
From: Erin Kane <Erin.Kane@ctcommunitycare.org>
Sent: Thursday, September 1, 2022 12:15 PM
To: aabiwr@live.com <aabiwr@live.com>
Subject: To the attention of David Medeiros CBIS

Hello:

Please see attached in reference to the formal inquiry/request for investigation letter submitted to Connecticut Community Care on August 1, 2022.

Thank you & please let me know if you have any questions.

Erin
Erin Kane
Head of Quality and Performance Improvement
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860-314-2227
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Urgent: Investigation Request Regarding Ethical Concerns with Connecticut Community Care's Practices

ABI RESOURCES 860 942-0365 <aabiwr@live.com>

Mon 9/11/2023 2:59 PM

To: Commis DSS <commis.dss@ct.gov>; Amy Dumont <amy.dumont@ct.gov>

09/11/2023

Dear DSS Commissioner and Amy Dumont, DSS COU.

I hope this email finds you well. I am writing to you on behalf of ABI Resources to address a matter in light of the serious and pressing concerns raised by our clients regarding the practices of Connecticut Community Care (CCC) consultation services to the ABI Waiver program and potential unethical conduct. Specifically, a recurring pattern has been identified where consultation services seem to unduly direct consumers DS and AP toward the agency provider, New Day, facilitated by Ms. Luisa DiNino-Jones. Such actions compromise the core values of person-centered care services as well as efforts to jeopardize ABI Resources' services and reputation as a respected provider.

There have been instances indicating possible consumer discriminatory communications, whether over the phone or via email. This further complicates matters, hindering the ability of ABI Waiver program consumers to make informed decisions. Such conduct not only jeopardizes the integrity of ABI Resources care system but might also verge on discriminatory actions against these consumers.

Consumer DS has made numerous attempts to schedule a Team Meeting to address these concerns, yet no such meeting has been organized by care management. DS shares that care management has repeatedly dictated her choice of providers, steering and excluding the consumer from the decision-making process. Disturbingly, DS has also mentioned receiving derogatory remarks from the care manager, sharing that the consumer is insulted by continuously referencing her as grossly morbidly obese in a derogatory manner.

Consumer AP shares that the care manager often misrepresents their role, posing as the consumer's medical therapeutic provider. The consumer shares that there continue to be instances of wrongful diagnosis, with claims from the care manager of the consumer having manic episodes as well as inaccurate information being reported to the consumer's family via email. The consumer shares that this seems to be an attempt to establish some sort of historical form of legal conservatorship over AP. Consumer AP share that care management has made statements about the consumer's religious beliefs. Lastly, the consumer shares that care management inappropriately comments on the consumer's past relationships in a negative way to others.

Given the severity of these concerns, we at ABI Resources formally request that the Department of Social Services (DSS) initiate a comprehensive investigation into these allegations. It is imperative to uphold the integrity and fairness of services offered to ABI Waiver program consumers.

To address these issues and protect the interests of consumers, we suggest the following measures:

Immediate Investigation: Initiate a neutral investigation into the practices of Connecticut Community Care consultation services, with a focus on referrals to New Day through Ms. Luisa DiNino-Jones.

Immediate Investigation: Initiate a neutral investigation into the practices of Connecticut Community Care consultation services, with a focus on the number of probate conservator referrals involving Ms. Luisa DiNino-Jones.

Strengthen Oversight: Augment oversight mechanisms to ensure consultation services adhere to person-centered care principles.

Enhance Communication Transparency: Establish guidelines mandating consultation services to present transparent, unbiased information to and with consumers, guaranteeing they are included and informed with documentation for consumers to reference.

Training and Awareness: Organize regular training for consultation service providers emphasizing ethical conduct, transparency and person-centered care.

Open Reporting Channels: Develop an efficient, anonymous system for whistleblowers and other consumers to report potential wrongdoing.

Regular Audits: Implement periodic audits to assess the compliance of consultation services with DSS standards and values.

Sanctions and Penalties: Enforce stricter repercussions for services that contravene DSS standards and guidelines.

Contact CMS: Initiate a thorough investigation into the consumer's ABI Waiver Program service plan and to ascertain if other consumers are experiencing similar.

Ensuring the concerns detailed herein are swiftly addressed is critical to preserving safety as well as the integrity and purpose of the ABI Waiver Program.

We urge Connecticut DSS to prioritize this matter and ensure proper measures are taken to rectify the situation. Lastly, ABI Resources requests follow-up information as to how the Department of Social Services has addressed this.

