

Department of Health and Human Services Office of the Secretary
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

RE: Revision to request letter for 2022-01093-FOIA-OS

Aug. 30, 2022

Dear Ms. Arianne Perkins and Ms. Beth Kramer,

This letter constitutes a request under the federal Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Please use it to replace my initial request letter for 2022-01093-FOIA-OS.

I’m writing to request a record for each complaint received by the Department of Health and Human Services Office for Civil Rights (HHS OCR) alleging a violation of Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116, and its implementing regulation, 45 C.F.R. part 92. The Office for Civil Rights is within the Office of the Secretary.

I request a record for complaints received by HHS OCR during federal fiscal years 2018, 2019, 2020, 2021. I also request a record for complaints received so far in fiscal year 2022 as of the day you conduct your search for records to respond to this request.

I request each record include:

- The name of the health care or social service provider involved;
- The city and state where the above health care or social service provider is located;
- The protected characteristic(s) involved (race, color, national origin, disability, age, or sex);
- Violation date(s);
- Description;
- Covered entity type (State and local government agencies that are responsible for administering health care, state and local government income assistance and human service agencies, hospitals, Medicaid and Medicare providers, physicians and other health care professionals in private practice with patients assisted by Medicaid, family health centers, community mental health centers, alcohol and drug treatment centers, nursing homes, foster care homes, public and private adoption and foster care agencies, day care centers, senior citizen centers, nutrition programs, any entity established under the Affordable Care Act, health insurance plans or companies, HMOs, pharmacies, homeless shelters, health researchers).

Individuals can submit a complaint by mail, fax, email or online at https://ocrportal.hhs.gov/ocr/cp/complaint_frontpage.jsf?lang=en. Another copy of the complaint

form is here: <https://www.hhs.gov/sites/default/files/ocr-60-day-frn-cr-crf-complaint-forms-508r-11302022.pdf>.

I would like to receive the records by email at crozen@bloombergindustry.com and in one of the following formats:

- A) a pipe-delimited text file;
- B) a tab-delimited text file;
- C) a csv file.

I also request any data dictionaries, schemas, manuals, audits, or other documentation on HHS's major record-keeping systems used to track civil rights complaints. I request the dictionaries or other documents to explain in detail each field and table in the records provided.

I request a waiver of all fees associated with this request because I am a journalist employed by Bloomberg Government, part of Bloomberg Industry Group, reporting on the U.S. government and reproductive health care. HHS is encouraging individuals to file a complaint with HHS OCR if he or she believes his or her (or another person's) civil rights have been violated in relation to reproductive health care (see <https://reproductiverights.gov/#rights>).

I have written several articles on reproductive health care, including those available below:

<https://news.bloomberglaw.com/legal-ethics/white-house-slams-texas-republicans-targeting-sidley-on-abortion>

<https://news.bloomberglaw.com/health-law-and-business/democrats-plan-house-vote-on-contraceptive-access-next-week>

This request is part of the news gathering process for continued reporting on this subject.

If this request is denied in whole or part, please provide an explanation of why the Department of Health and Human Services "reasonably foresees that disclosure would harm an interest" or why "disclosure is prohibited by law." Please also ensure that all segregable portions of otherwise exempt material are released.

I look forward to your determination within 20 calendar days of this request, as is required by law.

Best regards,

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