

Center for Regulatory Effectiveness

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December 18, 2012

Mr. Michael Marquis
FOIA Officer
North Building, Room N2-20-06
7500 Security Boulevard
Baltimore, Maryland 21244
Michael.Marquis@cms.hhs.gov

RE: Freedom of Information Act Request/ DMEPOS Competitive Bidding -- NTEP

Dear Mr. Marquis:

This is a request under the Freedom of Information Act, 5 U.S.C. Sec. 552.

I respectfully request that a copy of the following agency records be provided to me:

- ▶ All agency records concerning the National Technical Expert Panel (NTEP) that was convened by the Health Care Financing Agency (HCFA, now CMS) to gather feedback regarding the design of the Durable Medical Equipment (DME) competitive bidding project and to engage in communication with interested members of the public. This FOIA request concerns the HCFA/CMS expert panel referred to on pages 1-5 to 1-6 of the report on CMS's website, "Evaluation of Medicare's Competitive Bidding Demonstration for DMEPOS: First-Year Annual Evaluation Report HCFA Contract No. 500-95-0061/T.O. #3" available at https://www.cms.gov/Medicare/Demonstration-Projects/DemoProjectsEvalRpts/downloads/karon_2001_1.pdf

This request for records includes but is not limited to:

1. All records concerning the establishment of the panel including decisions relating to which persons and/or organizations would be invited to be NTEP members, which persons and/or organizations would not be invited to be NTEP members, and to the NTEP's rules and operating procedures;
2. All records relating to communications between the agency and: prospective NTEP members; actual NTEP members; and requests by persons/organizations interested in serving on the NTEP;
3. All records relating to the HCFA decision that the NTEP would not issue a report and/or HCFA's acknowledgment that the NTEP would not be releasing a report;

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4. All records of communications between the NTEP and: federal officials; their designated representatives; and/or agency contractors;
5. All NTEP-related records pertaining to ethics issues including actual, potential, perceived or alleged conflicts of interest and/or expressed concerns regarding possible conflicts of interest;
6. All records relating to advice, recommendations, conclusions, findings and/or any other type of work product prepared/produced by the NTEP;
7. All communications between the NTEP and the public including written comments and submissions and transcripts/minutes/summaries of oral testimony; and
8. All records pertaining to the federal and/or federal contractor use of data/information that was developed/generated/reviewed by the NTEP.

CRE will be publically reporting on CMS' progress in fulfilling this Request, on our Competitive Bidding Blog, found at <http://www.thecre.com/fisma/>.

This Request is being filed on behalf of the Center for Regulatory Effectiveness (CRE) and also on behalf of myself personally, Bruce Levinson.

We are willing to pay fees for this Request up to a maximum of \$500.00. If you estimate that the fees will exceed this amount, please inform me first.

Thank you for your prompt consideration of this Request.

Sincerely,

/s/

Bruce Levinson
Senior Vice President, Regulatory Intervention
The Center for Regulatory Effectiveness
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