

10 April 2014

(The Remarks of Albert A. Reine, Jr. RN to the Honorable Mo Health.Net Oversight Committee concerning the Non-Emergency Medical Transportation Medicaid Program, and the Public Safety neglected by Full-Risk Transportation Brokers.)

I know first-hand the extreme importance of this committee, because of my experience with making reports to Mo HealthNet's adjourn leadership of the past.

As I reported, one year ago, to this honorable committee --- making reports to the now aborted leadership of that time was difficult. I was called a "nightmare" and told point blank by staff, "this is not the only contract I handle". Indicating I was taking up to much of the Mo

HealthNet employees' time r/t the Full-Risk NEMT brokers wrong doing.

Frustrated with Mo HealthNet I continued up the Chain-of-Command, and quietly talked with Nurse Benz. I was so afraid of more retribution from Mo HealthNet. She is so kind, and blessed me with encouragement. I say thank-you.

Without the Mo HealthNet Oversight Committee, my voice would have never been heard.

The current Full-Risk NEMT Broker (Logisticare) is in "**breach of contract**" r/t minority business participation contractual failure.

1. Historically NEMT brokers have always been out of compliance with the Minority participation contractual agreements. The Minority Report is frequently incomplete, unsigned at times, and late.

2. For years, minority transport providers have filed complaints about this contractual failure.
3. This “breach of contract”, is evidence of Logisticares’ false advertizing when it comes to “Net-Work development”.

Full-Risk NEMT Brokers use a large number of tactics that unlawfully create barriers, for individuals with disabilities trying to schedule rides. Bottom line, brokers do not answer the phones correctly. The Disaster Recovery plan written into the NEMT State Contract has always been a JOKE to Full-Risk NEMT brokers. Without major oversight Full-Risk brokers will always disregard the contractual DR plan.

When it comes to shedding trips, Full-Risk brokers are ruthless, and act with reckless abandonment of public safety. Bullying frail &

defenseless recipients, Full-Risk NEMT Brokers will stop at nothing to create stress, and anxiety, to stop a reservation from happening. This includes breaking the law with total disregard for the American Disability Act. The United States Attorney's office of Michigan on January 30, 2014 released information about the Michigan's & Missouri's law-breaking transport broker Logisticare.

An investigation revealed that transportation providers under Logisticare's management in Michigan and Missouri unlawfully---- **denied rides**---- to individuals with disabilities.

Logisticare must pay each complainant \$750 dollars. Under the settlement Logisticare agreed to update their policies and training materials to ensure compliance under the American Disability Act.

The following is very difficult to talk about and disturbs me to the very core of my being.

March 28th 2008 Logisticare signed a contract with Hartford Public Schools for school bus transportation.

Following a **fatal** school bus crash on January 9, 2010,---- 15 students were injured, some critically,---- the Federal Motor Carrier Safety Administration conducted a compliance review on Logisticares' motor carrier operations.

The compliance review took place on or about January 22, 2010. On or about February 8, 2010 the Federal Motor Carrier Safety Administration issued a notice of claim against Logisticare for violations of the Federal Motor Carrier Safety Regulations discovered in the compliance review.

These Kids were some of Americas finest, attending an Academy of Mathematics and Science, on their way to a robotics competition.

In the settlement agreement between Logisticare and the Federal Motor Carrier Safety Administration ---- Logisticare, **expressly acknowledge** that the Federal Motor Carrier Safety Administration had a *reasonable basis in law and fact* and was **substantially justified** in pursuing the claim against Logisticare.

Logisticare agreed to pay \$5,730.00 dollars in the settlement agreement. Nothing in this settlement agreement relives or limits

Logisticares' duty to comply with all applicable United States Department of Transportation Statutes and implementing regulations, including the FMCSRs.

The Safety violations were:

2 counts of, Knowingly allowing, requiring, permitting or authorizing an employee with a CDL which is suspended, revoked or canceled by a state, or who is disqualified to operate a commercial motor vehicle.

1 count of, failing to maintain inquires into driver's driving record in the driver's qualification file.

1 count of failing to keep minimum records of inspection and vehicle maintenance

1 count of using a commercial motor vehicle not periodically inspected.

October 8th 2013, Rep. Fredrick reminded the committee about Reporter Stacy Camerons 2012 NEMT investigation that aired on KCTV5. I am thankful for this, and will follow in the Honorable Rep. Fredrick's footsteps, and Emphasize 6 major points discovered in the

NEMT investigation by the Highly Acclaimed Veteran Reporter.

1. Uncovered Complaints about hundreds of late or missed rides that led to medical complications for more than one client.
2. Uncovered a Complaint of one transportation provider driving drunk, and another reeking of alcohol.
3. Uncovered a Incident of a driver getting in a wreck while texting.
4. Uncovered Complaints about Drivers, who speed, run red lights, and use unsafe vehicles.
5. Uncovered Allegations' of Logisticare forgoing compliance in Missouri (Driver & vehicle safety inspections).

6. Reported about Mo HealthNet refusing to respond to KCTV5 numerous inquiries about NEMT safety complaints.

A Non-Emergency Medical Transport study report by the Hilltop Institute on 9/26/2008 by Paul Meury confirms the untruthfulness of broker provided statistics r/t complaints.

It says;

“Numerous complaints about clients not being picked up for their trips to essential medical therapies such as dialysis have been consistently reported in states like Wisconsin, Michigan and Florida, and
Under-documented by brokers throughout the country.

Due to cost cutting incentives, Brokers tend to hire small vendors that do not maintain their vehicles properly”. And I would

Personally add to this study, willfully
commit 1099 fraud.

In conclusion,
I again appeal to the distinguished
Members of the Mo HealthNet Oversight
Committee. Please Stop using Full-Risk
NEMT Brokers in Missouri.

I make a special appeal to you Dr. Parks.
I would rather see you ask CMS for a 1 year
waver from NEMT in Missouri, than
continue to contract with Full-Risk NEMT
brokerage business. Your NEMT program
flaws are truly dangerous, and put public
safety at risk.

And to Gov. Nixon, just in case you are listening in. Thank-You for standing up for Missouri in 2005 against evil Full-Risk NEMT Brokers. And Thank-You for Dr. Parks, you picked the right man for the Job. May God Bless this committee and may God Bless the Great State of Missouri.

Alfred A. Lamb to R.H.