
Fwd: Case #051120207025

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

From: **Alex Shteynshlyuger** <dralex@newyorkurologyspecialists.com>
Date: Wed, May 20, 2020 at 12:26 PM
Subject: Re: Case #051120207025
To: Gillard, Breita M. (CMS/OSORA) <Breita.Gillard@cms.hhs.gov>

Dear Breita,

I am enclosing a revised version with clarification of the records that I am seeking. Please let me know if you have any other questions.

Sincerely,
Alex Shteynshlyuger MD

On Tue, May 19, 2020 at 12:12 PM Gillard, Breita M. (CMS/OSORA) <Breita.Gillard@cms.hhs.gov> wrote:

Here you go...

Breita M. Gillard

Centers for Medicare & Medicaid Services

Office of Strategic Operations and Regulatory Affairs

Freedom of Information Group

Division of FOIA Analysis B

7500 Security Blvd., Mail Stop: C5-11-06

Baltimore, MD 21244-1850

Direct: 410-786-5126

Email: breita.gillard@cms.hhs.gov

From: Alex Shteynshlyuger [mailto:dralex@newyorkurologyspecialists.com]

Sent: Friday, May 15, 2020 5:27 PM

To: Gillard, Breita M. (CMS/OSORA) <Breita.Gillard@cms.hhs.gov>

Subject: Re: Case #051120207025

Dear Breita,

I am sorry - which complaint is this? I am dealing with a lot of topics and I forgot what FOIA request we discussed on the phone. I never received a confirmation letter listing 051120207025 so I can't reference it back.

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

On Tue, May 12, 2020 at 11:01 AM Gillard, Breita M. (CMS/OSORA) <Breita.Gillard@cms.hhs.gov> wrote:

Dear Dr. Shteynshlyuger,

Per our conversation, please provide clarification and describe to me the records you seek exactly how you explained it to me during our phone conversation.

Thanks,

Breita

Breita M. Gillard

Centers for Medicare & Medicaid Services

Office of Strategic Operations and Regulatory Affairs

Freedom of Information Group

Division of FOIA Analysis B

7500 Security Blvd., Mail Stop: C5-11-06

Baltimore, MD 21244-1850

Direct: 410-786-5126

Email: breita.gillard@cms.hhs.gov

Freedom of Information Act Request

May 11, 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 electronic transactions including

(1) HIPAA administrative simplification requirements including but not limited to 45 CFR Parts 160, 162, and 164; (2) fees and costs of electronic transactions including but not limited to ERA (electronic remittance advice), EFT (electronic funds transfer), credit cards, virtual payment cards, prepaid cards and debit cards, checks, (3) electronic transactions including but not limited to ERA, EFT, electronic attachments, 835 transactions, 270/271 eligibility and benefit verification transactions, claim submissions, (4) Any aspects of HIPAA administrative simplification requirements including but not limited standard transactions, fees for standard transactions, enforcement of CMS regulations, guidance, payment methods, telecommunication fees, that involve the following:

- **AMA (American Medical Association)**
- **AMA Insurance**
- **MGMA (Medical Group Management Association)**
- **BCBS Association (Blue Cross Blue Shield Association)**
- **America's Health Insurance Plans (AHIP)**
- **X12**
- **American Hospital Association**
- **CAQH**

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**
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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
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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

Fwd: Case #051120207025

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

From: Gillard, Breita M. (CMS/OSORA) <Breita.Gillard@cms.hhs.gov>
Date: Wed, Jun 17, 2020 at 5:56 PM
Subject: RE: Case #051120207025
To: Alex Shteynshlyuger <dralex@newyorkurologyspecialists.com>

051120207025 – PIN:5FFY

061120207021 – PIN: T5SB

The letters are pending signature and no further information is needed or available at this time.

From: Alex Shteynshlyuger [mailto:dralex@newyorkurologyspecialists.com]
Sent: Wednesday, June 17, 2020 5:27 PM
To: Gillard, Breita M. (CMS/OSORA) <Breita.Gillard@cms.hhs.gov>
Subject: Re: Case #051120207025

Dear Breita,

I wanted to see if you have any further questions about the clarifications and revisions that I sent you on 5/20/2020 about case # 051120207025.

If I do not hear from you I will assume that you have no further questions and the FOIA request is being processed expeditiously.

I never received a formal acknowledgment letter with a PIN/password that I can use to check the status of my case online. Can you please forward it to me via email?.

Sincerely,

Alex Shteynshlyuger MD
Director of Urology

Freedom of Information Act Request

May 22, 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:

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in-network (contracted or participating) healthcare providers and out-of-network (non-contracted or non-participating) providers

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:

- **In-network, contracted, participating**
- **Out-of-network, non-contracted, non-participating**

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.

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 - 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**
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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.



