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## Fwd: FOIA Request - Vpay EchoHealth

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

From: **Alex Shteynshlyuger** <[dralex@newyorkurologyspecialists.com](mailto:dralex@newyorkurologyspecialists.com)>

Date: Wed, Jun 10, 2020 at 4:12 PM

Subject: Re: FOIA Request - Vpay EchoHealth

To: CMS FOIA Request <[FOIA\\_Request@cms.hhs.gov](mailto:FOIA_Request@cms.hhs.gov)>

Hello,

I did not receive a case number for this case. Can you please provide it by email.

Sincerely,

Alex Shteynshlyuger

--

Alex Shteynshlyuger MD  
Director of Urology

New York Urology Specialists  
[33 W. 46th St. 5th Fl](#)  
[New York, N.Y. 10036](#)

On Tue, May 12, 2020 at 7:13 AM Alex Shteynshlyuger <[dralex@newyorkurologyspecialists.com](mailto:dralex@newyorkurologyspecialists.com)> wrote:

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

<http://www.newyorkurologyspecialists.com/>

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**Re: Shteynshlyuger 061120207021-incoming.pdf**

1 message

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**Alex Shteynshlyuger** <dralex@newyorkurologyspecialists.com>

Wed, Jul 8, 2020 at 6:35 PM

To: "Davis, Michael (CMS/CCSQ)" <Michael.Davis@cms.hhs.gov>, "Breita M. Gillard (CMS/OSORA)" <Breita.Gillard@cms.hhs.gov>, Kathleen Cantwell <kathleen.cantwell@cms.hhs.gov>, hugh.gilmore@cms.hhs.gov  
Bcc: eun@loevy.com

Dear Michael,

I am not certain why this FOIA request was forwarded to you in Chicago. It could be an error or maybe an intentional act to delay a response or to knowingly generate a **wasteful paper record** of 'search' that generates no responsive documents because the intent is not to produce the responsive documents.

If you read the FOIA request it clearly states:

1. **The people at the CMS headquarters who are likely to have responsive material**
2. **The offices at the CMS headquarters that have responsive material**

and

3. **It clearly states:**

"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."

4. **It gives complaints numbers:** CMS Complaint 14OPR04107 (also known as 4107, 140-PRO-4107) involving Echo Health

- CMS Complaint 1242 involving Echo Health (also known as 19TRA01242)
- CMS Complaint 1244 involving Echo Health
- Any other CMS complaints involving Echo Health and related documents and communications
- CMS complaints 18TRA00940, 17TRA00901 involving Vpay
- Any other CMS complaints involving Vpay and related documents and communications

If you have any other questions, I would be happy to answer them.

Sincerely,

Alex Shteynshlyuger MD  
Director of Urology

New York Urology Specialists  
[33 W. 46th St. 5th Fl](#)  
[New York, N.Y. 10036](#)

On Tue, Jul 7, 2020 at 1:40 PM Alex Shteynshlyuger <[dralex@newyorkurologyspecialists.com](mailto:dralex@newyorkurologyspecialists.com)> wrote:

Michael,

I understand that. Who is the analyst at the headquarters in Maryland hat assigned / forwarded you this request?

--

Alex Shteynshlyuger MD  
Director of Urology

On Tue, Jul 7, 2020 at 1:27 PM Davis, Michael (CMS/CCSQ) <[Michael.Davis@cms.hhs.gov](mailto:Michael.Davis@cms.hhs.gov)> wrote:

**Exhibit 22**

Alex,

Your request was forwarded to me by the Freedom of Information Group when you submitted the FOIA request. I require an address for the facility or the complaint number to proceed.

Thank you,

Mike

**From:** Alex Shteynshlyuger <[dralex@newyorkurologyspecialists.com](mailto:dralex@newyorkurologyspecialists.com)>

**Sent:** Tuesday, July 7, 2020 12:07 PM

**To:** Davis, Michael (CMS/CCSQ) <[Michael.Davis@cms.hhs.gov](mailto:Michael.Davis@cms.hhs.gov)>

**Subject:** Re: Shteynshlyuger 061120207021-incoming.pdf

Dear Michael,

Who forwarded you this FOIA request?

