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Testimony before the Human Services Committee on H.B. 7166

February 28, 2019

My name is Matthew Dillon and I am an attorney at Connecticut Legal Services (CLS) in Waterbury. My legal work focuses on the areas of public benefits and Social Security disability law. My testimony today is on behalf of CLS' low-income clients who would greatly benefit from H.B. 7166 and I am here today in support of this proposed legislation. H.B. 7166 proposes to permit nonemergency medical transportation (NEMT) consumers to sue under a private right of action when their medically necessary transportation services are denied.

The NEMT program in Connecticut has been administered by Veyo since January 2018. Since that time my colleagues and I have heard complaints, frustrations, and stories of missed appointments from our clients. One of the recurring complaints I have heard is from clients who receive the wrong type of transportation, such as a client who suffers from anxiety and PTSD and needs vehicle transportation to therapy, but instead is given bus passes. Their symptoms would prevent them from taking public transportation so a cab is needed. In other cases the client is physically unable to make it to the bus stop. The client's doctor can complete a Specialized Transportation Form to certify that the patient cannot use public transportation due to a medical condition. However, those forms are often not received or processed timely by Veyo, resulting in the medical provider having to resend the form multiple times. The form is eventually found and processed, but not before both the doctor and the client expend unnecessary time. During this time the client has missed multiple provider appointments. It is unknown how many other consumers have had problems receiving the wrong type of transportation. However, it is clear that NEMT recipients need a place to turn to when they encounter problems.

I have also heard from clients who report that their ride just does not show up, despite confirming the day of that the ride will be there. Many providers will cease to see a patient after a certain number of missed appointments further compounding their access to treatment. Clients have told me they have had to find a new provider because their old provider stopped seeing them because of too many missed appointments. While these medical rides are not "emergencies" there are still serious health consequences to missing appointments. Consider the patient who has had an outpatient surgical procedure scheduled, the patient who is out of their mental health medication and needs to be seen before a refill can be processed, or the patient who has waited for an MRI appointment.



Creating a private right of action will create a fairer playing field for consumers and allow NEMT recipients to seek judicial redress. Currently, an aggrieved NEMT consumer needs a separate cause of action, such as alleging discrimination due to their disabilities under the Americans with Disabilities Act. Those without a separate cause of action have no way to bring their claims before a judge and seek relief. Another benefit of creating a private right of action is deterrence. Allowing aggrieved NEMT consumers to sue could alleviate other similarly situated consumers without the need for additional lawsuits. One individual private right of action suit could lead to necessary systemic fixes.

Since NEMT provides vital medically necessary transportation the courthouse doors should not be closed. It is imperative and fair for all recipients to be able to have their voices and complaints heard and for a court to award appropriate relief. Thank you for your consideration of this testimony.