin.klein@bcbsa.com, Caitlin Klein

Please produce all correspondence, memoranda, documents, reports, records, statements, audits, lists of names, applications, diskettes, letters, expense logs and receipts, calendar or diary logs, facsimile logs, telephone records, call sheets, tape recordings, phone call recordings, video/movie recordings, notes, examinations, opinions, folders, files, books, manuals, pamphlets, forms, drawings, charts, photographs, electronic mail, and other documents and things that refer to the above mentioned records in any way.

To aid your search, but not to limit the search in any way, it is my understanding that the following offices at CMS may have responsive records. Please note that additional offices may have responsive records as well:

1. The **office of the CMS Administrator**: Ms. Seema Verma
2. Office of Strategic Operations and Regulatory Affairs - **Kathleen Cantwell, Director**
 - a. https://www.cms.gov/About-CMS/Agency-Information/CMSLeadership/Office_OSORA.html
3. The **Office of Information Technology Program** Management and National Standards Group - **Cora Tracy, Director**
 - a. https://www.cms.gov/About-CMS/Agency-Information/CMSLeadership/Office_OIT.html

It is my understanding that **the following CMS employees and the staff they supervise have intimate knowledge of the responsive documents**, including those that may be found at other subdivisions at CMS:

1. **Ms. Cora Tracy**, a trained **lawyer**, has intimate knowledge of the responsive documents. Office of Information Technology
2. **Mr. George C. Hoffman**, Office of Information Technology
3. **Mr. Janet Vogel**, Deputy CIO & Deputy Director for Operations
4. **Mr. Scott Shippy** Office of Information Technology
5. **Mr. Madhu Annadata** Office of Information Technology
6. **Ms. Christine Gerhardt** Office of Information Technology
7. **Ms. Kathleen Cantwell** - Office of Strategic Operations and Regulatory Affairs; a trained **lawyer** who understands her FOIA responsibilities
8. **Mr. Rajiv Uppal** - Office of Information Technology
9. **Ms. Seema Verma** – CMS Administrator
10. **Ms. Kimberly Brandt** – CMS Principal Deputy Administrator for Policy & Operations
11. **Ms. Marilyn Tavenner** - CMS Administrator 2011-2015
12. **Mr. Andrew M. Slavitt** – CMS Administrator 2015-2017
13. **Mr. Matthew Albright** – CMS Director and Deputy Director Administrative Simplification Group, Office of Ehealth Standards 2010-2014
14. **Christine Stahlecker** Director, Administrative Simplification Group at CMS 2012-2012

Please note that the materials responsive to this complaint reside **at the national CMS office in Baltimore, Maryland**. This complaint does **NOT** belong in the regional New York office.

If any responsive record or portion thereof is claimed to be exempt from production under FOIA, sufficient identifying information (with respect to each allegedly exempt record or portion thereof) must be provided to allow the assessment of the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir 1973), cert denied, 415 U.S. 977 (1974). Additionally, any reasonably segregable portion of a responsive record must be provided to me after the redaction of any allegedly exempt material, as the law requires. 5 U.S.C. § 552(b).

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am a physician and a specialist in health economics with publications in peer-reviewed journals such as: Cost-effectiveness of PSA Screening. **I have been an advocate for administrative simplification in healthcare.** I am willing to pay fees up to the amount of \$250. If the fees will exceed this amount, please inform me before fees are incurred.

In addition, I would like to **request a fee waiver**:

1. The records are sought for their informative value with respect to specifically identified government operations or activities. CMS has issued decisions that may be contrary to law and publicly stated policies. CMS may have improperly closed complaints and engaged in other corrupt activities. Public examination of these records may shine a light on fraud, abuse, and waste perpetrated and/or abetted by the federal government.
2. The disclosure of these records is likely to **contribute to an understanding of government operations and activities** including possible improper activities. I plan to distribute the information via my website, social media, blog, and interested members of the Media, which include AMA Newswire, Reuters Health, and interested organizations, which include the MGMA (Medical Group Management Association), AMA (American Medical Association) among others.
3. The disclosure will **contribute to public understanding** of the factors involved in the agency's decisions related to electronic transactions. The disclosure is **of interest to the general public**. This issue has been addressed by multiple public organizations including the American Medical Association, which represents close to a million physicians in the United States. Low-cost electronic transactions are in public interest since they lower the cost of healthcare, a major public concern.
4. I have **no significant commercial interest in the disclosure**. The decisions that impair electronic transactions have a marginal cost of less than \$500 per year in gross expenses. In comparison, these **costs amount to hundreds of millions of dollars in unnecessary costs to healthcare providers nationwide that are passed on to the consumers of healthcare services.** Administrative costs account for up to 20% of healthcare insurance premiums in the US, on the order of \$3923 per family per year according to the National Conference of State Legislatures (<http://www.ncsl.org/research/health/health-insurance-premiums.aspx>).



