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STATE OF CONNECTICUT
OFFICE OF THE CLAIMS COMMISSION

TARIQ ABDULAZIZ

Claimant,

vs. CLAIM NO.: 24260

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES

Respondent.
_____/

Deposition of **DORIAN J. LONG**, held on Friday, November 4, 2016, taken at the Office of the Attorney General, 55 Elm Street, Hartford, Connecticut 06106, commencing at 1:00 p.m., before Christine E. Borrelli, Licensed Court Reporter and Notary Public in and for the State of Connecticut.

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APPEARANCES:

Attorneys for the Claimant:

LAW OFFICES OF MICHAEL T. KOGUT

75 Market Place

Springfield, MA 01103

(413) 348-2167

BY: MICHAEL T. KOGUT, ESQ.

mkogut@kogutlaw.com

Attorneys for the Respondent:

STATE OF CONNECTICUT

OFFICE OF THE ATTORNEY GENERAL

55 Elm Street

Hartford, CT 06106

(860) 808-5210

BY: HUGH BARBER, ESQ.

hugh.barber@ct.gov

ALSO PRESENT:

Tariq Abdulaziz

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STIPULATIONS

It is hereby stipulated and agreed by and among counsel for the respective parties that all formalities in connection with the taking of this deposition, including time, place, sufficiency of notice, and the authority of the officer before whom it is being taken may be and are hereby waived.

It is further stipulated and agreed that objections other than as to form are reserved to the time of trial.

It is further stipulated and agreed that the reading and signing of the deposition transcript by the deponent is hereby waived.

It is further stipulated and agreed that the proof of the qualifications of the Notary Public before whom the deposition is being taken is hereby waived.

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DEPOSITION OF DORIAN J. LONG

NOVEMBER 4, 2016

Thereupon,

DORIAN J. LONG,

called as a witness by the Claimant, having first been duly sworn by the Notary, was examined and testified on her oath as follows:

MR. BARBER: The next issue is usual stipulations, and one of the stipulations that you either can or cannot enter into is whether you wish to read and sign the transcript. You're entitled to read it and correct any mistakes in transcription. It's called an errata sheet.

THE WITNESS: Okay.

MR. BARBER: You have to do that within 30 days, I believe, or you can waive that.

THE WITNESS: Okay.

MR. BARBER: I don't care either way. It's easier if you waive it, but if you would like to read and sign, that's you're choice.

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THE WITNESS: I'll waive. I'm fine.

DIRECT EXAMINATION

BY-MR.KOGUT:

Q. Could you just, for the record, identify yourself, please?

A. Sure. My name is Dorian Long, and I work at the Department of Social Services.

Q. And what is your position and title?

A. I'm a Program Manager in the Social Work Services Division.

Q. What are your responsibilities and duties in -- not going over the ascriptive, but just, you know, generally what do you do?

A. Okay. I oversee programs and services for individuals who are low income, have disabilities or who are elderly, that are administered within the Department of Social Services in our division, Social Work Services.

Q. And I'm sorry, but what is your title?

A. Social Services Program Administrative Manager is my official title.

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Q. Manager. And how long have you been in that position?

A. I have been in this position since 2007.

Q. So, January 1st of 2007 or somewhere midway through 2007?

A. October of 2007.

Q. And prior to that, what were you doing?

A. I was a lower-level manager in the same unit. I came to DSS in 2004, September of 2004.

Q. How about prior to that?

A. Prior to that, I was a Program Supervisor at the Connecticut Department of Children and Families.

Q. And what did you do there?

A. Well, a lot of different stuff --

Q. Well, you can just --

A. -- but in the position just prior to that, I was a Quality Management Liaison in the New Haven Regional Office.

Q. You don't have to give me your address, but where do you reside, what city?

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A. In Hartford, Connecticut.

Q. And you work at 55 Farmington Avenue?

A. Yes, I do.

Q. And how long have you been there?

A. We moved to Farmington Avenue in August of 2014.

Q. So, before that you were at Sigourney Street --

A. Yes.

Q. -- before all the asbestos and all the other problems and whatever?

A. Whatever issues they had, yes.

Q. So, can you give me, if you don't mind, a little more description of what you do on a day-to-day basis?

A. On a day-to-day basis, I liaison primarily with Regional Office social workers and supervisors on case activity related to several programs; again, programs that support elders and persons with disabilities. I interact with managers within our Central Office regarding clients in common and program activities.

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Q. Are the distinctive programs that you're involved in like separate titles or names of the programs?

A. Yeah. There are different titled programs.

Q. Can you name them?

A. Sure. Protective Services for the Elderly, the Community-Based Services Program, Domestic Violence Services, Family and Individual Services, the Conservator of Person Program, the Conservator of Estate Program, the Family Support Grant, and I think that would cover the list of programs that I interact with currently.

Q. How about prior to that?

A. The Acquired Brain Injury Waiver Program and the Personal Care Assistance Waiver Program.

Q. And when did you stop being part of or responsible for in any way dealing with the Acquired Brain Injury Program?

A. Program administration of the program, as far as administrative management, ended in 2014, and case work activities ended in June

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of 2016.

Q. This is quite a retreat, but I'm going to ask you this anyway, have you been deposed before?

A. Yes, I have.

Q. So, you understand what the ground rules are, and if you have any questions or you don't understand my question, please feel free to ask me to rephrase it or restate it or something. Do you understand that?

A. Yes. I understand that.

Q. And also, in fairness to the stenographer, try not to speak with me or above me or against me so that she can take your testimony and my questions.

A. Understood.

Q. So, tell me more about your involvement with the ABI Program?

A. Well, when I came to the Department in 2004, my initial role was to be the lead authorizer or approver of care plan services. And then later in my time at the Department -- I want to say in 2005 or so -- I was responsible for the submission of the renewal

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application to the Center for Medicare and Medicaid Services for the Waiver Program, but I was the lead manager for responsibility of activities related to the ABI Waiver Program.

