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Testimony of James S. Haslam, Attorney, Connecticut Legal Services

H.B. 5437

Human Services Committee

March 3, 2016

I am an attorney at Connecticut Legal Services, Inc., a non-profit civil law firm dedicated to helping low-income people attain justice, and I practice in the Public Benefits unit. I am testifying today on behalf of our clients and other users of Non Emergency Medical Transportation (NEMT) services administered by the Department of Social Services concerning H.B. 5437.

I greatly appreciate that the Committee has raised a bill concerning access to NEMT, a major concern of my clients. NEMT is a vital service to our most vulnerable citizens as it allows individuals with serious health conditions and limited transportation options to attend appointments with primary care providers and specialists with regularity. When individuals are afforded the opportunity to focus on their health care, the chance for improved health increases and the need for emergency intervention decreases, both of which increase the general efficacy of the health care system.

Despite this clear benefit to the individual and the health care system, I have unfortunately seen countless clients failed by the NEMT system. I have represented many clients that are unnecessarily denied transportation, only to have the denial reversed after my intervention. It is discouraging to know that I can only help a fraction of the people in this situation. Even more frustrating are the numerous clients that have reported that a NEMT provider does not reliably show up to bring them to appointments, or that they have left before they are ready for the return trip. In these cases, the damage has been done and there is nothing anyone can do to redress the harm that comes from this error. Additionally, patients who miss appointments because of lack of NEMT are often, and incorrectly, viewed as "no shows", undermining the willingness of providers to participate in the Medicaid program.

While I commend the initiative to review the quality of NEMT services afforded, the provisions of this bill do not address these key problem areas for our clients. Most importantly, §1(c)(1) focuses on complaints filed by riders. Apart from the fact that the current NEMT provider has been found by DSS's auditor to have systemically under-reported complaints, which was only begun to be addressed this year, complaints only tell part of the story. By in large, my clients do not file complaints with Logisticare or DSS. They silently suffer without medical appointments, rely on others to transport them or put their health in danger and travel by unsuitable means. A review of all denials of NEMT must be conducted to truly review for quality of services. This review will undoubtedly reveal baseless or unnecessary denials that only punish the individual.



Additionally problematic is §1(c)(2), which focuses on the recipient's failure to appear for rides. While surely this occurs on occasion and has some limited impact on the overall cost of services, this is a small part of the problem. The far larger part is scheduled NEMT services not appearing on time, or at all, to pick up the enrollee who is ready and waiting to get in a cab to go to a scheduled medical appointment. This is where attention needs to be directed.

More to the point, the current NEMT contract requires substantial revamping in terms of contractual obligations, mandatory reporting and meaningful sanctions; as DSS's own reviewer determined, the contract is fundamentally flawed in several key areas, particularly in terms of reporting and enforcement. There is proposed substitute language being provided by other advocates and we urge that this substitute language be adopted for HB 5437.

I appreciate the time of the Committee and the thoughtful attention you bring to these critical issues. Thank you for reviewing my testimony.