
Fwd: FOIA status - estimated date of completion - awaiting reference # and status update

1 message

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

Mon, Jun 29, 2020 at 12:17 PM

Hello,

Thank you for the prompt response.

I think there some confusion about #8 (attached). I clearly stated in the cover letter (email) that #8 is a separate and new FOIA request.

8) Attached request (submitted on 6/10), but received no acknowledgement letter as of 6/25the attached letter is not a request, instead a status request since both CTRL#'s listed(071120197075 and 111220197053) are still in process. Both cases were noted, and the analyst notified of your inquiry.

Perhaps I need to clarify it further: With this FOIA request, I am seeking all **records that were created in processing the two requests** (FOIA 071120197075 and 111220197053). This is a separate FOIA request. It seeks distinct information from any other FOIA request. Please provide me a reference number and status update on this request.

Sincerely,

Alex Shteynshlyuger MD
Director of Urology

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

From: **CMS FOIA Request** <FOIA_Request@cms.hhs.gov>
Date: Fri, Jun 26, 2020 at 9:42 AM
Subject: RE: FOIA status - estimated date of completion
To: Alex Shteynshlyuger <dralex@newyorkurologyspecialists.com>

Good Morning,

Please, highlighted responses below.

Thank You, and Have a Great & Healthy Day!

From: Alex Shteynshlyuger [mailto:dralex@newyorkurologyspecialists.com]
Sent: Friday, June 26, 2020 12:06 AM
To: CMS FOIA Request <FOIA_Request@cms.hhs.gov>
Subject: FOIA status - estimated date of completion

Hello,

Could you provide me the estimated completion date for the following FOIA requests I submitted in the past two months?

- 1) Control # 042320207001; PIN Z59P (Submitted on 4/22/2020)....please, refer/contact the analyst listed in your Acknowledgment letter dated April 23, 2020 for assistance.
- 2) Control # 041520207038; PIN 3VEB (Submitted on 4/15/2020).....this case is in process & review. Your status request has been uploaded, noted in your case, and the analyst was notified of your inquiry.
- 3) Control # 042820207042; PIN 5DEE (Submitted on 4/28/2020).....this case is in process & review. Your status request has been uploaded, noted in your case, and the analyst was notified of your inquiry.
- 4) Control # 05082020700(7); PIN ESQQ (Submitted on 05/08/2020).....this case is in process. Your status request has been uploaded, noted in your case, and the analyst was notified of your inquiry.
- 5) Control # 05012020706(0); PIN 4P7G (Submitted on 05/01/2020).....this case is in process. Your status request has been uploaded, noted in your case, and the analyst was notified of your inquiry.
- 6) Control # 052620207006; PIN 4FRU (Submitted on 5/22/2020)..... this case is in process. Your status request has been uploaded, noted in your case, and the analyst was notified of your inquiry.

7) Control # 05112020702(5); PIN 5FFY (Submitted on 5/11/2020)..... this case is in process. Your status request has been uploaded, noted in your case, and the analyst was notified of your inquiry.

8) Attached request (submitted on 6/10), but received no acknowledgement letter as of 6/25.....the attached letter is not a request, instead a status request since both CTRL#'s listed(071120197075 and 111220197053) are still in process. Both cases were noted, and the analyst notified of your inquiry.

Sincerely,

Alex Shteynshlyuger MD

Director of Urology

 **combined-status-foia-faq-appeal.pdf**
288K

Fwd: FOIA status - estimated date of completion - awaiting reference # and status update

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

Mon, Jul 13, 2020 at 1:19 PM

Hello,

I did not receive a response to my last communication from June 29th, 2020. I can see that **the email was opened and read** by CMS.

I am awaiting a **case # and status update on the new FOIA** request referenced in the email below (and attached again for your convenience).

Again, with this FOIA request, I am seeking all **records that were created in processing the two requests** (FOIA 071120197075 and 111220197053). This is a separate FOIA request. It seeks distinct information from any other FOIA request. Please provide me a reference number and status update on this request.

Sincerely,

Alex Shteynshlyuger MD
Director of Urology

[Quoted text hidden]

 **combined-status-foia-faq-appeal.pdf**
288K

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.

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
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

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).

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-f0c1-4b84-8cb9-1bccdd7cfccb

New York Urology Specialists

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