Q. And who appointed you to that position?

A. My manager at the time of appointment was Pamela Giannini.

Q. Giannini?

A. Yes.

Q. What was her title?

A. And she was the Director of the Bureau of Aging, Community and Social Work Services.

Q. Now, the ABI Program, as I understand it, deals with elders but also younger people?

A. Yes. It deals with folks across the age population beginning at adulthood, 18.

Q. So, in your experience so far, or your experience through the ABI Program, what percentage of people did you become aware of that were not geriatric patients but were younger?

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A. The majority of the participants in the program are under the age of 60 years old. I can't give you a percentage.

Q. Please, I'm not going to hold you to anything.

A. Okay.

Q. When you say "under 60," could you be a little more descriptive?

A. Sixty years of age.

Q. Like between 30 and 50? Forty and 55?

A. I wouldn't be able to speak with great authority on that, but I would say that the majority of the participants are 40 and under. I would say 50 percent of the participants are 40 or under.

Q. And were you responsible in any way to qualify them?

A. Yes.

Q. And how does that process work?

A. Regional Office social workers conduct an assessment. They also collect medical information, typically a neuropsychological evaluation, that could have been conducted in

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the past. They would review that, conduct an interview with the client and their circle of support, if they so choose; family members, friends, et cetera. They would then do a write-up and share that with their supervisor who would then approve that, if they viewed it as appropriate, and then that would be sent to me or one of my colleagues for review and approval.

Q. Can you describe to me what "a write-up" is?

A. It's an assessment form and a care plan. So, it would be information about the client's functioning. It would be information about the challenges they might be experiencing, how they were injured, how they manage their daily activities, things like that.

Q. Could you describe for me your post-secondary education?

A. Certainly. I have a Bachelor's Degree in Social Work.

Q. Is that a BS or BA?

A. It's actually a BSW.

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Q. And where was that from?

A. From St. Joseph College.

Q. Formerly St. Joseph --

A. It's now St. Joseph University in Connecticut --

Q. Correct.

A. -- West Hartford, Connecticut.

Q. And what year was that, roughly?

A. I graduated in 1993.

Q. And beyond that, anything?

A. Yes. I have a Master's in Clinical Social Work from --

Q. MS?

A. MSW.

Q. Okay. From where?

A. Fordham University.

Q. Was that done in person or online?

A. Oh, it was in person at Lincoln Center, their campus in New York City.

Q. Was that a two-year program?

A. Yes, but I had advanced standing due to my Bachelor's Degree, so I skipped the first year and graduated in one year.

Q. What year was that?

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A. 1994.

Q. And what was your first position of employment after that?

A. After that, my first position of employment was at the Hartford Dispensary. It's a methadone maintenance clinic.

Q. Was this strictly methadone or Suboxone?

A. It was methadone.

Q. And for how long were you there?

A. I was probably there a few months, actually. Maybe six months.

Q. Why did you leave?

A. Another opportunity. It was a grant-funded program, and so we moved onto -- I moved onto the Department of Children and Families after that.

Q. And what was your first position at D.C.F.?

A. Psychiatric Social Worker.

Q. In a particular area?

A. In their central office. So, it was a state-wide role.

Q. Thank you. Can you tell me anything

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more about the ABI Waiver Program, to your knowledge, and what your involvement has been?

A. Again, it was day-to-day operation of the program, approval of services, liaison and management in coordination with, you know, requisite units at the Department related to the administration of the program. I don't know what else.

Q. Okay. Under whose direction?

A. Well, as I stated earlier, my first supervisor in that role was Pamela Giannini, and then my next supervisor in that role was Dakibu Muley. And then after that, my next supervisor was -- we were kind of in flux after Dakibu left, so I reported to Deputy Singleton, and then after that, to Deputy Brennan.

Q. Over the course of time that you were involved with the ABI Program, did you become familiar with the providers who provided the --

A. Yes. To a certain extent, certainly.

Q. Okay. And what was the involvement with the providers?

A. Well, if there was an issue with a particular case, I would, at times, attend care planning meetings. I would sometimes interact with providers through the Brain Injury Association. Now it's called BIAC. And, I mean, that would be most of it. It would be case related or related to the Brain Injury Alliance, that would be the biggest interaction. And, obviously, they would call me on any issues or --

Q. Providers would?

A. Yes.

Q. Calls? Emails?

A. Yeah.

Q. Okay. And when you made a decision to participate in some case management study or case management meeting, that was your choice?

A. Yeah. Typically, yeah, yeah.

Q. Okay. And how did you come to that conclusion?

A. It depended. If there was a

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question of, you know, service coordination and folks were struggling with a case, I would be called in. On occasion, I would go out just to observe workers in the field and their expertise in delivering services. So, there are various reasons, but usually it was because there was -- the team may have been struggling with an issue --

Q. Okay.

A. -- and wanted to kind of come to sorting it out.

Q. And are you familiar with Tariq Abdulaziz?

A. Yes, I am.

Q. Have you ever had any complaints or anything against him during your tenure?

A. I did.

Q. Can you explain those to me?

A. Some of the complaints that were raised related to relationships with a particular vendor.

Q. Can you explain that for me?

A. There was a vendor called Employment Options that had some coordination issues.

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Q. Can you be more specific, please?

A. I'm trying to recall the specifics, but --

Q. Yeah, that's okay.

A. -- basically, it was relational issues between Tariq and the agencies in coming to agreement on service provision, that was the biggest issue that was brought to my attention.

Q. And what type of services did Employment Options provide?

A. They provided a variety of supports under the program, including companion services, vocational services, what we called independent skills training services, but basically, the array of wrap-around supports related to services for folks on the Waiver Program.