Alex Shteynshlyuger MD

Director of Urology

On Tue, Jul 7, 2020 at 12:08 PM Davis, Michael (CMS/CCSQ) <[Michael.Davis@cms.hhs.gov](mailto:Michael.Davis@cms.hhs.gov)> wrote:

Good morning,

I am Michael Davis, I am the FOIA coordinator for Chicago RO 5. Do you have an address or complaint number for this facility ?

Thank you,

Mike

Michael A Davis Jr, MCR

Management Analyst

FOIA Coordinator / DSC

Non-LTC Certification and Enforcement Branch

(312) 886-7908

[Michael.davis@cms.hhs.gov](mailto:Michael.davis@cms.hhs.gov)



**Shteynshlyuger 061120207021-incoming.pdf**  
203K



**Alex Shteynshlyuger M.D.**  
Board Certified Urologist

Urology Care for Men and Women

## Freedom of Information Act Request

May 15, 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](mailto: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 5/15/2020** regarding **the CMS investigation of covered entities, including health plans, clearinghouses, and business associates charging fees to conduct standard transactions**. These investigations are often the results of HIPAA administrative simplification requirements complaints (45 CFR Part 162) also known as ASETT (Administrative Simplification Enforcement Testing Tool) complaints.

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:

- EFT Fee, ERA fee, standard transaction fee, virtual credit card, payment card, prepaid card
- Zelis, Echo Health, PaySpan Health, Vpay, Consolidated Health Plan, Allied Healthcare, Paramount, Stirling Benefits, Magnacare, Meritain, Delta Health Systems, Excellus Health Plan, POMCO, UMR, United Healthcare, Paramount, HealthFirst, Total Health Plan, GlobalExcel, Magnacare, Create Health Plan, Olympus, GHI, Fidelis, Ama Insurance, Healthsmart

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](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](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](mailto: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

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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 051820207004 and PIN 8GD8**

**5/22/2020**

**Alex Shteynshlyuger  
New York Urology Specialists  
33 W. 46th Street, 5th Floor  
New York, NY 10036**

Dear Alex Shteynshlyuger,

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 **5/15/2020** was received on **5/15/2020** 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 our office.

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

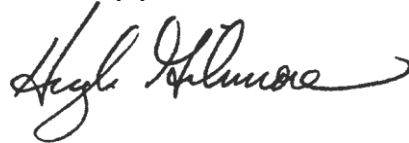
Joseph Tripline  
CMS FOIA Public Liaison  
Centers for Medicare & Medicaid Services  
7500 Security Blvd., MS C5-11-06  
Baltimore, Maryland 21244-1850  
Telephone: 410-786-5353 or Fax: 443-380-7260

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](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely yours,



Hugh Gilmore

Director, CMS Freedom of Information Group

## Freedom of Information Act Request

July 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](mailto: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 7/1/2020** regarding **(1) price setting, cost, reimbursement, fee schedule allowable amount setting for Medicare reimbursement, APC code selection (2) comparative clinical effectiveness research (CER) or analysis, cost-effectiveness analysis, effect on cost of care for BPH, (3) determination of maximum lifetime reimbursement quantity** that involve the following:

1. Urolift (prostatic urethral lift, transprostatic implant, prostatic urethral stent)
  - a. **C9739** CYSTOURETHROSCOPY, WITH INSERTION OF TRANSPROSTATIC IMPLANT; 1 TO 3 IMPLANTS
  - b. **C9740** CYSTOURETHROSCOPY, WITH INSERTION OF TRANSPROSTATIC IMPLANT; 4 OR MORE IMPLANTS
  - c. **L8699** PROSTHETIC IMPLANT, NOT OTHERWISE SPECIFIED
  - d. **52441** CYSTOURETHROSCOPY, WITH INSERTION OF PERMANENT ADJUSTABLE TRANSPROSTATIC IMPLANT; SINGLE IMPLANT
  - e. **52442** CYSTOURETHROSCOPY, WITH INSERTION OF PERMANENT ADJUSTABLE TRANSPROSTATIC IMPLANT; EACH ADDITIONAL PERMANENT ADJUSTABLE TRANSPROSTATIC IMPLANT (LIST SEPARATELY IN ADDITION TO CODE FOR PRIMARY PROCEDURE)
2. Rezum (Transurethral Water Vapor Thermal Therapy for Benign Prostatic Hyperplasia)
  - a. CPT 53899
  - b. CPT 53854
3. AquaBeam Robotic System and Aquablation therapy
  - a. CPT 0421T
  - b. C2596 HCPCS code
  - c. ICD-10PCS XV508A4

