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CENTERS FOR MEDICARE & MEDICAID SERVICES
FOIA OFFICE
7500 SECURITY BLVD
BALTIMORE MD 21244-1850

January 8, 2025

This is a follow up to request number 112020247009:

Subject: Final Assertion of Legal Obligations Under FOIA, ADA, and Constitutional Law
Subject: 11/05/2024 Freedom of Information Act Request: NPI Numbers and Provider Information under Connecticut Medicaid ABI Waiver Program (Centers for Medicare and Medicaid Services)

01.08.2025

To All It May Concern in All Relevant Departments and Divisions,

Principal Deputy Administrator
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Emmett Nicholson
Director Division of FOIA Analysis - CMS
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Angelica Holland - FOIA Specialist
Desiree Gaynor - CMS FOIA Public Liaison
Office of Government Information Services (OGIS)

This correspondence pertains to my Freedom of Information Act (FOIA) request. Your handling of this matter raises critical concerns under FOIA (5 U.S.C. § 552), the Americans with Disabilities Act (ADA, 42 U.S.C. § 12132), and constitutional principles of government accountability.

As recognized in National Archives and Records Administration v. Favish, 541 U.S. 157 (2004), transparency is fundamental to democracy and public trust. Your agency's obligations are not discretionary, and failure to meet them constitutes a violation of statutory and constitutional law. This letter establishes your duties, addresses deficiencies, and anticipates and counters all potential deflection strategies.

1. FOIA Obligations: Statutory Mandates and Required Actions
FOIA establishes an enforceable right of access to federal agency records. Your response must meet the following requirements:

A. Timeliness
Under 5 U.S.C. § 552(a)(6)(A), you are required to provide a determination within 20 business days. Delays beyond this timeframe, absent legitimate extension requests, constitute a violation of FOIA.

Countermeasure: Delays are actionable under Citizens for Responsibility and Ethics in Washington v. DOJ, 711 F.3d 180 (D.C. Cir. 2013).
Required Action: Provide the requested records or a lawful determination.

B. Adequacy of Search
FOIA requires a thorough and reasonable search for records, as established in Campbell v. DOJ, 164 F.3d 20 (D.C. Cir. 1998). This includes:

Identifying the databases, locations, and terms used.
Providing a sworn affidavit detailing the search scope.
Countermeasure: A vague claim of "no responsive records" is insufficient without a detailed affidavit.
Required Action: Submit a sworn affidavit documenting the search or confirm the existence of responsive records.

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C. Proper Use of Exemptions
Exemptions under 5 U.S.C. § 552(b) must be narrowly applied and justified with specific explanations. Blanket or vague exemptions are impermissible.

Countermeasure: A Vaughn index (Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973)) is required to justify each withholding.
Required Action: Submit a Vaughn index detailing each exemption and its justification within 10 business days.

D. Decentralization and Referrals
Referrals or decentralization excuses do not absolve your agency of its responsibility to provide a consolidated response. As held in McGehee v. CIA, 697 F.2d 1095 (D.C. Cir. 1983), agencies must coordinate internally to ensure compliance.

Countermeasure: Require assurance of continuity and coordination across divisions.
Required Action: Consolidate records from all relevant offices and provide a unified response.

2. ADA and Rehabilitation Act Compliance: Equal Access as a Legal Right
As a person with a documented disability, I am entitled to reasonable accommodations under the ADA and Section 504 of the Rehabilitation Act. Your failure to provide accessible formats for requested records constitutes discrimination and violates federal law.

Case Law:
Tennessee v. Lane, 541 U.S. 509 (2004): Agencies must ensure meaningful access to government services.
Alexander v. Choate, 469 U.S. 287 (1985): Denial of reasonable accommodations creates barriers that violate civil rights.
Required Action:

Provide all requested records in accessible formats, including plain-language summaries or electronic files compatible with assistive technologies.
Confirm compliance with ADA requirements by [specific date].
3. Mandated Reporting and Whistleblower Protections
Your handling of this request implicates broader concerns, including potential fraud, misuse of federal funds, or retaliation against whistleblowers. Under the Whistleblower Protection Act (5 U.S.C. § 2302), you are required to report and address systemic violations.