Q. Do you recall specific complaints that Employment Options raised? As best you remember. If you don't, that's okay.

A. Yeah. It's been a couple of years. Not necessarily specifics. I know that there was one allegation of impropriety on the part

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of Tariq with a staff person at the agency.

Q. And what would that have been?

A. A relationship of some sort.

Q. Just disgruntled or --

A. A romantic relationship.

Q. Can you be a little more specific?

A. That's really the -- all the extent that I have.

Q. Did you document whatever complaint was raised?

A. I raised it to the attention of my supervisor at the time, Ray Singleton, who was my supervisor at that time.

Q. Is there anything by email or other memoranda, or anything that would have documented that?

A. I knew we met, my supervisor and I, related to that. I mean, there may be an email to that extent, but I don't recall the specifics of that. That was a couple of years ago.

Q. No. I understand that.

A. Yeah.

Q. So, would you have documented

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something to Mr. Singleton, or would he have maybe documented something to you confirming your discussion with him?

A. We requested that the agency write a letter that was directed, I believe, to Mr. Singleton regarding their concerns.

Q. And can you recall ever seeing that?

A. I'm sure I did. I don't recall the content, but --

Q. No, that's fine. Now, I believe you said -- well, strike that.

When you say that you became involved in the ABI Program, in 2004 --

A. Uh-huh yes.

Q. -- what, if anything, did you do when you began that assignment to educate yourself about the program?

A. Well, I think I read the procedural manuals that we had on board. I read the ABI Waiver Application that was submitted to start the Waiver Program. I talked to staff about how the program was administered, because it was up and running when I came on board. I talked to my supervisor who had

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overseen the unit that administered the waiver at the time, and I spoke to staff persons who had helped in the development of the waiver when I first came on board.

Q. And when you say that you reviewed procedural forms, what would those have been?

A. It was a training manual that was available to staff to orient them to the waiver. I mean, it's well outdated now, but it was information about brain injury, information about -- a copy of the actual waiver itself, and procedural guidance.

Q. Are you familiar with the provider agreements that the providers for those services are required to sign?

A. Yeah. I do know that the providers sign a provider agreement that Allied issues to them, and Allied is a fiduciary agency for the Waiver Program.

Q. Did you deal with anybody at Allied regarding this?

A. There have been a few staff at the program. When I first came on board, I probably dealt with Kathleen Blackwood.

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Q. Anyone else that you recall?

A. Well, as time went on, I dealt with Valerie Giannelli.

Q. Was she formerly with the Department --

A. Who?

Q. -- Valerie Giannelli?

A. No. Pam Giannini was one person.

Q. I'm sorry.

A. And Valerie Giannelli was another.

Q. I'm getting my vowels mixed up.

A. Absolutely, yes. It's hard.

Q. And what was Valerie's title?

A. I don't know her exact title, but she certainly was one of our liaisons related to waiver activities. And there are others; I mean, Carol Bonnette, who was the Director over at the program. There are a number of folks, but on day-to-day stuff, I often dealt with them.

Q. As best as you understood, what was Allied's role?

A. To do provider enrollment, to do payroll processing and claims payment. They

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coordinate training for providers, and those are their biggest roles.

Q. Were they also responsible for credentialing?

A. Yes. I would put that under provider enrollment. But yeah, provider enrollment and credentialing.

Q. Did you have any training or background or education with the ABI Waiver before you began this work in 2004?

A. I served as a liaison at D.C.F. to make referrals to the program when I was at D.C.F. I worked in a unit that made referrals to the program. So, I became oriented to the program prior to coming to the Department.

Q. And how long were you at D.C.F.?

A. How long was I with D.C.F.?

Q. Yes.

A. For just short of ten years.

Q. So, on a yearly basis, if you can just give an estimate, how many referrals for brain injury did you make from D.C.F. on a yearly basis?

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A. I really couldn't hazard a guess.

Q. Fewer than ten? More than ten? Fewer than 100? More than 100?

A. Probably slightly more than ten --

Q. Okay.

A. -- maybe.

Q. So, like ten plus?

A. Ten plus, yeah.

Q. On an annual basis?

A. Yeah. I would say that's reasonable, to the best of my recollection.

Q. No, that's fine. Okay. Can you tell me about your knowledge or familiarity with the provider agreements dating back to, actually, the beginning of your tenure in 2004, that the ABI Waiver providers were involved in?

A. And I know there was a document that was issued to providers when they came on board with the program.

Q. Did you have an opportunity, over the course of the years, to see it, review it?

A. Uh-huh, yes.

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Q. Did you review any documents in preparing for this deposition today?

A. I reviewed the emails that were sent as part of the package.

Q. Which emails would those be?

MR. BARBER: Well --

MR. KOGUT: Would you like to comment?

MR. BARBER: Yeah. I provided some material to the witness from the Declaratory Ruling Record, which she has reviewed.

BY-MR.KOGUT:

Q. Anything else?

A. That's it.

Q. Okay. Other than talking to your lawyer, did you speak to anybody about this deposition today?

A. No.

Q. Did you tell anybody you were coming here today?

A. Yes.

Q. I would hope so. Who did you tell?

A. My supervisor and my co-manager.

Q. Okay. And I'm sure she said have a

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nice weekend.

A. Pretty much.

Q. Got it. So, the first provider agreement you may have seen would have been dated in 2004?

A. It might have been dated in 2004. It might have been just a blank one just to see what the provider agreements looked like.

Q. Okay.

A. So, not necessarily a review of any specific ones, but just this is what we do.

Q. And it was provided to you in a blank form without any particular provider. Were you asked to comment on it?

A. I don't recall, but that would be -- that would be something that I probably would seek consultation on, but I don't recall. I really don't.

Q. So, you have no memory today of commenting on it or referring it to anybody else?

A. When I first came on board to the Department?

Q. The 2004 provider agreement.

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A. No. I don't have a recollection.

