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
Refer to: Control Number 021920267089 and PIN X2QW

7/29/2026

David Kronig
1030 15th Street NW
Suite B255
Washington, DC 20005

Dear Mr. Kronig:

This letter is in response to your Freedom of Information Act (5 U.S.C. §552) request of 2/19/2026, which you sent to Centers for Medicare and Medicaid seeking documents pertaining to email communication from CMS staff to email domains covered.ca.gov, georgiaaccess.ga.gov, dobi.nj.gov, pa.gov and Illinois.gov from October 1, 2025 through January 23, 2026.

After careful review of the pages submitted to me, a total of twelve pages. I am releasing six pages to you in its entirety, without deletions. I am also releasing six pages to you, in part, pursuant to Exemptions 6 and 7C of the FOIA (5 U.S.C. § 552 (b)(6) & (b)(7)(C)).

Exemption (b)(6) permits a Federal agency to withhold information and records about individuals in "personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

The information being withheld under these exemptions constitutes the following categories of information: names and personal identifiers. I have weighed the public interest in disclosure (which the Supreme Court has held to be limited in this context to the public interest that would be served by shedding light in the agency's performance of its statutory duties) against the harm to the privacy of the individuals identified in these records and have concluded that the privacy interest of the subject individuals outweighs the public interest in disclosure in this particular matter.

If you believe that the information withheld should not be exempt from disclosure, or this response constitutes an adverse determination, you may appeal. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision.

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Your appeal must be mailed within 90 days from the date of receipt of this letter, to:

Chief Operating Officer & Deputy Administrator
Centers for Medicare & Medicaid Services
Mail Stop DO-01-60
7500 Security Blvd.
Baltimore, Maryland 21244-1850

Please clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact Jason Mastropaolo OR the HHS FOIA Public Liaison for assistance at:

Desiree Gaynor
CMS FOIA Public Liaison
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Room C5-11-06
Baltimore, MD 21244

E-mail: FOIA_Request@cms.hhs.gov
Telephone: (410) 786-5362

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If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records 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,

Desiree Gaynor

Desiree Gaynor
Director, Division of FOIA Analysis – A
Freedom of Information Group

Enclosure (s)

AMERICAN OVERSIGHT

From:	"Wu, Jeff (CMS/CCIIO)" <Jeff.Wu@cms.hhs.gov>
Sent:	10/2/2025 4:55:36 PM -0400
To:	"Swartz, Lindsi" <linswartz@pa.gov>; "Basini, Leigha (CMS/CCIIO)" <Leigha.Basini1@cms.hhs.gov>; "Brodhead, LeAnn (CMS/CCIIO)" <LeAnn.Brodhead@cms.hhs.gov>; "Caulk, Nathan (CMS/CPI)" <Nathan.Caulk@cms.hhs.gov>; "Bucchieri, Rebecca (CMS/CCIIO)" <Rebecca.Bucchieri@cms.hhs.gov>; "Wilson, Lisa (CMS/CCIIO)" <lisa.wilson@cms.hhs.gov>; "Buerger, Ken (CMS/CCIIO)" <Ken.Buerger@cms.hhs.gov>; "Ghiasuddin, Zarah (CMS/CCIIO)" <Zarah.Ghiasuddin@cms.hhs.gov>
CC:	"Logue, Shannen" <slogue@pa.gov>; "Ykema, Sandy" <sykema@pa.gov>; "Hendrickson, Richard" <rihendrick@pa.gov>
Subject:	RE: RE: "Non-essential" drugs in the large group market

Hi Lindsi –

Thanks for the note. The Tri-Departments have not issued this rulemaking yet. Until then, I think the federal government's position on the proper interpretation of this issue is not final, and so, as with any other PHS Act matter where regulatory clarity is required, Pennsylvania can interpret the issue in the first instance.

Sincerely,

Jeff.

