

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop N2-20-16
Baltimore, Maryland 21244-1850



Office of Strategic Operations and Regulatory Affairs / Openness, Transparency & Accountability Group

January 25, 2012

Refer to: FOIA Control Number 0425 2011 7084
Legal Case: 1:11-cv-02202 \ Crossroads Grassroots Policy Strategies v.
U. S. Department of Health and Human Services

Via Overnight Mail

Mr. Stephen Law, Esquire
Crossroads Grassroots Policy Strategies
1401 New York Avenue, N.W.
Suite 1200
Washington, D.C. 20006

Dear Mr. Law:

This letter provides a second interim response to your April 19, 2011 Freedom of Information Act (FOIA) request, which you submitted to the U. S. Department of Health and Human Services (HHS). Within your request, you sought six categories of information related to the Early Retiree Reinsurance Program (ERRP), which you believed to be in the possession of the Office of Consumer Information and Insurance Oversight (OCIIO). This response is specific to Item 4 of your request, which sought records containing the following information: all claims for reimbursement submitted to HHS under the ERRP.

In our January 10, 2012 correspondence, we advised you that certain information is available online which is responsive to several items of your request, including Item 4. Specifically, the ERRP also posts regular "Reimbursement Updates" which provide a list of cumulative payments made to plan sponsors, which are responsive to the fourth item of your request. We further advised you that these updates can be publicly accessed at the Internet web link <http://cciio.cms.gov/resources/other/index.html#errp>.

Subsequently, the Center for Consumer Information and Insurance Oversight (CCIIO), which is the successor office to OCIIO, has provided our office with an additional compilation of data which is responsive to Item 4 of your request. We are releasing in full the enclosed electronic Excel spreadsheet on CD, which is a summary report of processed reimbursement requests.

This report identifies individual reimbursement requests in the order in which they were received, and in addition to the information provided in the online progress reports, this report contains reimbursements requested but not paid due to the following:

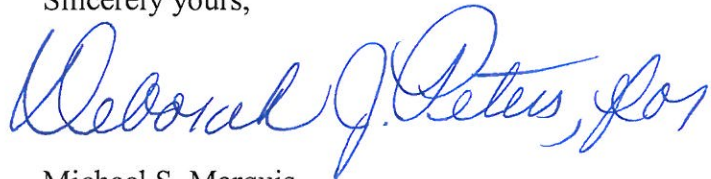
- Automated Clearing House failure;
- Pending Plan Year changes;
- Need for updated Employer Identification Number information;
- Holds for potential offset;
- ERRP Plan Sponsor Authorized Representative/Account Manager registration and/or inactivity issues; or
- Plan Sponsor Change of Ownership activities.

The report also includes entities that are in an overpayment status. Should you choose to print this report, we estimate it will be over 300 pages in length

We hope the enclosed compilation of information is informative. If you have any further questions regarding this interim response, or wish to further discuss the scope of your request, you may contact either Christopher Hammond at Christopher.hammond@hhs.gov or (202) 260-9558, or John Interrante at John.Interrante@usdoj.gov (202) 514-7220.

Thank you for your time and cooperation in this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Michael S. Marquis, Esq." with a stylized flourish at the end.

Michael S. Marquis
Director
Division of Freedom of Information

Enclosure

cc: Simon Torres, Esq. (via email)
Christopher Hammond, Esq. (via email)