Q. Okay. Do you know whether or not there was an end date to the 2004 agreement?

A. I'm not familiar, no, of a date.

Q. Prior to being appointed to this position in 2004, were you familiar with other DSS provider agreements?

A. No, no.

Q. Ever seen one before that?

A. No. As far as a provider agreement?

Q. Correct.

A. Well, for the Personal Care Assistance Waiver.

Q. No. Any DSS provider agreement.

A. For the person -- yes, for the Personal Care Assistance Program.

Q. But that was also a Waiver Program. Right?

A. Yes.

Q. Did you ever see a provider agreement for a non-Waiver Program?

A. I've seen the General Medicaid Program Agreement.

Q. Prior to your appointment in 2004,

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had you?

A. No.

Q. But since, you had?

A. Yes.

Q. In your review of a 2004 provider agreement, if you recall, do you recall if there were any requirements or monthly reports from the providers?

A. I don't recall the content of the document. All I would say is that it is used to, you know, let folks know that they are enrolled in the program.

Q. When you say "folks," you mean the actual clients or consumers?

A. The provider.

Q. Can you expand that a little more?

A. So, a document is a provider agreement, and it has certain details that are spelled out on it. I'm trying -- yeah, you got me. I feel like I'm on a quiz show.

Q. Oh, not yet. You just wait.

A. So, on the provider agreement, they have information about being -- providing the

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services. If there is a changes in your status, I believe that's on there. I'm trying to think what else is on that? What else is on a provider agreement? That's all I recall.

Q. Would you agree with me that it's important for both your agency and the provider to know what the agreement includes and what the requirements are?

A. What, on the agreement?

Q. Yes. What is required of the provider and what is required of the Department?

A. It's important for providers and participants to understand how the program works, yeah.

Q. Correct, because that's for the benefit of the ultimate consumers or clients?

A. Yeah.

Q. Do you know, if you recall in the 2004 provider agreement, whether there was a documentation requirement?

A. There was an expectation that folks would be able to demonstrate the services

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provided to clients.

Q. I don't mean this in a derogatory manner, but are you a Northeasterner?

A. Yes. I'm born and reared in Connecticut.

Q. So, I'm trying to understand when you say "folks," folks is a southern term.

A. I'm also African American.

Q. I understand that too. So, when you say "folks," what folks are you referring to?

A. When I say "folks," you know, providers in that context.

Q. You don't mean like your parents or grandparents?

A. No.

Q. That was a joke. Okay. Do you recall, since 2004, your involvement -- and we will go through the other provider agreements that follow 2004 -- but do you recall seeing any requirements for invoicing and documenting services?

A. Well, claims are issued to our fiduciary directly.

Q. And at the time, that was Allied?

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A. Allied, yes. And there are claim forms that folks complete for reimbursement on the program.

Q. Do you recall reviewing any of them during your tenure?

A. I'm sure that I have.

Q. Ever question any of them?

A. The veracity of them?

Q. Not necessarily, just questioning -- not truthfulness, but -- good term veracity -- but whether or not it was one unit or four units or any combination of any of that?

A. I've seen -- I mean, I have looked at the agreements, and I have seen, you know, the tales that folks put on those agreements. There's two different kinds of claim forms, and folks detail what their activities are. We did a revision to the Direct Service Claim Form, and that I -- I recall that.

Q. When was the revision --

A. Oh, gosh.

Q. -- if you recall?

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A. That's a good question, 2012.

Q. Okay. Do you recall after the 2004 provider agreement, what the next provider agreement was issued by the Department after '04?

A. I don't recall the date, though.

Q. If I suggested to you it was 2014, would that refresh your memory at all?

A. If it was 2014, then I wasn't involved in the issuance of those activities. By that point, I was not involved in the issuance of those kinds of documents.

Q. So, you would not have been aware of the 2014 agreement?

A. To my recollection, no.

Q. And you wouldn't have been involved in the 2015 agreement?

A. No.

Q. Do you recall, with regard to the 2014 agreement, if anyone ever solicited from you any request or comment or commentary?

A. I don't recall, no.

Q. Do you have any memory today of ever seeing a 2014 agreement?

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A. Maybe if I saw it, but off the top of my head --

Q. Your memory today is that you don't recall --

A. No.

Q. -- seeing the '14, actually, or '15?

A. Right, right.

Q. Okay.

A. I kind of got out of that game at that time.

Q. Where did you go after that?

A. I didn't go anywhere. The program was moved to another division.

Q. I see.

A. So, the day-to-day, like care plan stuff remained in our division, but other issues were managed in Health Services.

Q. And who was in charge of that?

A. Kathy Gurney.

Q. Did you interact with Ms. Gurney at all?

A. On occasion, yes, certainly, she worked at DSS.

Q. What was your involvement with her

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with regard -- if at all, to the provider agreements after you no longer were involved with the program?

A. I was not.

Q. She never asked you for any information?

A. No. She would have been able to get copies of that information, I guess, from Allied, but no.

Q. But she never asked you for any information about how the program was running or if you had any concerns or questions or any things that you wanted to relay to her about how it could be run better or any of that?

A. I'm sure we had conversations about the program and how it's administered, I mean, just as work colleagues.

Q. Anything that was documented that you recall?

A. Not to my recollection, no.

Q. Okay. Did you have a habit or custom of documenting your conversations with Ms. Gurney?

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A. No.

Q. Why not?

A. Because it's colleagues communicating.

Q. Did you think it was in your best interests to protect your interests in documenting those?

A. I never thought that I would be sitting here.

Q. Okay. Well, you are.

A. So, I would say no.

Q. Okay.

A. At that time, no.

Q. Do you think you will change your mind?

A. Probably.

Q. Good for you. Let's mark this.

(Whereupon, Claimant's Exhibit-1, 2008 Application, was marked for identification.)

MR. BARBER: Just peruse it, please.