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**
3. **Center for Medicare** - Demetrios Kouzoukas, Principal Deputy Administrator for Medicare and Director

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 and cost-effective treatment.** 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 publicly stated policies. CMS has determined prices paid by the procedures in question

without adequate consideration of cost-effectiveness and relative-value of services. In addition payment policies may lead to extra-ordinary costs and waste of resources with minimal return on investment. 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 poorly formulated decisions. 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 fee-setting and their effect on the cost of Medicare. The disclosure is **of interest to the general public**. Reimbursements for care is in public interest since they affect the cost of healthcare, a major public concern.
4. I have **no significant commercial interest in the disclosure**. In comparison, these **costs amount to hundreds of millions of dollars in potentially excessive costs to healthcare system.**

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

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 **072320207002** and PIN **NWKK**

**7/23/2020**

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

Dear Mr. Shteynshlyuger:

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 **7/22/2020** was received on **7/22/2020** 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 Doris Davis, 410-786-5915.

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 C5-11-06  
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](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely yours,



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

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## Estimated completion date for FOIA requests

1 message

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Alex Shteynshlyuger <dralex@newyorkurologyspecialists.com>

Mon, Sep 14, 2020 at 9:57 AM

To: CMS FOIA Request <FOIA\_Request@cms.hhs.gov>

Cc: Rachel Eun <eun@loevy.com>

Hello,

I would like an update for the estimated completion date for the following requests:

1. FOIA request 072320207002; NWKK submitted 7/22/2020; acknowledged 7/23/2020 related to BPH: Urolift, Rezum
2. FOIA request 72920207040 submitted 7/29/2020; acknowledged 7/30/2020 related to healthcare attachments.

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

<http://www.newyorkurologyspecialists.com/>

LinkedIn:

<http://www.linkedin.com/pub/alex-shteynshlyuger/3/3b3/57b>

**The information contained in this message is confidential, proprietary, private, and privileged and intended only for the use of the addressee, the individual or entity named above. Unauthorized use, disclosure, distribution, or copying is strictly prohibited and may be unlawful.** This information is protected under Federal and/or state health laws. If the reader of this message is not intended recipient you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone at (646) 663-5252 and destroy the copy in your possession.

By engaging in email or text communication, each party consents to use unencrypted communication methods that may include but not limited to email, text messaging, digital platforms such as Facebook, Facebook Messenger, Google, Chat, Video, and audio communications, and other communication methods. I understand the risks of loss of privacy including exposure or release of confidential and private medical information including "Protected Health Information" (PHI) when unencrypted methods of communication are used. I authorize the use of such unencrypted communication methods that are NOT HIPAA compliant for the purposes of communication between New York Urology Specialists and myself related to my health, including but not limited to answering my questions, advising me about my medical care, reminding me of appointments, need for follow up and other relevant communications whether initiated by myself or the healthcare provider.



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## Estimated completion date for FOIA requests

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**Alex Shteynshlyuger** <dralex@newyorkurologyspecialists.com>

Thu, Sep 24, 2020 at 1:42 PM

To: CMS FOIA Request <FOIA\_Request@cms.hhs.gov>

Cc: Rachel Eun <eun@loevy.com>

Hello,

I did not receive a response to my last email.

I would like an update for the estimated completion date for the following requests:

1. FOIA request 072320207002; NWKK submitted 7/22/2020; acknowledged 7/23/2020 related to BPH: Urolift, Rezum
2. FOIA request 72920207040 submitted 7/29/2020; acknowledged 7/30/2020 related to healthcare attachments.