Jeff Wu

Deputy Director for Policy

CCIIO/CMS/HHS

Jeff.Wu@cms.hhs.gov

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From: Swartz, Lindsi <linswartz@pa.gov>
Sent: Thursday, October 2, 2025 1:36 PM

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To: Wu, Jeff (CMS/CCIIO) <Jeff.Wu@cms.hhs.gov>; Basini, Leigha (CMS/CCIIO) <Leigha.Basini1@cms.hhs.gov>; Brodhead, LeAnn (CMS/CCIIO) <LeAnn.Brodhead@cms.hhs.gov>; Caulk, Nathan (CMS/CPI) <Nathan.Caulk@cms.hhs.gov>; Bucchieri, Rebecca (CMS/CCIIO) <Rebecca.Bucchieri@cms.hhs.gov>; Wilson, Lisa (CMS/CCIIO) <lisa.wilson@cms.hhs.gov>; Buerger, Ken (CMS/CCIIO) <Ken.Buerger@cms.hhs.gov>; Ghiasuddin, Zarah (CMS/CCIIO) <Zarah.Ghiasuddin@cms.hhs.gov>
Cc: Logue, Shannen <slogue@pa.gov>; Ykema, Sandy <sykema@pa.gov>; Hendrickson, Richard <rihendrick@pa.gov>
Subject: "Non-essential" drugs in the large group market

Good afternoon,

PID previously engaged with CMS regarding the "non-EHB" drug issue when it first emerged during form filing review in the individual and small group market in Pennsylvania. At that time, the concern was addressed through Pennsylvania's filing guidance, the 2025 Notice of Benefit and Payment Parameters (NBPP), and updated federal regulations.

We are now reviewing a large group market filing that presents the same "non-EHB" drug issue. However, the large group context introduces additional complexity. While large group plans are not required to cover Essential Health Benefits (EHBs), any EHBs they do cover must comply with specific ACA provisions—including the prohibition on lifetime and annual dollar limits, and the requirement to apply the annual limitation on cost sharing.

The federal government acknowledged this issue in FAQ Part 66, expressing intent to propose rulemaking that would specifically address the large group market. To our knowledge, no such rulemaking has been issued to date.

Given this regulatory gap, PID is seeking feedback and guidance on how best to address the "non-EHB" drug issue in the large group market. Specifically, we are evaluating approaches that would ensure all group health plans and coverage subject to sections 2711 and 2707(b) of the Public Health Service Act, as applicable, treat prescription drugs covered in excess of the applicable EHB-benchmark plan as EHBs for purposes of enforcing the ACA's protections against lifetime and annual limits and ensuring compliance with cost-sharing requirements.

We would appreciate any feedback or guidance CMS may have on this topic. Thank you!

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Lindsi Swartz, MBA, MCM (she/her)

Director- Life, Accident, and Health Rate and Policy Form Review

Pennsylvania Insurance Department

1311 Strawberry Square, Harrisburg, PA 17120

Phone: 717.214.4141

Cell: b6

pa.gov

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CCIIO/CMS/HHS

Jeff.Wu@cms.hhs.gov

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Lindsi Swartz, MBA, MCM (she/her)

Director- Life, Accident, and Health Rate and Policy Form Review

Pennsylvania Insurance Department

1311 Strawberry Square, Harrisburg, PA 17120

Phone: 717.214.4141

Cell: b6

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Appointment Title:	[External] RE: Research Inquiry on Provider-Specific Data Access from EDGE Server, If Available
Organizer:	Shah, Milan (CMS/CCIIO)
Attendees:	
Location:	Microsoft Teams Meeting
Start Time:	12/19/2025 2:00:00 PM -0500
End Time:	12/19/2025 2:30:00 PM -0500
Reminder Time:	12/19/2025 1:45:00 PM -0500
Reminder Set:	false
Duration:	30 minutes
Is Recurring:	false
Reccurrance Type:	Not
Reccurrance Pattern:	
Response Status:	1
Busy Status:	Busy

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Passcode: b6

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(888) 588-2610,,6729329# United States (Toll-free)

Find a local number

Phone conference ID b6

For organizers: Meeting options | Reset dial-in PIN

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This meeting may be recorded. The host is responsible for maintaining any official recordings/transcripts of this meeting. If recorded, this meeting becomes an official record and shall be retained by the host in their files for 3 years or if longer needed for agency business. If a recording intends to be fully transcribed or is being captured for the purpose of creating meeting minutes, the host shall retain the record in their files for 3 years or if no longer needed for agency business, whichever is later.