THE WITNESS: Is there any particular page that you're pointing me to?

BY-MR.KOGUT:

Q. I'm going to get there. First of all, are you familiar with that document?

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A. Yes. It's a Waiver Application document.

Q. And can you explain to me how much you know about this?

A. Sure. Well, I can tell you that the Waiver Application document is the mechanism that states communicate with the Center for Medicare and Medicaid Services about how they are going to administer a Waiver Application, and they are separated by waiver type.

Q. And what is the first time that you saw that particular document?

A. Well, this type of document or --

Q. No --

A. -- this particular document?

Q. -- that one there marked as Exhibit Number-1.

A. Well, let me see the submission date, because that would let me know. This is the -- is this the actual submitted application, or is this just a blank document?

Q. I get to ask the questions.

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A. Oh, sorry. I'm just trying to understand what I'm looking at.

Q. Okay, I understand.

A. So, this is the Waiver Application support from CMS that explains what is required in the submission of the waiver.

Q. So, you are familiar with this?

A. I am.

Q. And you use it to implement the waiver in the State of Connecticut?

A. This is the guidance that CMS provides to support the completion of the application.

Q. And you use that to submit or --

A. Yes.

Q. -- complete your --

A. This is the guidance. Yes, absolutely. This is the guidance --

Q. Okay.

A. -- that CMS provides so that you can do your application.

Q. I'm going to direct you to -- I don't know the page. You know what, let me mark this, if I could.

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(Whereupon, Claimant's Exhibit-2, Application Excerpt, was marked for identification.)

THE WITNESS: Okay. So, what is your question? I'm sorry.

BY-MR.KOGUT:

Q. Is that familiar to you?

A. This appears to be an excerpt likely from --

Q. Correct.

A. Yeah.

MR. KOGUT: Off the record.

(Whereupon, there was an off record conference.)

BY-MR.KOGUT:

Q. I would ask you to take a look at the second line down in parenthesis (ix). Do you see that?

A. Okay.

Q. It says, "Be finalized and agreed to with the informed consent of the individual in writing and signed by all individuals and providers responsible for its implementation." Did I read that correctly?

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A. Yeah. So, where is the rest of this?

Q. No. That's part of the --

MR. BARBER: The preceding section -- I would object to the question because the preceding -- you can't put it into context because you don't know what precedes this.

BY-MR.KOGUT:

Q. Despite his objection, are you familiar with this?

A. I mean, I'm assuming that it is an excerpt coming from the guidance in this.

Q. Let me ask it this way, do you understand what it means to say, "Be finalized and agreed to with the informed consent of the individual in writing and signed by all individuals and providers responsible for its implementation"?

A. Do I understand? I understand those words, yes.

Q. Okay. Well, what does that mean to you?

A. It means that folks or individuals

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or the parties identified in this listing agree or are in accord.

Q. Do you know if that was implemented?

MR. BARBER: I object to the form of the question, again, because there is no context as to what this relates to.

BY-MR.KOGUT:

Q. Despite his objection, you can answer the question if you understand it.

A. I understand the language articulated here. So, what are you asking me?

Q. I'm asking whether or not that was implemented in the State of Connecticut Waiver Program?

A. I don't think I can answer the question without knowing the context of what you're asking. So, I would say I don't know.

Q. You don't know?

A. Without knowing the context, I don't see how I can.

MR. KOGUT: Can we just take a few minutes?

(Whereupon, a recess was taken.)

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BY-MR.KOGUT:

Q. I understand it's a large document in front of you, and I frankly appreciate your comment that you believe it was taken out of context. Okay? But would it be fair to say that you are familiar with -- at least as it applies to the ABI Program -- plans of care?

A. Yes. I would say yes.

Q. And as best as you can, describe what is a plan of care?

A. A plan of care is the identification of the supports that are needed to help the client be successful in their services on the program.

Q. And that would be the so-called ADLs, how they can comply with the ADLs?

A. Yeah, and just general functioning within the community.

Q. Right. What are ADLs?

A. Well, there are activities of daily living, and then there are instrumental activities of daily living. And then within the plan, there are also -- there is also

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information about behavior that folks might exhibit or participants might exhibit -- sorry. I'll get away from the folks -- and then, obviously, the services and the allocation of those services within the care plan.

Q. During your tenure in working with this particular program, did you ever visit any consumers or clients?

A. Oh, yeah.

Q. Did you visit with companions or guardians and/or a service provider, or did you visit on your own?

A. I visited -- well, not solo, no. I'm not a case manager. So, I would be, you know, visiting in my capacity of just checking in, so either at a family's request or if the worker needed some support. So, my visitation would be different than the program's.

Q. So, not spontaneously. It would be at someone's request?

A. Usually, yeah.

Q. Going back to the plans of care,

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would you agree with me that it was required that they be signed and distributed?

A. Yes.

Q. Can you explain that requirement to me?

A. So, normally, the worker, obviously, gets the care plans forwarded up the chain, as I explained earlier. That plan would then be forwarded to our fiduciary, and then the members of the team -- and the team would include the providers, anyone that the client wanted included in that process -- the client or their legal representative, would then get a copy of the care plan.

Q. And do you have any information today whether or not those plans were actually signed and distributed?

A. Yes. They were signed and distributed.

Q. All of them?

A. Well, I'm sure something was missing. That's the reality of life, but yes.

Q. Well, I'm not --

A. But the intent, certainly, was for

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interested parties on the team to receive copies of those care plans, yes.

Q. You don't know whether they were all complied with and whether they were all signed and distributed?

A. I can't say with 100 percent certainty.

Q. Okay. What is the last year provider agreement that you remember seeing? We talked about the 2004 provider agreement, and I believe you questioned whether you saw the 2014.

A. Yeah. I don't recall seeing one later than that. It's possible that I did, but I don't have recollection of that.

Q. And if you answered this, I'm sorry, but were you consulted when a decision was made to have a 2016 direct provider application as opposed to going through the intermediary?

