



CONNECTICUT LEGAL SERVICES

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**TESTIMONY OF CONNECTICUT LEGAL SERVICES, INC.,
REGARDING THE MIDTERM ADJUSTMENTS TO THE FY 2013 BUDGET
WHICH VIOLATE THE SETTLEMENT AGREEMENT IN CARR V. WILSON-
COKER**

Senator Harp, Representative Walker, and members of the Appropriations Committee.

I am submitting this testimony as class counsel for the plaintiffs in the Carr v. Wilson-Coker class action.

The Carr v. Wilson-Coker lawsuit settlement resulted in the Department of Social Services raising reimbursement rates to Connecticut dental providers. The settlement was approved by the Connecticut Legislature in 2008 pursuant to Conn. Gen. Stat. §3-125a and was approved by the federal court for the District of Connecticut after a fairness hearing held pursuant to Rule 23(e) of the Federal Rules of Civil Procedure. The four year settlement began on August 26, 2008 and remains in effect today. The Settlement Agreement imposes obligations on the Department of Social Services regarding coverage of Medicaid Husky dental services for children under the age of 21 and has additional limited applicability to adults eligible for Husky Medicaid.

The Settlement Agreement includes a detailed fee schedule for reimbursement rates of individual dental procedures. The fee schedule contains specific dollar amounts for reimbursement of composite resin and amalgam restoration rates, the same rates which are being altered by the Midterm Adjustments.

In the Settlement Agreement, the Department of Social Services agreed that the Settlement was binding on all parties. If the Department of Social Services wishes to lower a reimbursement rate, that change may be made by agreement of counsel or by court order only. Consequently, on January 23, 2012, plaintiffs' counsel wrote to counsel in the Office of the Attorney General noting that the Midterm Adjustments affected the Settlement Agreement and that the adjustment required consent of counsel.

Any alteration to the fee schedule of the Settlement Agreement which lowers a reimbursement rate agreed to in the Settlement must be made pursuant to the Agreement rather than through the Midterm Adjustments.

Anne Louise Blanchard
Litigation Director, Connecticut Legal Services, Inc.
Plaintiffs' Counsel, Carr v. Wilson-Coker

