

EXHIBIT U

Brown, Nicole (HHS/ASL)

From: Orris, Allison B. (CMS/OL)
Sent: Tuesday, April 27, 2010 2:19 PM
To: Long, Molly E. (CMS/OL); Gotts, Jill M. (CMS/OL)
Subject: FW: CLASS and the States

This is the latest on this CLASS meeting. The meeting we suggested for Jill to download for us has morphed from an internal CMSC meeting to one that will include all of the people on Richard's original email. Barb didn't think an internal prebrief was needed given DEHPG's work on the TA months ago. I am hoping that some combination of the three of us will be able to attend this meeting - April is working to set it up. Stay tuned...

From: Katz, Ruth (HHS/ASPE)
Sent: Tuesday, April 27, 2010 2:12 PM
To: Mann, Cynthia (CMS/CMSO); Edwards, Barbara C. (CMS/CMSO); Orris, Allison B. (CMS/OL); Forsythe, April (CMS/CMSO); Frank, Richard (HHS/ASPE); Belt, Marie (HHS/ASPE); Cooper, Cheryl C. (CMS/CMSO); Bosstick, Suzanne R. (CMS/CMSO); Sowers, Mary P. (CMS/CMSO); Dioguardi, Paul (HHS/OS)
Cc: Forsythe, April (CMS/CMSO)
Subject: RE: CLASS and the States

Allison Orris and I just spoke and we think we have this straightened out.

Try this on for size.

There will be TWO meetings:

MEETING ONE: Cindy Mann, Paul Dioguardi, and Richard Frank with the staff they choose to bring. This meeting will be scheduled by Marie Belt (for Richard and me) and April Forsythe (for Cindy) plus whoever Paul says to work with on his schedule. This meeting is a follow on to Richard's initial email to Cindy and Paul about the Medicaid complexities in CLASS. CMSO staff did some excellent work on this, along with OL, starting last Fall.

MEETING TWO: The first meeting of the Long-Term Care Health Reform Implementation Work Group, which is going to be scheduled by Marie Belt (for Richard) and Cheryl Cooper (for Barbara). Once Marie and Cheryl have identified a time that works for both co chairs (Richard and Barbara) they will reach out to the rest of the group to set up the first meeting. The Medicaid complexities are on a long list of items for this group.

This meeting needs to be set up fairly soon.

Thanks to all.

From: Mann, Cynthia (CMS/CMSO)
Sent: Tuesday, April 27, 2010 10:23 AM
To: Edwards, Barbara C. (CMS/CMSO); Orris, Allison B. (CMS/OL); Forsythe, April (CMS/CMSO); Frank, Richard (HHS/ASPE); Katz, Ruth (HHS/ASPE); Belt, Marie (HHS/ASPE); Cooper, Cheryl C. (CMS/CMSO); Bosstick, Suzanne R. (CMS/CMSO); Sowers, Mary P. (CMS/CMSO)
Cc: Forsythe, April (CMS/CMSO)
Subject: Re: CLASS and the States

Yes-- sorry if I glummed up the works

From: Edwards, Barbara C. (CMS/CMSO)
To: Orris, Allison B. (CMS/OL); Forsythe, April (CMS/CMSO); Mann, Cynthia (CMS/CMSO); Frank, Richard (HHS/ASPE); Katz, Ruth (HHS/ASPE); Belt, Marie (HHS/ASPE); Cooper, Cheryl C. (CMS/CMSO); Bosstick, Suzanne R. (CMS/CMSO); Sowers, Mary P. (CMS/CMSO)

Sent: Tue Apr 27 06:29:03 2010
Subject: Fw: CLASS and the States

OL is already working to organize a meeting - can we loop everyone in? Thanks

From: Katz, Ruth (HHS/ASPE)
To: Mann, Cynthia (CMS/CMSO); Frank, Richard (HHS/ASPE); Dioguardi, Paul (HHS/OS)
Cc: Kronick, Richard (HHS/ASPE/HP); Moulds, Donald (HHS/ASPE); Edwards, Barbara C. (CMS/CMSO); Belt, Marie (HHS/ASPE)
Sent: Mon Apr 26 16:54:32 2010
Subject: RE: CLASS and the States

Marie Belt is the scheduling contact point for Richard Frank and me.

Thanks

From: Mann, Cynthia (CMS/CMSO)
Sent: Monday, April 26, 2010 4:46 PM
To: Frank, Richard (HHS/ASPE); Dioguardi, Paul (HHS/OS)
Cc: Kronick, Richard (HHS/ASPE/HP); Moulds, Donald (HHS/ASPE); Katz, Ruth (HHS/ASPE); Edwards, Barbara C. (CMS/CMSO)
Subject: RE: CLASS and the States

I'm going to ask April from my office to set up a meeting to talk through the class/medicaid/state issues.

From: Frank, Richard (HHS/ASPE)
Sent: Monday, April 19, 2010 2:10 PM
To: Mann, Cynthia (CMS/CMSO); Dioguardi, Paul (HHS/OS)
Cc: Kronick, Richard (HHS/ASPE/HP); Moulds, Donald (HHS/ASPE); Katz, Ruth (HHS/ASPE)
Subject: CLASS and the States

Hi Cindy and Paul

I am writing to alert you to some discoveries we've made in our continuing analysis of the CLASS Act. Specifically, I wanted to be sure you are aware of an unusual new Medicaid requirement that is included in Title VIII (CLASS) of PPACA. Section 3210(b) amends section 1902(a) to require each state, within 2 years of enactment, to:

- Assess its statewide capacity (including rural and underserved areas) to provide "fiscal agent" services for CLASS beneficiaries;
- **Designate or create** entities to serve as fiscal agents for CLASS beneficiaries; and,
- Ensure that the newly designated or created entities don't interfere with existing structures and programs.

As you know, the CLASS program is under the Public Health Service Act. These provisions seem to me as if they create significant new burdens on the states.

Could we talk about how to implement these requirements?

Best

Richard

Richard G. Frank
Deputy Assistant Secretary for Planning and Evaluation
Disability, Aging and Long-Term Care
U.S. Department of Health and Human Services

