DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop C5-11-06
Baltimore, Maryland 21244-1850

Office of Strategic Operations and Regulatory Affairs/Freedom of Information Group
Refer to: Control Number 021420257048 and PIN U5GZ

2/20/2025

David Medeiros
ABI Resources, LLC
39 Kings Hwy, STE C
Gales Ferry, CT 06335

Dear David Medeiros:

I am responding to your 11/15/2024 letter requesting expedited processing of your Freedom of Information Act (FOIA) request for documents regarding Records on Medicaid Billing Actions, ADA Compliance, and Retaliation Against ABI Resources. The basis for expedited processing set forth in your letter is based on critical statutory factors, including significant public interest, imminent risks to the rights of individuals with disabilities, and the need for urgent transparency to prevent ongoing retaliatory actions by public agencies.

I reviewed your request in line with 5 U.S.C. §552(a)(6)(E). This section provides for expedited processing of FOIA requests when the person requesting the records demonstrates a compelling need as defined by the statute; i.e., an imminent threat to the life and safety of an individual; or, for the media, urgency to inform the public concerning actual or alleged government activity. On the basis of the information available to me, I find that your request does not qualify for expedited processing based upon "compelling need."

I also reviewed your request in light of "other" circumstances that warrant expedited processing according to this agency's Federal Register Notice Vol. 81, No. 209 (dated Friday, October 28, 2016). Such circumstances cover the need for disclosure of the specific records in question because the requester must meet: a deadline in litigation, either in court or before an administrative tribunal; or a deadline imposed by a governmental agency for commenting on a proposed regulation. I find that none of these circumstances apply here.

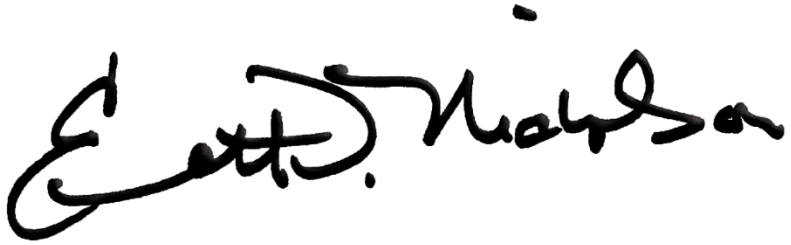
Finally, in line with the provision of our Federal Register Notice that requires consideration of all requests that do not fall within the circumstances enumerated therein, I have considered the situation set forth in your letter. Unfortunately, I cannot conclude from the information you have provided that there is "exceptional need or urgency" justifying expedited processing in this case.

Therefore, I cannot grant your request for expedited processing. This Group will process your request in accordance with this agency's "first in, first out" practice.

If you disagree with this decision, you may appeal. Any such appeal must be mailed within 30 days to: The Principal Deputy Administrator, Centers for Medicare & Medicaid Services, Room C5-16-03, 7500 Security Boulevard, Baltimore, Maryland 21244. Mark your envelope "Freedom of Information Act Appeal" and enclose a copy of this letter with your appeal.

Questions concerning the status of your request should be directed to Tahleemah Johnson of my staff at 667-290-8683.

Respectfully,



Emmett Nicholson
Director, Division of FOIA Analysis – C
Freedom of Information Group