Alex Shteynshlyuger M.D.
Board Certified Urologist

Urology Care for Men and Women

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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.
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Alex Shteynshlyuger M.D.
Board Certified Urologist

Urology Care for Men and Women

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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

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop C5-11-06
Baltimore, Maryland 21244-1850



Office of Strategic Operations and Regulatory Affairs / Freedom of Information Group

Request has been assigned: Control Number **052620207006** and PIN **4FRU**

05/26/2020

Alex Shteynshlyuger MD
New York Urology Specialists
33 W. 46th St. 5th Fl.
New York, NY 10036

Dear Dr. Shteynshlyuger MD,

The purpose of this letter is to acknowledge receipt of your Freedom of Information Act (FOIA) request (5 U.S.C. § 552) and to provide you with a tracking number for your request. Your FOIA request, dated **05/22/2020** was received on **05/22/2020** by the Centers for Medicare & Medicaid Services (CMS). To check the status of your request as it is being processed, please refer to the CMS FOIA website <http://www.cms.gov/apps/FOIA> and enter the control number and PIN (listed above) that have been assigned to your request.

Once we complete our initial analysis of your request, we will initiate a search for responsive records. If however, we determine that your request needs clarification, we will contact you. Additionally, if our searching units advise us that you have requested a voluminous amount of records that require extensive search, production and review, we will contact you to discuss options for narrowing the scope of your request in order to process your request as quickly and efficiently as possible.

Please note that CMS receives a very high volume of FOIA requests. The following unusual circumstances, as defined by Federal FOIA Regulations, may impact our ability to fulfill a FOIA request within 20 business days. These include circumstances such as (1) the request requires us to search for and collect records from multiple components and/or field offices; (2) the request involves a voluminous amount of records that must be located, compiled, transferred to this office, and reviewed. In addition, given our high volume of requests, and in accordance with federal regulations, our processing policy includes factors such as the date of the request as well as the complexity of the request.

The FOIA law assumes that requesters are willing to pay fees up to \$25.00. If estimated fees to process your request exceed \$25.00, we will notify you and may suspend processing until we

receive written confirmation that you are willing to pay the estimated fees. Additionally, for requests in which the estimated fees exceed \$250.00, the law authorizes us to collect the fees *in advance* prior to processing the request.

If your request sought a fee waiver or expedited processing, we will send additional communication to provide you with our determination decision(s).

If you are not satisfied with any aspect of the processing and handling of this request, please contact Angela Jennings, 410-786-6737.

You also have the right to seek dispute resolution services from:

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

and/or:

Office of Government Information Services
National Archives and 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

Sincerely yours,



Joseph Tripline
Director, Division of FOIA Analysis –A
Freedom of Information Group

LOEVY & LOEVY
A CIVIL RIGHTS LAW FIRM

FOIA Request - Adjudication of FOIA 071120197075 and 111220197053

1 message

Alex Shteynshlyuger <dralex@newyorkurologyspecialists.com>
To: CMS FOIA Request <FOIA_Request@cms.hhs.gov>

Wed, Jun 10, 2020 at 2:03 PM

Hello,

Please accept the attached PDF file with my Freedom of information request. Please note that this is a **separate and distinct FOIA request** from FOIA 071120197075 and 111220197053.

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.

--

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_FAQs_appeal-investigation-6-10-2020-dual.pdf**
216K



Alex Shteynshlyuger M.D.
Board Certified Urologist

Urology Care for Men and Women

Freedom of Information Act Request

June 10, 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** regarding FOIA control numbers 071120197075 **and 111220197053** from **7/8/2019 to 6/10/2020**. This includes all communications, status reports/checks, search records, CMS's acknowledgement letters, processing notes, response letters, and other records created during processing of the requests FOIA 071120197075 submitted on 7/8/2019 and FOIA request **111220197053** submitted on 12/4/2019. Please note that this is a **separate and distinct FOIA request** from FOIA 071120197075.

Please provide names, positions, dates of each employee involved in adjudication of FOIA requests 071120197075 and **111220197053**, including each staff who were asked to perform a search for responsive records in response to these FOIA requests (**control numbers 071120197075 and 111220197053**) and all their communications and reports including but not limited to search methods, time spent searching. Please produce all other communication related to adjudication of FOIA request **071120197075 and 111220197053**.

Please produce all correspondence, memoranda, documents, reports, records, statements, audits, lists of names, status reports/checks, search records, CMS's acknowledgement letters, processing notes, 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.

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 - a. https://www.cms.gov/About-CMS/Agency-Information/CMSLeadership/Office_OIT.html
4. Office of Strategic Operations and Regulatory Affairs including but not limited to the Freedom of Information Group
5. Center for Program Integrity
6. Office of Communications

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X Alex Shteynshlyuger

Alex Shteynshlyuger MD

Director of Urology

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

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