A. We talked about it. I remember having conversations about that, yeah.

Q. And who is "we"?

A. Kathy Gurney and I. And this is

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something that other providers of service under our Waiver Program either were already doing or were in the process of getting enrolled to do, I will say that.

Q. And did you offer any opinion or advice or consultation?

A. No, no. I don't recall.

Q. Did you have a position, one way or the other, whether it was a good idea or a bad idea?

A. No. We talked about -- I remember being not clear on what providers were going to have to do this. And then it was clarified for me that household employees, which would be folks that work -- or individuals who work directly for the clients that are paid through payroll did not have to do that. So, I remember a conversation about that.

Q. And what is the distinction between those providers?

A. There are providers who are paid as an employee of the client. So, it would be no different than having, let's say, your own

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maid, for example, because that's someone that really kind of works for you personally And then there are, for lack of a better word, professional providers that, you know, work in a different kind of capacity with individuals.

Q. And how does a client or consumer get to choose one or the other? How does that work?

A. They are afforded choice based on the provider types and if that's available to them. So, when I was involved with the program, an example of that service would be companion services. So, you could have a companion who worked for an agency that would bill for the services that the companion provided. So, you could hire an individual to serve in that capacity, and they would be paid a paycheck on your behalf, for lack of a better way of explaining that, through Allied, our fiduciary.

Q. And was compensation the same?

A. There was a change in the compensation rate at some point. I'm trying

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to think when that was, but they weren't always paid identically.

Q. So, if you had your own personal, for lack of a better term, personal care person as opposed to a provider, one was paid higher than the other?

A. The rate paid was slightly different under certain services.

Q. Well, it was either higher or lower.

A. That was because of payroll deductions and all that. So, it wasn't necessarily the individual worker's rate that was different, but the rate that the Department paid was slightly different.

Q. So, the Department made a decision that if you chose your own personal care individual, they became an employee of the State of Connecticut?

A. No.

Q. Well, I thought I understood you to say that they started deducting certain payroll taxes?

A. No. The fiduciary works on behalf of the consumer or the participant to provide

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that function. So, no, they are not employees of the State of Connecticut.

Q. Never were?

A. No.

Q. And how about fiduciary, what was a fiduciary's relationship to the State of Connecticut?

A. The fiduciary is a contracted entity.

Q. And the provider --

A. Is a provider.

Q. -- is paid on whatever rate was dictated by the state?

A. I think providers are paid rates based on whatever was authorized for payment. That's the way it's done.

Q. Did you ever have any communication, as best you remember, with CMS during your tenure in this -- we're talking about the Brain Injury -- by either email, writing or telephone?

A. Yeah.

Q. And what would the substance of those conversations, generally?

A. It would be questions regarding the

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application for the waiver, that would be the context that we would communicate.

Q. Are you familiar with the regulations that were promulgated in 2013?

A. Yes.

Q. Did you have any involvement in those?

A. Yes.

Q. Could you describe that for me, please?

A. I worked with our Legal Unit to develop the regs. I mean, obviously, they took the lead, but I certainly provided input into the content of those.

Q. What kind of input?

A. The areas of service, clarification on what happens in a particular service, the description, you know. I mean, most of that, obviously, was taken from the waiver document, but certainly provided and put on the development. Legal, obviously, takes leads on that because it's regulatory and all legal stuff.

Q. Who did you deal with directly with

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that?

A. My primary liaison was Lara Stauning.

Q. Did she rely on you for information?

A. Yeah. I think we relied on each other for information. I mean, she certainly, as an attorney, you know, provided guidance in the development of those documents, as did I.

Q. Did she ever discuss with you or you discuss with her the 1999 regulations that existed at the time?

A. Yeah. I would say that that document would -- was really the base document to do the 2013 regulations.

Q. So, if I understand you correctly, you did discuss with her the 1999 --

A. Oh, yeah.

Q. -- regulations as it existed?

A. Right. And, obviously, those were developed prior to my time.

Q. Correct.

A. But, yes.

Q. But that's what the Department was relying on until the new regulations were

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adopted --

A. Yes.

Q. -- and promulgated? Do you recall any conversations you may have had with her about the 1999 regulations?

A. Well, the one thing that she shared with us was that they were not regulations until they were fully promulgated, and so that they were fine to use as guidance, but were not considered regulations, even though we called them regulations as lay people.

Q. Did you or anyone that you know of in your Department rely on those 1999 -- call them non-regulations -- to implement or make decisions?

A. We certainly used them as guidance in our activities.

Q. So, it would be fair to say when you either accepted or denied an individual's application for participation in the program, you relied on the 1999 regulations?

A. Well, I would say that the language in those regulations was certainly part of that, but we also had the application, which

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has information about eligibility criteria, et cetera.

Q. And I understand that completely. But in making the determination based on the application, you relied on the 1999 --

A. I would say that we used them as our guidance, yes.

Q. Okay. When did you first become aware, when did somebody tell you that they weren't actually promulgated regulations?

A. I don't recall the exact date, but I do remember talking to Lara about that and her making it clear that, you know, although the contents certainly quacked like regulations, they weren't regulations.

Q. Not that you are educated or trained in that area, but did you agree with her?

A. I accepted her guidance.

Q. Of course you did. Did you ask her whether you should continue to rely on them for making decisions?

A. Her guidance was that we did not.

Q. But did you rely on them anyway?

A. No.

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(Whereupon, Claimant's Exhibit-3, Notice of Action, was marked for identification.)

MR. BARBER: We have privacy concerns.

MR. KOGUT: I thought I --

MR. BARBER: I can clearly read the individual's name through the -- I mean, there is an attempt to black it out, but it is clearly legible.

MR. KOGUT: Okay.

MR. BARBER: I can still see it on the official one.

