

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

HUMANA INC., and AMERICANS FOR
BENEFICIARY CHOICE,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES; CENTERS FOR
MEDICARE & MEDICAID SERVICES;
XAVIER BECERRA, in his official
capacity as Secretary of Health and Human
Services; and CHIQUITA BROOKS-
LASURE, in her official capacity as
Administrator of the Centers for Medicare
and Medicaid Services,

Defendants.

Civil Action No. 24-cv-01004-O

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 items described as constituting the amended record in the parties’ December 16, 2024 Joint Motion to Amend the Briefing Schedule (ECF No. 30):

- the materials from the original administrative record, filed November, 21, 2024 (ECF No. 19);
- the materials the Centers for Medicare & Medicaid Services provided on December 4, 2024 in response to Plaintiffs' counsel's September 25, 2024 Freedom of Information Act request (as redacted);
- de-identified contract-level data that the Centers for Medicare & Medicaid Services used to calculate the cut points for each of the 2025 Star Ratings measures; and
- a line-item entry (or entries) for the data Plaintiff Humana submitted to the Centers for Medicare & Medicaid Services for consideration as part of the 2025 Star Ratings Program.

Executed this 10th day of January, 2025, in Baltimore, Maryland.

Elizabeth H.
Goldstein -S

Digitally signed by Elizabeth H.
Goldstein -S
Date: 2025.01.10 15:43:19 -05'00'

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

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Index to Administrative Record

	Bates Range
1. Materials Related to Call C0701002	AR. 000001-000014
2. Materials Related to Calls D0900533 and D1100955	AR. 000015-000059
3. Other Materials Considered	AR. 000060-000473 ¹
4. FOIA Materials Provided December 4, 2024	AR. 000474-000479 ²
5. De-Identified Contract Level Data for 2025 Measure-level Cut Point Calculations	AR 000480 ³
6. Health Plan Management System Data for Humana	AR 000481 ⁴
7. Data and Information Submitted by Humana (or its contractors) to CMS for consideration in calculating 2025 Star Ratings:	not applicable ⁵
a) Healthcare Effectiveness Data and Information Set (HEDIS) data submitted by Humana to CMS	
b) Consumer Assessment of Healthcare Providers and Systems (CAHPS) and Health Outcomes Survey (HOS) data submitted to CMS by Humana's approved survey vendors	
c) Disenrollment data, Part C appeals data, and complaints data provided to Humana by CMS through either secure	

¹ Bates numbers 000469-73 correspond to a slip sheet that is a placeholder for Excel spreadsheets that will be produced in their native format to the Court and to plaintiffs' counsel.

² Bates numbers 0004674-75 and 000478-79 correspond to slip sheets that are placeholders for Excel spreadsheets that will be produced in their native format to the Court and to plaintiffs' counsel.

³ Bates number 000480 corresponds to a slip sheet that is a placeholder for an Excel spreadsheet that will be produced in its native format to the Court and to plaintiffs' counsel.

⁴ Bates number 000481 corresponds to a slip sheet that is a placeholder for an Excel spreadsheet that will be produced in its native format to the Court and to plaintiffs' counsel.

⁵ This data includes personally identifiable information of Medicare beneficiaries enrolled in Humana contracts. To protect that confidential information from disclosure while also avoiding a lengthy delay for CMS to redact the data, the parties agreed that the data itself will not be physically included as part of this filing of the administrative record. Instead, the parties agree that the data is properly considered as part of the administrative record and that Humana may use this data in this litigation, provided that any disclosure Humana makes is consistent with applicable privacy requirements.

data transfers or through the Health Plan Management System

- d) Other data that previously provided by Humana or other entities to CMS that is available in the Medicare Plan Finder Communications Secure Web Portal and the Patient Safety Web Portal

Dated: January 10, 2025

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

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Attorneys for Defendant

CERTIFICATE OF SERVICE

On January 10, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

Andrea Hyatt
Assistant United States Attorney