Countermeasure: Reference Misprision of Felony (18 U.S.C. § 4), which requires the reporting of observed violations of law.
Required Action: Document and escalate evidence of misconduct to oversight bodies, including the Office of Inspector General (OIG).

4. Consequences of Non-Compliance
Failure to comply with your statutory obligations knowingly constitutes violations of:

Obstruction of Justice (18 U.S.C. § 1505): Delaying lawful access to records obstructs public accountability.

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Civil Rights Violations (42 U.S.C. § 1983): Denying ADA accommodations constitutes a deprivation of federally protected rights.
Misprision of Felony (18 U.S.C. § 4): Concealing or failing to report observed violations is a criminal act.
Countermeasure: Prepare for judicial review, oversight complaints, and public advocacy if compliance fails.
5. Escalation Pathways
If your office does not comply within the specified timeframe, I will escalate this matter through:

Judicial Review: Filing a lawsuit under 5 U.S.C. § 552(a)(4)(B) to compel disclosure.
Oversight Complaints: Submitting formal complaints to OGIS, OIG, and the DOJ Civil Rights Division.
Public Advocacy: Engaging investigative journalists, transparency advocates, and public interest organizations to ensure accountability.

6. Final Statement: Upholding Transparency and Accountability
This matter reflects the public's right to transparency and the preservation of trust in government institutions. Your actions will either affirm your agency's commitment to accountability or further evidence systemic disregard for these principles.

I look forward to your prompt and substantive response.

David Medeiros
ABI Resources

State of Connecticut Officials:

Governor Ned Lamont
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Email: foi@ct.gov
Website: https://portal.ct.gov/foi

Federal Officials and Agencies:

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Senator Chris Murphy
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Congressional Oversight Committees

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Advocacy and Transparency Organizations
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Government Accountability Project (GAP)
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Email: info@whistleblower.org
Website: https://www.whistleblower.org

National Whistleblower Center (NWC)
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Phone: (202) 342-1903
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Website: https://www.whistleblowers.org
Public Citizen

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Open the Government

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This comprehensive list ensures full accessibility to contact details for all individuals and organizations listed. If further segmentation or additional details are required, let me know!

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Additional Federal Oversight Authorities

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Proposed Appointees

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Summary of Responsibilities
Each individual and organization listed plays a crucial role in federal and state oversight, advocacy, and the protection of civil rights. Their functions include but are not limited to:

Oversight & Accountability: Ensuring compliance with federal and state laws, including Medicaid regulations, FOIA, ADA, and civil rights protections.
Transparency & Advocacy: Promoting open government practices and supporting whistleblower activities.
Civil Rights Enforcement: Addressing violations of constitutional and statutory protections against discrimination.
Legislative Oversight: Monitoring government programs and expenditures, particularly those impacting vulnerable populations like Medicaid beneficiaries.
Judicial and Administrative Review: Offering remedies for non-compliance through litigation or administrative actions.

Records Regarding Connecticut Medicaid Programs, ABI Waiver, Amendments, and Federal Agency Oversight and Communications with Accenture and Manatt (2012–Present) (Centers for Disease Control

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and Prevention)
Awaiting Appeal DAVID MEDEIROS Centers for Disease Control and Prevention United States of America 11/15/2024 10/29/2024

Records Regarding Connecticut Medicaid Programs, ABI Waiver, Amendments, and Federal Agency Oversight and Communications with Accenture and Manatt (2012-Present) (Department of Justice, Civil Rights Division)
Awaiting Appeal DAVID MEDEIROS Department of Justice, Civil Rights Division United States of America 11/19/2024 10/29/2024

Records Regarding Connecticut Medicaid Programs, ABI Waiver, Amendments, and Federal Agency Oversight and Communications with Accenture and Manatt (2012-Present) (Department of Health and Human Services, Centers for Medicare & Medicaid Services)
Awaiting Appeal DAVID MEDEIROS Department of Health and Human Services, Centers for Medicare & Medicaid Services United States of America 11/19/2024 10/29/2024

Records Pertaining to Medicaid Services for NPI 1962278119 and NPI 1023012345 (Department of Justice, Department of Justice, Office of Justice Programs)
Fix Required DAVID MEDEIROS Department of Justice, Department of Justice, Office of Justice Programs United States of America 11/20/2024 11/02/2024

