

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725

██████████, 2020
Signature Confirmation

Client ID # ██████████
Request #148112

NOTICE OF DECISION
PARTY

██████████

PROCEDURAL BACKGROUND

On ██████████, 2019, Veyo, a transportation broker contracted by the State of Connecticut's Department of Social Services, mailed ██████████ (the "Appellant") a Notice of Action stating that it was changing his non-emergency medical transportation ("NEMT") services from livery/taxi to mileage reimbursement and/or Public Transit.

On ██████████ 2019, the Appellant requested an administrative hearing to contest the Department's change of NEMT services.

On ██████████, 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████, 2019.

On ██████████ 2019, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present at the hearing:

██████████, Appellant
Karen Reid, Quality Assurance Supervisor, Veyo
Jaime Gallion, Client Coordinator, Veyo
Akriti Rai, Market Operations Manager, Veyo
Roderick Winstead, Integrated Care Manager, Department of Social Services
Patricia McCooley, Counsel, Department of Social Services
Miklos Mencseli, Hearing Officer

The Appellant signed a Waiver of Right To a Timely Hearing Decision.

The hearing officer delayed to the close of the hearing record through [REDACTED] 2019 to permit Veyo to submit additional materials as to telephone call recordings and to submit provider emails. The close of the hearing record extended through [REDACTED] 2019 to allow the Appellant the opportunity to review and comment on those materials.

On [REDACTED] 2019, the hearing record closed.

STATEMENT OF THE ISSUE

The issue is whether Veyo's adjustment of the Appellant's non-emergency medical transportation ("NEMT") services from livery/taxi to mileage reimbursement and/or Public Transit is in accordance with state statutes and regulations.

FINDINGS OF FACT

1. The Appellant is a participant in the Medicaid program, as administered by the Department of Social Services (the "Department").
2. Veyo is a transportation broker for the State of Connecticut, providing NEMT services to Medicaid-eligible clients to travel to Medicaid-eligible services. (Veyo's Testimony)
3. The Appellant received NEMT transportation services from LogistiCare (Veyo's predecessor) and Veyo. (Exhibit 5: Hearing decision issued on [REDACTED], 2019)
4. From [REDACTED] 2018 through [REDACTED], 2019, Veyo received complaints from transportation providers as to the Appellant's behavior toward the drivers. The Appellant was rude, aggressive, verbally abusive, and belittled the drivers. (Summary, Exhibit 3: emails from providers)
5. The Appellant was verbally abusive when communicating with Veyo. (Exhibit 2: transcribed telephone calls, Exhibit 4: transcribed trip portal notes)
6. Veyo contacted 16 transport services in the area as well as independent drivers; all were unwilling to transport the Appellant due to his behavior. (Veyo Testimony)
7. Providers were unwilling to transport the Appellant due to his behavior. (Exhibit 3)
8. Veyo has the authority to determine the most appropriate type of transportation for a Medicaid recipient. (Veyo Testimony)
9. On [REDACTED], 2019, Veyo sent a Notice of Action to the Appellant stating his mode of transportation is changing from Livery to Public Transit or Mileage Reimbursement for NEMT trips. (Exhibit 1: NOA dated [REDACTED]-19)
10. Veyo is willing to issue bus passes to the Appellant to use for his NEMT needs. (Veyo Testimony)

11. Veyo has not denied the Appellant NEMT services. Veyo has only changed the Appellant's mode of transportation. (Veyo Testimony)
12. The Appellant lives alone. (Appellant Testimony)
13. The Appellant does not own a motor vehicle. (Appellant Testimony)
14. The Appellant has no family or friends to drive him to his appointments. (Appellant Testimony)
15. The Appellant did not submit written comment for the hearing record.
16. The Appellant has not established that his medical condition(s) prohibit his use of Public Transportation.
17. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] 2019. Therefore, this decision is due not later than [REDACTED], 2020.

However, as the close of the hearing record was extended through [REDACTED], 2019 to allow the Appellant the opportunity to review and comment on the materials submitted by Veyo, this decision would not have become due until [REDACTED], 2020. Therefore, this decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 and 17b-262 of the Connecticut General Statutes ("CGS") provides that the Department of Social Services ("The Department") is the state agency for the administration of the Medicaid program pursuant to Title XIX of the Social Security Act. The commissioner may make such regulations as are necessary to administer the medical assistance program.
2. Section 17b-276(b) of the CGS provides that notwithstanding any other provision of the general statutes, for purposes of administering medical assistance programs, including, but not limited to, the state-administered general assistance programs and programs administered pursuant to Title XIX or Title XXI of the Social Security Act, the Department of Social Services shall be the sole state agency that sets emergency and nonemergency medical transportation fees or fee schedules for any transportation services that are reimbursed by the Department for said medical assistance programs.
3. Section 17-134d-33 of the Regulations of Connecticut State Agencies ("RCSA") sets forth the requirements for payment of Medical Transportation Services rendered to persons determined eligible for such services under provisions of Connecticut's Medical Assistance Program in accordance with Section 17-134d of the General Statutes of Connecticut.

4. Section 17-134d-33(d) of the RCSA provides that payment for medical transportation services is available for all Medicaid eligible recipients subject to the conditions and limitations which apply to these services.
5. Section 17-134d-33(e) (1)(A) of the RCSA provides that Medicaid assures that necessary transportation is available for recipients to and from providers of medical services covered by Medicaid, and, subject to this regulation, may pay for such transportation.
6. Section 17-134d-33(e)(2)(A) of the RCSA provides that the Department reserves the right to make the determination as to which type of transportation is the most appropriate for a recipient.

The Department designated Veyo to act as its agent to determine what level of NEMT was most appropriate for individual Medicaid recipients in the State of Connecticut.

Veyo had the authority and discretion to determine the most appropriate NEMT services to be provided to the Appellant, a Medicaid recipient.

Veyo's adjustment of the Appellant's NEMT services from livery/taxi to mileage reimbursement and/or Public Transit is in accordance with state statutes and regulations.

DECISION

The Appellant's appeal is **DENIED**.



Miklos Mencseli
Hearing Officer

C: Tonya Cook-Bedford, Operations Manager, DSS R.O. # 42 Willimantic
Karen Reid, Quality Assurance Supervisor, Veyo
Jaime Gallion, Client Coordinator, Veyo
Akriti Rai, Market Operations Manager, Veyo
Roderick Winstead, Integrated Care Manager, Department of Social Services
Patricia McCooley, Counsel, Department of Social Services

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within 25 days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on §4-181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue Hartford, CT 06105.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision, or 45 days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 55 Elm Street, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue Hartford, CT 06105. A copy of the petition must also be served on all parties to the hearing.

The 45 day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or the Commissioner's designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the appellant resides.