From: Swartz, Lindsi <linswartz@pa.gov>
Sent: Wednesday, December 17, 2025 9:40 AM
To: Shah, Milan (CMS/CCIIO) <milan.shah@cms.hhs.gov>; Boyce, Jacalyn (CMS/CCIIO) <Jacalyn.Boyce@cms.hhs.gov>
Cc: Evans, Beth <elievans@pa.gov>; Berchtold, Grace (CMS/CCIIO) <grace.berchtold@cms.hhs.gov>; Tsang, Wilhelmina (CMS/CCIIO) <Wilhelmina.Tsang@cms.hhs.gov>; Hall-Mccrea, Robin (CMS/CCIIO) <Robin.McCrea@cms.hhs.gov>
Subject: RE: [External] RE: Research Inquiry on Provider-Specific Data Access from EDGE Server, If Available

Hi Milan,

That would be great, and I would appreciate the discussion. This Friday, I am available 9:30-11am or anytime between 12:30-5pm.

Thank you!

~Lindsi

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Lindsi Swartz, MBA, MCM (she/her)

Senior Advisor

Pennsylvania Insurance Department

1311 Strawberry Square, Harrisburg, PA 17120

Phone: 717.214.4141

Cell: b6

pa.gov

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From: Shah, Milan (CMS/CCIIO) <milan.shah@cms.hhs.gov>
Sent: Tuesday, December 16, 2025 5:27 PM
To: Swartz, Lindsi <linswartz@pa.gov>; Boyce, Jacalyn (CMS/CCIIO) <Jacalyn.Boyce@cms.hhs.gov>
Cc: Evans, Beth <elievans@pa.gov>; Berchtold, Grace (CMS/CCIIO) <grace.berchtold@cms.hhs.gov>; Tsang, Wilhelmina (CMS/CCIIO) <Wilhelmina.Tsang@cms.hhs.gov>; Hall-Mccrea, Robin (CMS/CCIIO) <Robin.McCrea@cms.hhs.gov>
Subject: RE: [External] RE: Research Inquiry on Provider-Specific Data Access from EDGE Server, If Available

Hi Lindsi,

Could we meet with you to discuss? Would sometime Friday or early next week work for you?

We want to make sure we are clear about your request.

Thanks,

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Milan

Milan Shah | CCIIO | PPFMG | DERO | 301.492.4427

CLOSE HOLD – DO NOT SHARE.

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From: Swartz, Lindsi <linswartz@pa.gov>
Sent: Tuesday, December 9, 2025 9:42 AM
To: Boyce, Jacalyn (CMS/CCIIO) <Jacalyn.Boyce@cms.hhs.gov>
Cc: Evans, Beth <elievans@pa.gov>; Berchtold, Grace (CMS/CCIIO) <grace.berchtold@cms.hhs.gov>; Shah, Milan (CMS/CCIIO) <milan.shah@cms.hhs.gov>; Tsang, Wilhelmina (CMS/CCIIO) <Wilhelmina.Tsang@cms.hhs.gov>; Hall-Mccrea, Robin (CMS/CCIIO) <Robin.McCrea@cms.hhs.gov>
Subject: RE: [External] RE: Research Inquiry on Provider-Specific Data Access from EDGE Server, If Available

Hi Jacalyn!

We are interested in researching impacts of QHPs in Pennsylvania, including provider utilization and the financial impacts of QHPs on the places providing care. Key data points of interest include identifying which providers are billing, comparing utilization across rural and urban counties, analyzing utilization differences among health centers, hospitals, and outpatient facilities, and assessing claim dollar amounts by provider and facility. Would it be possible to extract these data points specifically for Pennsylvania's individual market QHPs?