Alex Shteynshlyuger M.D.
Board Certified Urologist

Urology Care for Men and Women

I can be contacted at 718-395-6464 or by email: dralex@newyorkurologyspecialists.com, if necessary to discuss any aspect of this request.

I would prefer to receive the requested information in a **digital format, preferable downloadable via the internet**. I look forward to receiving the requested documents and a full fee waiver within twenty (20) business days.

Sincerely,

 Recoverable Signature

X Alex Shteynshlyuger

Alex Shteynshlyuger MD

Director of Urology

Signed by: d4aa26c7-f0c1-4b84-8cb9-1bcedd7cfccb

New York Urology Specialists

33 W. 46th St. 5th Fl, New York, N.Y. 10036

----- Forwarded message -----

From: **CMS FOIA Request** <FOIA_Request@cms.hhs.gov>
Date: Tue, Apr 28, 2020 at 2:14 PM
Subject: RE: FOIA request - BCBS of MA, Nasco, BCBSA
To: Alex Shteynshlyuger <dralex@newyorkurologyspecialists.com>

Good Afternoon,

This request was received and entered for processing, CTRL# 042820207042 PIN 5DEE.

Thank You, and Have a Great & Healthy Day!

From: Alex Shteynshlyuger [mailto:dralex@newyorkurologyspecialists.com]
Sent: Tuesday, April 28, 2020 1:36 PM
To: CMS FOIA Request <FOIA_Request@cms.hhs.gov>
Subject: FOIA request - BCBS of MA, Nasco, BCBSA

Hello,

Please accept the **attached PDF** file with my Freedom of information request.

Please **confirm receipt of this FOIA request by email.**

I would **prefer to receive the case number and other communications by email.** If you have any questions please do not hesitate to contact me.

Sincerely,

Alex Shteynshlyuger MD
Director of Urology

New York Urology Specialists

33 W. 46th St. 5th Fl

New York, N.Y. 10036

Phone: 646-663-5252

Fax: 718-285-8555



FOIA_BCBS-MA-4-28-2020.pdf

210K



Alex Shteynshlyuger M.D.
Board Certified Urologist

Urology Care for Men and Women

Freedom of Information Act Request

May 1, 2020

Attn: Hugh Gilmore

Director of Division of Freedom of Information, Office of Strategic Operations and Regulatory Affairs
Centers for Medicare & Medicaid Services, Mailstop N2-20-16
7500 Security Boulevard
Baltimore, MD 21244
Via email: FOIA_Request@cms.hhs.gov

Dear Sir/Madam:

Pursuant to the Freedom of Information Act (5 U.S.C. § 552), Alex Shteynshlyuger MD requests that the CMS (Centers of Medicare and Medicaid Services and the Department of Health and Human Services) produce **all records** from **1/1/2015 to 5/1/2020** regarding:

- CMS Complaint 19-TRA-01155 (also known as 01155, 1155, 18TRA01155) related to United Healthcare
- CMS complaints involving United Healthcare and its subsidiaries Optum, Exante bank, UMR,
- CMS complaints involving Oxford Health

To aid your search, but not to limit the search in any way, these are some additional search keywords that may help identify responsive materials:

- United Healthcare, Oxford
- douglas_r_niska@uhc.com , Douglas R Niska

Please produce all correspondence, memoranda, documents, reports, records, statements, audits, lists of names, applications, diskettes, letters, expense logs and receipts, calendar or diary logs, facsimile logs, telephone records, call sheets, tape recordings, phone call recordings, video/movie recordings, notes, examinations, opinions, folders, files, books, manuals, pamphlets, forms, drawings, charts, photographs, electronic mail, and other documents and things that refer to the above mentioned records in any way.

To aid your search, but not to limit the search in any way, it is my understanding that the following offices at CMS may have responsive records. Please note that additional offices may have responsive records as well:

1. The **office of the CMS Administrator**: Ms. Seema Verma
2. Office of Strategic Operations and Regulatory Affairs - **Kathleen Cantwell, Director**



Alex Shteynshlyuger M.D.
Board Certified Urologist

Urology Care for Men and Women

- a. https://www.cms.gov/About-CMS/Agency-Information/CMSLeadership/Office_OSORA.html
3. The **Office of Information Technology Program** Management and National Standards Group - **Cora Tracy, Director**
 - a. https://www.cms.gov/About-CMS/Agency-Information/CMSLeadership/Office_OIT.html

