

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE AMERICAN HOSPITAL
ASSOCIATION, *et al.*,

Plaintiffs,

v.

ALEX M. AZAR II, in his official capacity as
SECRETARY OF HEALTH AND HUMAN
SERVICES,

Defendant.

Civil Action No. 1:19-cv-3619 (CJN)

**NOTICE OF FILING OF CERTIFIED LIST OF THE CONTENTS OF THE
ADMINISTRATIVE RECORD**

Pursuant to Local Civil Rule 7(n)(1) and the Court's December 18, 2019 scheduling order, ECF No. 18, Defendant is filing a certified list of the contents of the administrative record underlying the November 27, 2019 final rule, *Price Transparency Requirements*, 84 Fed. Reg. 65,524. An index of the administrative record, along with a certification of the administrative record, are attached as Exhibits 1 and 2, respectively. Defendant served a Bates-numbered copy of the administrative record earlier today by delivering an electronic copy of the record to the office of Plaintiffs' counsel.

Dated: February 4, 2020

Of Counsel:

ROBERT P. CHARROW
General Counsel

BRIAN R. STIMSON
Principal Deputy General Counsel

KELLY M. CLEARY
Deputy General Counsel & Chief Legal Officer-CMS

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

TIMOTHY J. SHEA
United States Attorney

DAVID M. MORRELL
Deputy Assistant Attorney General

ERIC B. BECKENHAUER
Assistant Branch Director

JANICE L. HOFFMAN
Associate General Counsel

ALEXANDER R. WHITE
Attorney
U.S. Dept. of Health & Human Services
Office of the General Counsel
Centers for Medicare & Medicaid Services Div.
5300 Cohen Building
330 Independence Ave., SW
Washington, D.C. 20201
Tel: (202) 619-0182
Email: alexander.white@hhs.gov

U.S. Dept. of Health & Human Services

/s/ Michael H. Baer
MICHAEL H. BAER (New York 5384300)
JOSEPH E. BORSON (Va. Bar 85519)
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Tel: (202) 305-8574
Email: Michael.H.Baer@usdoj.gov

Counsel for Defendant

Exhibit 1

Index to the Rulemaking Record

<u>DOCUMENT</u>	<u>BATES RANGE</u>
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¹ The Proposed Rule, CMS-1717-P, included proposals related to Medicare payment systems that were not addressed in the Final Rule, CMS-1717-F2, and were instead the subject of a separate final rule. Accordingly, the administrative record includes only the comments that addressed the price transparency issues that were the subject of the Final Rule, CMS-1717-F2.

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² Video available at <https://video.foxbusiness.com/v/6102097311001/#sp=show-clips>.

³ The bates-numbered pages for this entry are the slides presented at the Medicare Learning Network event on the OPPS and ASC Proposed Rule, as well as a transcript of the event.

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⁴ This spreadsheet, which is a large Excel file, is being provided to Plaintiffs electronically. The bates-numbered range referenced in this index is a “slip sheet” to mark the spreadsheet’s place in the record.

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE AMERICAN HOSPITAL
ASSOCIATION, *et al.*,

Plaintiffs,

v.

ALEX M. AZAR II, in his official capacity as
SECRETARY OF HEALTH AND HUMAN
SERVICES,

Defendant.

Civil Action No. 1:19-cv-3619 (CJN)

CERTIFICATION OF THE ADMINISTRATIVE RULEMAKING RECORD

I, Sheli Harris, Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services (“CMS”), United States Department of Health and Human Services, certify that, to the best of my knowledge, the materials listed in the accompanying index comprise the administrative rulemaking record for the captioned case, which concerns the hospital price transparency rule published in the Federal Register on November 27, 2019.

Executed this 3rd day of February, in Baltimore, Maryland.



Sheli Harris
Deputy Director
Regulations Development Group
Office of Strategic Operations and Regulatory Affairs
Centers for Medicare & Medicaid Services
United States Department of Health and Human Services