Lindsi Swartz, MBA, MCM (she/her)

Senior Advisor

Pennsylvania Insurance Department

1311 Strawberry Square, Harrisburg, PA 17120

Phone: 717.214.4141

Cell b6

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From: Boyce, Jacalyn (CMS/CCIIO) <Jacalyn.Boyce@cms.hhs.gov>
Sent: Thursday, December 4, 2025 12:17 PM
To: Swartz, Lindsi <linswartz@pa.gov>; Berchtold, Grace (CMS/CCIIO) <grace.berchtold@cms.hhs.gov>
Cc: Evans, Beth <betevans@pa.gov>; Shah, Milan (CMS/CCIIO) <milan.shah@cms.hhs.gov>; Tsang, Wilhelmina (CMS/CCIIO) <Wilhelmina.Tsang@cms.hhs.gov>; Hall-Mccrea, Robin (CMS/CCIIO) <Robin.McCrea@cms.hhs.gov>
Subject: [External] RE: Research Inquiry on Provider-Specific Data Access from EDGE Server, If Available

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+additional team members

Hi Lindsi,

Welcome and we look forward to working with you!

For your question, we do collect provider NPI on EDGE claims data. However, we do not validate this data, nor do we extract it through any current reports (though we can potentially pull data related it on an ah hoc basis).

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Can you provide a bit more information on the type of analyses you are looking to conduct and what data you think you would need?

Thanks,

Jacalyn Boyce

Deputy Director, Division of EDGE & Reinsurance Operations (DERO)

HHS/CMS/CCIIO/PPFMG

Office: 301.492.5122 | *Mobile:* b6

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From: Swartz, Lindsi <linswartz@pa.gov>
Sent: Thursday, December 4, 2025 11:15 AM
To: Berchtold, Grace (CMS/CCIIO) <grace.berchtold@cms.hhs.gov>; Boyce, Jacalyn (CMS/CCIIO) <Jacalyn.Boyce@cms.hhs.gov>
Cc: Evans, Beth <betevans@pa.gov>
Subject: Research Inquiry on Provider-Specific Data Access from EDGE Server, If Available

Hi Grace and Jacalyn,

I would like to introduce myself as the new Project Director for the Section 1332 Waiver at the Pennsylvania Insurance Department, and I look forward to working with your team.

I am reaching out to ask whether provider-specific claims data is contained within the EDGE server and, if so, whether it can be accessed for research purposes in the context of the Section 1332 waiver. The Department's interest is limited to confirming the availability of such data and understanding the process for requesting access.

From my preliminary review, it does not appear that this level of information is submitted by Pennsylvania issuers to the EDGE servers, but I wanted to confirm directly with you.

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Thank you in advance for your guidance!

~Lindsi

Lindsi Swartz, MBA, MCM (she/her)

Senior Advisor

Pennsylvania Insurance Department

1311 Strawberry Square, Harrisburg, PA 17120

Phone: 717.214.4141

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From: "Altman, Jessica (CoveredCA)" <Jessica.Altman@covered.ca.gov>
Sent: 11/17/2025 11:51:16 AM -0500
To: "Wu, Jeff (CMS/CCIIO)" <Jeff.Wu@cms.hhs.gov>
CC: michelle.rhyu b6
Subject: Re: Re: [EXTERNAL] connecting

Thanks Jeff!

Michelle, let me know how we can help.

Jessica

Get Outlook for iOS

From: Wu, Jeff (CMS/CCIIO) <Jeff.Wu@cms.hhs.gov>
Sent: Sunday, November 16, 2025 9:59 PM
To: Altman, Jessica (CoveredCA) <Jessica.Altman@covered.ca.gov>
Cc: michelle.rhyu@gmail.com <michelle.rhyu@ b6
Subject: [EXTERNAL] connecting

CAUTION
The sender of this email is EXTERNAL to our organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please forward suspicious emails to the Information Security Office at InformationSecurity@covered.ca.gov.

Hi Jess â€“

I wanted to connect you with my friend Michelle Rhyu. Michelle and I are law school classmates from way back (we try not to think too hard about how far back that was). Michelle has now left a high-impact legal practice, and is, among other things, working with the office of the San Francisco Mayor to anticipate and ameliorate the impacts of OBBBA, and was hoping to connect more directly to your team.

I hope things are well with you. I was just out in California for a couple of reunions â€“ I do miss the Bay Area.

Sincerely,

Jeff.

Jeff Wu
Deputy Director for Policy
CCIIO/CMS/HHS
Jeff.Wu@cms.hhs.gov

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