MR. KOGUT: Off the record.

(Whereupon, there was an off record conference.)

BY-MR.KOGUT:

Q. You have Ms. Long, Exhibit Number-3?

A. Yes.

Q. Okay. Is this document familiar to you?

A. Yes. It's a Notice Of Action form.

Q. What does that mean? What is that --

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A. A Notice of Action form is a document that is used to communicate status on a program, and it certainly is a document that we use to communicate denial on programs. It's used in the Waiver Program for denials.

Q. You also approve granting?

A. Yes, but typically, it's -- in the context of this, it's used for communicating formally your denial.

Q. So, what is the box that says "granted your application" for?

A. Normally, this form is used for a lot of different programs. So, it's kind of like a multi-use document, but we certainly -- the context that I find that we typically use this program -- this document for is the issuance of denials.

Q. So, you would never use it to put the X in the box that says "granted"?

A. No. Because you see how it says all of these other things about -- like reduced benefits, discontinued benefits? You know, there's a whole bunch of other types

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of things listed. It's not just for this program. You know what I'm saying?

Q. Well, yes and no, but it sounds like what you're saying is the only reason to use this particular document is for denial?

A. This was the document that we most often used for that.

Q. Despite all of these other boxes, it's just used for denials?

A. Typically, that's what I have seen the ones that come across my desk said.

Q. Okay.

A. They were -- because there is no -- if you look at the document, it doesn't call for my signature. It calls for -- this is a social worker at the agency's signature. But, you know, I have seen this for denials of application, yes.

Q. And why would this document come across your desk?

A. They would often come across my desk for notification that this was going to go out.

Q. So, you reviewed these routinely?

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A. Well, we don't deny that frequently, but yeah. That's a big decision. We don't like to issue denials to clients. So, they would often come to me for review.

Q. But not always?

A. I can't say that every time a denial happens that it came to me, but they -- you know, they do get forwarded to me for consultation, yes.

Q. Did you ever overrule a denial?

A. I have, yeah.

Q. On what grounds?

A. Maybe not agreeing with the rationale for discontinuance.

Q. So, why would every application for denial come across your desk?

A. Some reasons for denials are very factual in, like, financial criteria. So, if somebody was like a kajillionaire, it's kind of a no brainer.

Q. Like your family?

A. Right. You know what I mean? So, yeah.

Q. Pretty routine reasons before they

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come to your desk?

A. Yeah, uh-huh.

Q. So, if I read this correctly, it says that it was denied because you do not meet the programmatic requirements for eligibility. Is that correct?

A. Uh-huh.

Q. And that could have been a variety of reasons?

A. Uh-huh.

Q. Do you see the next line it says, "Regulation referenced"?

A. Uh-huh.

Q. Can you just read that for the record?

A. 17b-260a-1(d)(3).

Q. And you're familiar with that regulation?

A. Well, it appears to be.

Q. No. I'm asking you whether you're familiar with it or not.

A. I can only say for certain that it is a regulation that falls under DSS because I know that 17b is our regulation area.

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Q. If I suggested to you that reference is to the 1999 regulations, would that refresh your memory as to what it is?

A. Well, 17b-260a could be ABI, but I can't say for certain.

Q. Let's assume that it is. If you just bear with me, and your lawyer, if he wants to ask you not to testify, that's fine, but let's assume that that is the 1999 regulations --

A. Uh-huh.

Q. -- would you agree with me that in June of 2015, the Department used a 1999 regulation to deny eligibility?

A. I can't --

MR. BARBER: I'm going to object to the form. It's entirely hypothetical.

BY-MR.KOGUT:

Q. You can answer.

A. I would say that this -- looking at this document, I could not say what regulation this was. I can see what the numbers are, et cetera. So, you know, that's what I would say. I would also say

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that this document relates to ABI Waiver 2, and it relates it to activities that happened in 2015 when I did not have purview. First of all, I did not have purview over ABI Waiver 2. And 2015, it was not under my purview to see this or authorize this.

Q. I'll ask you again then. Today, you have no knowledge or no idea what this regulation is referencing in the line that says "Regulation referenced"?

A. I cannot say with certainty what it is, but you told me that it was the 1999 reg.

Q. Well, I suggested to you that it was. It doesn't refresh your memory?

MR. BARBER: I would object, and you're not asking the -- to the form. You're not asking her to testify from personal knowledge.

BY-MR.KOGUT:

Q. And it didn't refresh your memory at all as to what regulation it is, did it?

A. No.

Q. I believe you testified that at some

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point in 2014, you were no longer involved in the program. Correct?

A. The?

Q. The ABI Waiver Program.

A. Again, for the ABI Waiver Program, we were authorized for care planning and support. But as far as kind of program management, program-wide management, that was then in the Division of Health Services. So, it was kind of a bifurcated leadership, if you will.

Q. And who made that decision?

A. Our agency leadership, I guess, I would have to say.

Q. Well, I'm just asking if you know if there was a memorandum. Was there an email saying that such and such a date you're no longer going to be doing these activities? I'm just asking.

A. Certainly that was communicated to us. How that was communicated, I don't recall the actual format. But certainly, that was communicated, that, you know, these roles would be split, for sure.

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Q. Did you question it at all?

A. No.

Q. Less work?

A. Absolutely.

Q. Just asking. Are you familiar, at least, with the 2004 agreement?

A. Yeah. I mean I -- you know, if you have a copy.

Q. Do you recall what date you no longer were involved in the overall program in 2014?

A. I would -- that's a good question.

Q. Thank you.

A. I'm trying to help you out here. December, maybe. I cant recall a specific.

Q. Okay.

A. Again, I think -- yeah.

Q. I'll let you ask your question, but let me mark this.

(Whereupon, Claimant's Exhibit-4, Administrative Regulations, was marked for identification.)

BY-MR.KOGUT:

Q. If you can, just take a moment to

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look at that, please.

