

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN HOSPITAL ASSOCIATION, *et al.*,

Plaintiffs,

v.

SYLVIA M. BURWELL, in her official capacity as
SECRETARY OF HEALTH AND HUMAN
SERVICES,¹

Defendant.

Civil Action No. 14-cv-00851 (JEB)

DECLARATION OF NANCY J. GRISWOLD

I, Nancy J. Griswold, declare as follows:

1. I am the Chief Administrative Law Judge for the Office of Medicare Hearings and Appeals (OMHA) within the Department of Health and Human Services (HHS), which, organizationally, is located within the Office of the Secretary. I have held this position since March 1, 2010. Among my duties, I oversee the third level of administrative review for individual Medicare claim and entitlement appeals within HHS, which is also known as the Administrative Law Judge (ALJ) level of review. The statements made in this declaration are based on my personal knowledge, information contained in agency files, and information furnished to me in the course of my official duties.

2. On July 10, 2014, I submitted a written statement on OMHA workloads before the United States House Committee on Oversight & Government Reform Subcommittee on Energy Policy, Health Care & Entitlements, and I read that statement into the record under oath.

¹ Pursuant to Fed. R. Civ. P. 25(d), Sylvia M. Burwell, the current Secretary of Health and Human Services, is automatically substituted as the named defendant for Kathleen Sebelius, the former Secretary of Health and Human Services.

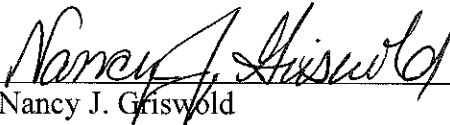
A true and correct copy of that written statement is attached as Exhibit 1. *See also* <http://www.hhs.gov/asl/testify/2014/07/t20140710a.html>. To the best of my knowledge, the information contained in that written statement continues to be true and accurate.

3. OMHA requires significant additional funding to procure the resources needed to meet the 90-day timeframe for issuing ALJ decisions for all appeals. OMHA has a fixed amount of resources and must set priorities for how it will utilize those limited resources in light of the unprecedented number of appeals that are currently pending, and that continue to be filed, at the ALJ-level of administrative review.

4. Attached as Exhibit 2 is a true and correct copy of a December 24, 2013 letter I sent to appellants who had a significant number of Medicare appeals pending at the ALJ-level of administrative review.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 11th day of September, 2014, in Alexandria, Virginia.


Nancy J. Griswold