Thank you,

David Mederios

ABI Resources



A.B.I. Resources LLC

39 Kings Highway, Suite C

Gales Ferry CT, 06335

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Fax: (860) 465-9591

<https://www.CTbrainINJURY.com>

10/31/2023

Subject: Formal Grievance Concerning Discriminatory Unfair Business Practices within the Connecticut Medicaid ABI Waiver Program

To: All pertinent departments within the state of Connecticut,

I trust this correspondence reaches you in excellent health and high spirits. My name is David Medeiros, and I am addressing you in my capacity as a concerned business owner, resident, and individual with a disability residing in the state of Connecticut. I have the honor of leading ABI Resources, a distinguished service provider within the Connecticut Medicaid Acquired Brain Injury (ABI) Waiver Program.

I find myself compelled to highlight and formally complain about a series of blatant and persistent inequities pertaining to discriminatory business practices occurring under the aegis of the aforementioned program. Despite my multiple, concerted efforts to engage in constructive dialogue with the Connecticut Department of Social Services, addressing these grave concerns has been met with a disconcerting lack of engagement and rectification. This situation has had a deleterious impact not only on the operations of ABI Resources but also on the well-being and quality of service accessible to the disabled individuals we are committed to serving.

Key Concerns and Grievances:

a) **Medicaid Referrals:**

b) **Paying Consumers / Financial Incentives Inducements / Medicaid Service Agency**

a) **Medicaid Referrals:**

There is a prevailing lack of transparency and an apparent bias in the Medicaid referral processes within the ABI Waiver Program. ABI Resources, despite an unwavering commitment to excellence in service delivery, has been unfairly marginalized, resulting in an unequal and unjust distribution of referrals.

Addressing issues of transparency, bias, and unfair marginalization in Medicaid referrals, particularly within the Acquired Brain Injury (ABI) Waiver Program, is crucial to ensuring equitable access to quality healthcare services for all eligible individuals. ABI Resources and similar service providers play a vital role in supporting individuals with acquired brain injuries, and it is essential that they are treated fairly in the referral process to continue their commitment to excellence in service delivery.

Potential Steps to Address the Issue:

Increase Transparency:

Implement a transparent referral process where criteria for referrals are clearly defined and made publicly available.

Establish a monitoring system to track and publish referral data, including the number of referrals made to each service provider and the reasons for referral decisions.

Conduct an Independent Audit:

Hire an independent entity to conduct a thorough review of the Medicaid referral processes within the ABI Waiver Program to identify any biases or unfair practices.

The audit should also evaluate the performance and quality of services provided by ABI Resources and other service providers to ensure that referrals are based on merit and the ability to meet the needs of individuals with acquired brain injuries.

Implement a Fair and Equitable Referral System:

Develop a standardized and objective referral system that ensures all service providers are evaluated based on the same criteria.

Consider incorporating a randomized component to the referral process to prevent bias and ensure a fair distribution of referrals.

Engage Stakeholders:

Create a platform for open dialogue between Medicaid officials, service providers, individuals with acquired brain injuries, and their families to discuss concerns related to the referral process.

Use feedback from stakeholders to continuously improve the referral system and address any emerging issues.

Provide Training and Education:

Offer training to Medicaid officials and other stakeholders involved in the referral process to raise awareness about potential biases and the importance of a fair and equitable system.

Educate service providers about the referral process, criteria for referrals, and steps they can take if they believe they have been treated unfairly.

Establish a Complaint and Appeal Process:

Create a clear and accessible complaint and appeal process for service providers who believe they have been unfairly marginalized in the referral process.

Ensure that complaints are thoroughly investigated and that corrective action is taken when warranted.

Promote Accountability:

Hold Medicaid officials and other stakeholders accountable for ensuring a fair and transparent referral process.

Implement consequences for individuals or entities found to be engaging in biased or unfair practices.

Regularly Review and Update Policies:

Conduct regular reviews of referral policies and procedures to ensure they remain up-to-date, fair, and transparent.

Update policies as needed to address any identified issues and to adapt to changing needs and circumstances.

Addressing the issues of transparency, bias, and unfair marginalization in Medicaid referrals within the ABI Waiver Program is essential to ensuring that all eligible individuals have equal access to high-quality services. It is imperative that service providers like ABI Resources are treated fairly and equitably in the referral process to uphold the integrity of the healthcare system and to foster trust among all stakeholders. Implementing the above steps could contribute significantly to creating a more transparent, fair, and equitable referral system, ultimately benefiting individuals with acquired brain injuries and the service providers dedicated to supporting them.

b) Paying Consumers / Financial Incentives Inducements / Medicaid Service Agency

Provider: A Medicaid service agency provider is offering financial incentives to consumers, leading to an imbalance in the competitive landscape. This kind of practice can indeed raise serious ethical, legal, and fairness concerns.