Records Pertaining to Medicaid Services for NPI 1962278119 and NPI 1023012345 (Office of the Attorney General - Connecticut)
Awaiting Appeal DAVID MEDEIROS Office of the Attorney General - Connecticut Connecticut 11/21/2024 11/02/2024

Records Pertaining to Medicaid Services for NPI 1962278119 and NPI 1023012345 (Department Of Justice)
Awaiting Appeal DAVID MEDEIROS Department Of Justice United States of America 11/22/2024 11/02/2024

ADA Accommodations and Handling of Complaints (DOJ Complaints #534659-XGL, #539298-RJM, #534060-HWM, and #539330-JBZ) (Department of Social Services)
Awaiting Appeal DAVID MEDEIROS Department of Social Services Connecticut 12/04/2024 11/22/2024

Records Pertaining to Medicaid Services for NPI 1962278119 and NPI 1023012345 (Department of Health and Human Services)
Awaiting Appeal DAVID MEDEIROS Department of Health and Human Services United States of America 12/04/2024 11/02/2024

Subject: Comprehensive FOIA Request for Connecticut Medicaid Acquired Brain Injury Waiver Program Records (Department of Public Health)
Awaiting Appeal DAVID MEDEIROS Department of Public Health Connecticut 12/04/2024 10/17/2024

Subject: Comprehensive FOIA Request for Connecticut Medicaid Acquired Brain Injury Waiver Program

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Records (Department Of Justice)
Processing DAVID MEDEIROS Department Of Justice United States of America 12/05/2024 10/17/2024

Records Regarding Connecticut Medicaid Programs, ABI Waiver, Amendments, and Federal Agency Oversight and Communications with Accenture and Manatt (2012–Present) (Department of Health and Human Services)
Awaiting Appeal DAVID MEDEIROS Department of Health and Human Services United States of America 12/06/2024 10/29/2024

Exposing Systemic Failures in Medicaid Oversight, ADA Enforcement, and Whistleblower Protections to Ensure Justice and Transparency for All Americans (Government Accountability Office)
Awaiting Appeal DAVID MEDEIROS Government Accountability Office United States of America 12/07/2024 11/23/2024

Request with ADA Accommodation Requirements (Case No. 25-00044-F) (U.S. Department of State)
Awaiting Appeal DAVID MEDEIROS U.S. Department of State United States of America 12/07/2024 11/08/2024

Records Pertaining to Medicaid Services for NPI 1962278119 and NPI 1023012345 (Department of Public Health)
Awaiting Appeal DAVID MEDEIROS Department of Public Health Connecticut 12/10/2024 11/02/2024

Subject: Comprehensive FOIA Request for Connecticut Medicaid Acquired Brain Injury Waiver Program Records (Federal Communications Commission Office of the Inspector General)
Awaiting Appeal DAVID MEDEIROS Federal Communications Commission Office of the Inspector General United States of America 12/10/2024 10/17/2024

Subject: Comprehensive FOIA Request for Connecticut Medicaid Acquired Brain Injury Waiver Program Records (Office Of Policy And Management)
Processing DAVID MEDEIROS Office Of Policy And Management Connecticut 12/10/2024 10/17/2024

Records on OSC Cases Related to Office of the Special Counsel. DI-25-000310 DI-25-000325 DI-25-000379
Awaiting Response DAVID MEDEIROS Office of Special Counsel United States of America 12/11/2024 12/09/2024
NPI Numbers and Provider Information under Connecticut Medicaid ABI Waiver Program (Centers for Medicare and Medicaid Services)
Awaiting Appeal DAVID MEDEIROS Centers for Medicare and Medicaid Services United States of America 12/11/2024 11/05/2024

Subject: Comprehensive FOIA Request for Connecticut Medicaid Acquired Brain Injury Waiver Program Records (Department of Public Health - Medical Examining Board)
Awaiting Appeal DAVID MEDEIROS Department of Public Health - Medical Examining Board Connecticut 12/11/2024 10/17/2024

Comprehensive FOIA Request for OCR Transaction Number: 01-25-592844 (Department of Justice, Civil