--

Alex Shteynshlyuger MD  
Director of Urology

[Quoted text hidden]

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## Estimated completion date for FOIA requests

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**Alex Shteynshlyuger** <dralex@newyorkurologyspecialists.com>  
To: Rachel Eun <eun@loevy.com>

Thu, Sep 24, 2020 at 2:32 PM

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

From: **CMS FOIA Request** <[FOIA\\_Request@cms.hhs.gov](mailto:FOIA_Request@cms.hhs.gov)>  
Date: Thu, Sep 24, 2020 at 2:44 PM  
Subject: RE: Estimated completion date for FOIA requests  
To: Alex Shteynshlyuger <[dralex@newyorkurologyspecialists.com](mailto:dralex@newyorkurologyspecialists.com)>

**Dear Requester:**

**The analyst assigned to your requests were notified by email.**

**Thank you,**

Doris Davis

Government Information Specialist

410.786.5915 [doris.davis@cms.hhs.gov](mailto: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/>

**Contact FOIA office at 410-786-5353 or**

[FOIA\\_Request@cms.hhs.gov](mailto:FOIA_Request@cms.hhs.gov)

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## Fwd: FOIA Request - healthcare attachments

1 message

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

From: **Alex Shteynshlyuger** <[dralex@newyorkurologyspecialists.com](mailto:dralex@newyorkurologyspecialists.com)>

Date: Wed, Jul 29, 2020 at 11:32 AM

Subject: FOIA Request - healthcare attachments

To: CMS FOIA Request <[FOIA\\_Request@cms.hhs.gov](mailto:FOIA_Request@cms.hhs.gov)>

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.

Alex Shteynshlyuger MD  
Director of Urology

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 **FOIA\_CMS-medical-attachments-7-24-2020.pdf**  
210K

## Freedom of Information Act Request

July 29, 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](mailto: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 7/20/2020** regarding **standards for healthcare attachment transactions and electronic signatures, including but not limited to (1) adoption of these standards, (2) delays with adoption, (3) adoption of 275 transaction, 277 transaction, HL7 Da Vinci project with its leveraging of FHIR API standards for healthcare attachment transactions.**

These standards were mandated in 1996 (HIPAA) and “re” mandated in section 1104 of the ACA (2010).

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:

- healthcare attachment transaction, attachment, electronic attachment, electronic signature, healthcare attachment, standard 275 transaction, 277 transaction, HL7 Da Vinci project, FHIR API standards
- CAQH Core, X12, X12, WEDI

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](https://www.cms.gov/About-CMS/Agency-Information/CMSLeadership/Office_OSORA.html)
3. The **Office of Information Technology Program Management and National Standards Group** – **Rajiv Uppal, Director**
4. **The Office of Burden Reduction and Healthcare Informatics** - Mary G Greene, Director

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
15. **Daniel Kalwa** Policy Advisor at CMS [daniel.kalwa@cms.hhs.gov](mailto:daniel.kalwa@cms.hhs.gov)

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>).

I can be contacted at 718-395-6464 or by email: [dralex@newyorkurologyspecialists.com](mailto: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

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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

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**Fwd: FOIA Request Control Number 072920207040**

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**Alex Shteynshlyuger** <dralex@newyorkurologyspecialists.com>  
To: Rachel Eun <eun@loevy.com>

Thu, Jul 30, 2020 at 11:26 AM

FYI

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

From: **Stringfellow, Kenyetta (CMS/OSORA)** <Kenyetta.Stringfellow@cms.hhs.gov>  
Date: Thu, Jul 30, 2020 at 10:49 AM  
Subject: FOIA Request Control Number 072920207040  
To: [dralex@newyorkurologyspecialists.com](mailto:dralex@newyorkurologyspecialists.com) <[dralex@newyorkurologyspecialists.com](mailto:dralex@newyorkurologyspecialists.com)>

Good morning,

Please view the attached document regarding your Freedom of Information Act (FOIA) request for Healthcare Attachment Transactions.

Respectfully,

**Kenyetta Stringfellow**

Government Information Specialist


Freedom of Information Group

Office of Strategic Operations and Regulatory Affairs

Centers for Medicare & Medicaid Services

E-mail: [kenyetta.stringfellow@cms.hhs.gov](mailto:kenyetta.stringfellow@cms.hhs.gov)

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 **FOIA Acknowledgement Letter - FIG 072920207040 Shteynshlyuger.pdf**  
71K

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 **072920207040** and PIN **R4ML**

Re: Healthcare Attachment Transactions

7/30/2020

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

Dear Dr. Shteynshlyuger:

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 **7/29/2020** was received on **7/29/2020** 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 Kenyetta Stringfellow.

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](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely yours,



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