Ethical Concerns:

Conflicts of Interest: Financial incentives could create a conflict of interest, where the provider's financial gain takes precedence over the best interests of the consumer.

Bias and Unfairness: It could lead to bias in referrals, favoring certain providers over others irrespective of the quality of services they offer.

Erosion of Trust: Such practices can erode trust in the Medicaid system and healthcare providers, as consumers may question the motives behind the services they are being referred to.

Legal Concerns:

Violation of Anti-Kickback Statutes: Providing inducements to influence the referral of services covered by Medicaid can violate anti-kickback statutes, potentially leading to legal actions and penalties.

False Claims Act Violations: If such inducements lead to fraudulent billing or claims, it could result in violations of the False Claims Act.

Non-Compliance with Medicaid Regulations: Medicaid has strict guidelines and regulations to ensure fairness and prevent fraud, and engaging in such practices can result in non-compliance and potential debarment from the program.

Lack of Responsiveness to Complaints and Reports: Our persistent complaints and reports, meticulously documenting these issues, have been met with apathy. There is an alarming deficit in the investigation, redressal, and accountability mechanisms within the system.

Adverse Impacts on ABI Resources:

Financial Duress: The discriminatory practices and referral shortages have placed ABI Resources under significant financial duress, compromising our ability to maintain operational viability and deliver superior services to our clients.

Reputational Harm: The state's nonintervention and perceived partiality have led to an erosion of our reputation. This has resulted in ABI Resources being unjustly perceived as a less favorable service provider, regardless of our commitment to quality and excellence.

Demoralization of Workforce: The protracted nature of these issues has led to a pervasive sense of demoralization among our staff and stakeholders, adversely impacting the morale and efficacy of our organizational operations.

Addressing the Issue:

Regulatory Oversight: There should be strict oversight and monitoring by regulatory bodies to ensure that all Medicaid service agency providers are complying with laws and regulations.

Transparency: Increasing transparency in the referral process can help in ensuring that referrals are made based on the quality of services rather than financial incentives.

Whistleblower Protections: Encouraging whistleblowing and providing protections for whistleblowers can help in uncovering and addressing such unethical practices.

Penalties and Sanctions: Implementing strict penalties and sanctions for those found guilty of engaging in such practices can act as a deterrent.

Public Awareness: Educating consumers about the potential for such conflicts of interest and providing them with information on how to report suspicious activities can empower them to make informed decisions.

Addressing this issue is crucial for maintaining the integrity of the Medicaid program, ensuring that consumers receive the best possible care, and fostering a competitive and fair marketplace for healthcare services.

Call to Action:

I earnestly seek your prompt intervention and advocacy in ensuring this grievance is communicated to all pertinent departments within the state of Connecticut tasked with addressing such critical matters. The departments that ought to be immediately apprised of this situation include, but are not limited to:

Connecticut Department of Social Services

Connecticut Attorney General's Office

Connecticut Commission on Human Rights and Opportunities

Connecticut Office of the Healthcare Advocate

Connecticut Office of Policy and Management

I have proactively initiated complaints and have directly engaged with the Connecticut Department of Social Services. Rest assured, all communications have been meticulously documented, encompassing dates, times, and the identities of the individuals engaged in these discussions.

I place my trust in your unwavering commitment to justice and fairness, confident that you will accord this matter the urgency and gravitas it demands, ensuring a

comprehensive investigation and the implementation of corrective measures. The equitable treatment of all service providers operating under the Connecticut Medicaid ABI Waiver Program is of utmost importance, and I am optimistic that your intervention will usher in a just resolution.

I am grateful for your time and thoughtful consideration of this crucial matter.

Sincerely,

David Medeiros

Best regards,

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I find myself compelled to highlight and formally complain about a series of blatant and persistent inequities pertaining to discriminatory business practices occurring under the aegis of the aforementioned program. Despite my multiple, concerted efforts to engage in constructive dialogue with the Connecticut Department of Social Services, addressing these grave concerns has been met with a disconcerting lack of engagement and rectification. This situation has had a deleterious impact not only on the operations of ABI Resources but also on the well-being and quality of service accessible to the disabled individuals we are committed to serving.

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Potential Steps to Address the Issue:

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Conduct an Independent Audit:

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