It is my understanding that **the following CMS employees and the staff they supervise have intimate knowledge of the responsive documents**, including those that may be found at other subdivisions at CMS:

1. **Ms. Cora Tracy**, a trained **lawyer**, has intimate knowledge of the responsive documents. Office of Information Technology
2. **Mr. George C. Hoffman**, Office of Information Technology
3. **Mr. Janet Vogel**, Deputy CIO & Deputy Director for Operations
4. **Mr. Scott Shippy** Office of Information Technology
5. **Mr. Madhu Annadata** Office of Information Technology
6. **Ms. Christine Gerhardt** Office of Information Technology
7. **Ms. Kathleen Cantwell** - Office of Strategic Operations and Regulatory Affairs; a trained **lawyer** who understands her FOIA responsibilities
8. **Mr. Rajiv Uppal** - Office of Information Technology
9. **Ms. Seema Verma** – CMS Administrator
10. **Ms. Kimberly Brandt** – CMS Principal Deputy Administrator for Policy & Operations
11. **Ms. Marilyn Tavenner** - CMS Administrator 2011-2015
12. **Mr. Andrew M. Slavitt** – CMS Administrator 2015-2017
13. **Mr. Matthew Albright** – CMS Director and Deputy Director Administrative Simplification Group, Office of Ehealth Standards 2010-2014
14. **Christine Stahlecker** Director, Administrative Simplification Group at CMS 2012-2012

Please note that the materials responsive to this complaint reside **at the national CMS office in Baltimore, Maryland**. This complaint does **NOT** belong in the regional New York office.

If any responsive record or portion thereof is claimed to be exempt from production under FOIA, sufficient identifying information (with respect to each allegedly exempt record or portion thereof) must be provided to allow the assessment of the propriety of the claimed exemption. *Vaugh v. Rosen*, 484 F.2d 820 (D.C. Cir 1973), cert denied, 415 U.S. 977 (1974). Additionally, any reasonably segregable portion of a responsive record must be provided to me after the redaction of any allegedly exempt material, as the law requires. 5 U.S.C. § 552(b).



Alex Shteynshlyuger M.D.
Board Certified Urologist

Urology Care for Men and Women

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am a physician and a specialist in health economics with publications in peer-reviewed journals such as: Cost-effectiveness of PSA Screening. **I have been an advocate for administrative simplification in healthcare.** I am willing to pay fees up to the amount of \$250. If the fees will exceed this amount, please inform me before fees are incurred.

In addition, I would like to **request a fee waiver**:

1. The records are sought for their informative value with respect to specifically identified government operations or activities. CMS has issued decisions that may be contrary to law and publicly stated policies. CMS may have improperly closed complaints and engaged in other corrupt activities. Public examination of these records may shine a light on fraud, abuse, and waste perpetrated and/or abetted by the federal government.
2. The disclosure of these records is likely to **contribute to an understanding of government operations and activities** including possible improper activities. I plan to distribute the information via my website, social media, blog, and interested members of the Media, which include AMA Newswire, Reuters Health, and interested organizations, which include the MGMA (Medical Group Management Association), AMA (American Medical Association) among others.
3. The disclosure will **contribute to public understanding** of the factors involved in the agency's decisions related to electronic transactions. The disclosure is **of interest to the general public**. This issue has been addressed by multiple public organizations including the American Medical Association, which represents close to a million physicians in the United States. Low-cost electronic transactions are in public interest since they lower the cost of healthcare, a major public concern.
4. I have **no significant commercial interest in the disclosure**. The decisions that impair electronic transactions have a marginal cost of less than \$500 per year in gross expenses. In comparison, these **costs amount to hundreds of millions of dollars in unnecessary costs to healthcare providers nationwide that are passed on to the consumers of healthcare services**. Administrative costs account for up to 20% of healthcare insurance premiums in the US, on the order of \$3923 per family per year according to the National Conference of State Legislatures (<http://www.ncsl.org/research/health/health-insurance-premiums.aspx>).

I can be contacted at 718-395-6464 or by email: dralex@newyorkurologyspecialists.com, if necessary to discuss any aspect of this request.

I would prefer to receive the requested information in a **digital format, preferable downloadable via the internet**. I look forward to receiving the requested documents and a full fee waiver within twenty (20) business days.



Alex Shteynshlyuger M.D.
Board Certified Urologist

Urology Care for Men and Women

Sincerely,

 Recoverable Signature

X Alex Shteynshlyuger

Alex Shteynshlyuger MD

Director of Urology

Signed by: d4aa26c7-f0c1-4b84-8cb9-1bcedd7cfccb

New York Urology Specialists

33 W. 46th St. 5th Fl, New York, N.Y. 10036