

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALIGNMENT HEALTHCARE, INC.,

Plaintiff,

v.

DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, et al.,

Defendants.

Civil Action No. 25-0074 (CRC)

**CERTIFICATION AND INDEX**

I, Elizabeth Goldstein, Director, Division of Consumer Assessment and Plan Performance, Medicare Drug Benefit and C & D Data Group, Center for Medicare, 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 record for this matter, which concerns 2025 Star Ratings for certain contracts.

Executed this 19<sup>th</sup> day of March, 2025, in Baltimore, Maryland.

Elizabeth H.  
Goldstein -S

Digitally signed by Elizabeth H.  
Goldstein -S  
Date: 2025.03.19 08:29:59 -04'00'

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Elizabeth Goldstein  
Director  
Division of Consumer Assessment and Plan  
Performance  
Medicare Drug Benefit and C & D Data Group  
Centers for Medicare & Medicaid Services  
United States Department of Health and Human  
Services

Alignment Healthcare v. Department of Health and Human Services, et al.

## Index to Administrative Record

	Bates Range
1. Email Correspondence (“Plan Preview #1: H9686 and H3443”) and attachments, August 19, 2024 and earlier dates	0001-0020 <sup>1</sup>
2. Email Correspondence (“RY2025 Alignment Health Plan SAS Calculations”) and attachments, September 8, 2024 and earlier dates	0021-0032 <sup>2</sup>
3. Email Correspondence (“Plan Preview 2: H3443 Contract – Formal Request for Reconsideration of Appeal Measure Disputes”) and attachments, September 13, 2024 and earlier dates	0033-0045 <sup>3</sup>
4. Email Correspondence (“(Plan Preview 2: CAHPS Results Dispute for H3815 and H3443 Contracts”) and attachments, October 1, 2024 and earlier dates	0046-0095 <sup>4</sup>
5. Email Correspondence (“Cutpoint Methodology Question”), December 21, 2022 and earlier dates	0096-0101
6. Email Correspondence (“Plan Preview #1: Appeals Regarding Key Reliability Concerns with Tukey Methodology for RY24 Star (H3815, H4961, H5296, H9686, H3443, H3362, H3344)”), August 21, 2023 and earlier dates	0102-0107
7. 2024 Medicare CAHPS® Survey, October 26, 2023	0108-0114
8. Medicare Advantage and Prescription Drug Plan CAHPS Survey Quality Assurance Protocols & Technical Specifications, V14.1	0115-0944
9. Medicare 2025 Part C & D Star Ratings Technical Notes, October 3, 2024	0945-1158

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<sup>1</sup> Bates numbers 0007-8 correspond to a slip sheet that is a placeholder for Excel spreadsheets that will be produced in their native format.

<sup>2</sup> Bates numbers 0023-32 correspond to a slip sheet that is a placeholder for Excel spreadsheets that will be produced in their native format.

<sup>3</sup> Bates number 0045 corresponds to a slip sheet that is a placeholder for Excel spreadsheets that will be produced in their native format.

<sup>4</sup> Bates numbers 0084-95 correspond to a slip sheet that is a placeholder for Excel spreadsheets that will be produced in their native format.

10. Medicare Advantage and Prescription Drug Plan (MA & PDP) CAHPS® Survey Quality Assurance Plan 2024, revised March 13, 2024	1159-1193
11. Email Correspondence (“MA & PDP CAHPS Spanish Language Procedures -DataStat”), September 18, 2024 and earlier dates	1194-1195
12. Alignment Health Plan Comments on CY 2024 Policy and Technical Changes to the Medicare Advantage and Medicare Prescription Drug Program CMS-4201-P, February 12, 2023	1196-1210
13. Deidentified CAHPS Survey Data for H3815 and H3343 (“Alignment Contracts Raw”)	1211 <sup>5</sup>
14. Survey Data for H3815 and H3343 Supplied and Received by Survey Vendor (“H3443-H3815-2024-Sample” and “H3443-H3815-2024-data”) <sup>6</sup>	1212-1213 <sup>7</sup>

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<sup>5</sup> Bates number 1211 corresponds to a slip sheet that is a placeholder for Excel spreadsheets that will be produced in their native format.

<sup>6</sup> These documents will not be produced until a Protective Order governing their disclosure is entered.

<sup>7</sup> Bates numbers 1212-13 corresponds to a slip sheet that is a placeholder for Excel spreadsheets that will be produced in their native format.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALIGNMENT HEALTHCARE, INC.,

Plaintiff,

v.

DEPARTMENT OF HEALTH AND HUMAN  
SERVICES, et al.,

Defendants.

Civil Action No. 25-0074 (CRC)

**CERTIFICATION OF THE ADMINISTRATIVE RULEMAKING RECORD**

I, Martique Jones, 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 above-captioned case, which concerns, in part, the application of Tukey outlier deletion in the 2025 Star Ratings. *See* 85 Fed. Reg. 33,796, 33,830-36 (June 2, 2020).

Executed this 17<sup>th</sup> day of March 2025, in Baltimore, Maryland.

Martique S. Jones -S<sub>5</sub> Digitally signed by Martique S.  
Jones -S  
Date: 2025.03.17 13:51:49 -04'00'

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

**INDEX TO THE RULEMAKING RECORD FOR**  
***Alignment Healthcare v. Dept. of Health and Human Services, No. 25-0074 (D.D.C.)***

**I. Federal Register Documents and Public Comments**

A. The Tukey Outlier Deletion Final Rule

1. Medicare and Medicaid Programs; Contract Year 2021 and 2022 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicaid Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly, 85 Fed. Reg. 9,002 (Feb. 18, 2020) (Proposed rule)  
Bates: 000001
2. Public Comments  
Bates: 000260
3. Medicare Program; Contract Year 2021 and 2022 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, and Medicare Cost Plan, 85 Fed. Reg. 33,796 (June 2, 2020) (Final Rule)  
Bates: 001025

B. The Technical Amendment

1. Medicare Program; Contract Year 2024 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, 87 Fed. Reg. 79,452 (Dec. 27, 2022) (Proposed rule)  
Bates: 001141
2. Public Comments  
Bates: 001737
3. Medicare and Medicaid Programs; Contract Year 2024 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicare Cost Plan Program, and Programs of All-Inclusive Care for the Elderly, 88 Fed. Reg. 22,120 (Apr. 12, 2023) (Final Rule)  
Bates: 002479

**II. CMS December 19, 2022 Simulations and Memorandum** Bates: 002705

**III. Documents from RAND MA and Part D Contract Star Ratings Technical Expert Panel, May 31, 2018 Meeting** Bates: 002716