A. Okay.

Q. Is this familiar to you at all?

A. Yes.

Q. When do you recall seeing this?

A. When it went out.

Q. So, when it was published, in March of 2013?

A. I probably would have seen it when it was drafted prior to sending it over.

Q. So, did anyone seek your advice or input prior to this regulation being published?

A. On this document?

Q. This particular regulation, yes.

A. On the regulation, yes.

Q. And who would that have been?

A. That would have been Lara.

Q. Lara Stauning?

A. Uh-huh.

Q. And do you recall the conversation that you had with her?

A. I mean, we had --

MR. BARBER: Let me just object and

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clarify. You're referring to the issuance of the Notice of Intent or the underlying reg or what?

MR. KOGUT: The Notice of Intent.

THE WITNESS: Oh, the Notice of Intent, I would have seen this probably when she was preparing to email it over for submission to the Law Journal. I mean, it's pretty simple.

BY-MR.KOGUT:

Q. I'm sorry?

A. It's pretty simple.

Q. Right. Did you have conversations with her prior to this regarding the regulation itself?

A. Yes.

Q. And do you recall what those discussions were?

A. Other than the fact that -- to get them done, that's pretty much the main thing.

Q. I think you have already testified, if I recall correctly --

A. On the content, yeah.

Q. -- that she discussed with you the

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1999 regulation --

A. Oh, yeah.

Q. -- as it existed?

A. Yes.

Q. Thank you. All right. Let me mark this.

(Whereupon, Claimant's Exhibit-5, Provider Services Document, was marked for identification.)

BY-MR.KOGUT:

Q. I believe you testified at -- it may have been closer to December of 2014 when you no longer had all of your full responsibilities for the ABI Waiver Program. Is that fair?

A. I mean that was a guesstimate.

Q. Right.

A. So, in looking at this document, I would probably amend that and say it was prior to that date, looking at this document.

Q. So, you don't recall?

A. The exact date? No.

Q. That wasn't my question yet.

A. Right.

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Q. You don't recall seeing this document prior to your change of responsibilities for the ABI Waiver Program?

A. I don't recall.

Q. Is that document familiar to you at all?

A. Well, I mean, it's -- it seems to be the next generation of the provider agreement.

Q. And when you say "next," do you mean from 2004?

A. Well, it looks very similar. Maybe a little longer.

Q. Nobody consulted with you regarding that particular provider agreement?

A. I'm sure someone communicated with me about an update to it.

Q. Do you have any memory of having conversations with anybody at Allied relative to that?

A. I don't recall, no.

Q. Would you have any memorandum or documentation or emails with regard to conversations with Allied relative to that?

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A. Off the top of my head, I can't say. Very possible, though.

MR. KOGUT: Let's mark this.

(Whereupon, Claimant's Exhibit-6, Provider Application/Agreement, was marked for identification.)

BY-MR.KOGUT:

Q. All set?

A. Yes.

Q. The exhibit in front of you, can you identify what that document is?

A. It's a bit -- this one, six?

Q. The one in your hand, yes.

A. It is the Provider Registry Application and Provider Agreement.

Q. And what does that mean to you?

A. Well, it's the vehicle that folks sign up to be a provider for Waiver services.

Q. Okay. Do you recall seeing this before?

A. Yeah, yes.

Q. And this was during your tenure in January of 2004?

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A. No. In January of 2004, I did not work for the Department. I came on board in September of 2004.

Q. And when do you recall first seeing this?

A. Oh, probably soon after -- I mean, not this exact document, but some blank version of this -- probably soon after I started. I couldn't speak to date, but --

Q. And what would be the reason for you reviewing this or seeing this?

A. To familiarize myself with the functioning of the fiduciary agent for the program.

Q. Do you recall having any conversation or communication with the fiduciary regarding the particular registry application in 2004?

A. No. I don't have any recollection of anything in 2004.

Q. Do you have any particular problems with the manner in which it was drafted and existed?

A. I mean, looking at it now, I wouldn't hazard an opinion, per se.

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Q. Did you ever ask providers to sign a new agreement after 2004?

A. As new providers come on board, yeah, they sign new agreements.

Q. No. Current providers.

A. I don't have a recollection of it, but it's possible.

Q. Well, did providers have annual renewals or annual statements of provider agreements on a year-to-year basis?

A. When I first started, no. I have no recollection of them being annual.

Q. After 2004, do you know when the next provider agreement was executed by providers?

A. No, I do not.

Q. And you didn't participate in any of that?

A. I don't recall.

Q. Did anybody ever ask you to say -- to give your view or recommendation about language for a new provider agreement after 2004?

A. It's likely that someone did, maybe

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the fiduciary or -- it's possible, but I don't have a recollection.

Q. Do you know whether there was a new one in 2005?

A. It's possible, but I don't recall.

Q. 2006?

A. I don't recall.

Q. How about all of the way until when you were no longer responsible for the entire program, until 2014, do you recall any references or any recommendations or improvements to a new provider agreement beyond 2004?

A. I'm sure there were discussions. As we do our contract renewals, there is often a review of the activities of the fiduciary, but as far as the actual content, I don't recall.

Q. Okay. And do you have any memory of whether a new provider agreement was provided to providers after 2004 until your tenure in 2014?

A. I don't recall.

MR. KOGUT: Thank you.

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MR. BARBER: Thank you. Nothing on cross. Thank you very much.

(Whereupon, the deposition of DORIAN J. LONG concluded at 2:38 p.m.)

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CERTIFICATE

I, Christine E. Borrelli, a Notary Public and Licensed Court Reporter for the State of Connecticut, do hereby certify that the deposition of DORIAN J. LONG, was taken before me pursuant to the Connecticut Practice Book at the Law Office of the Attorney General, 55 Elm Street, Hartford, Connecticut, commencing at 1:00 p.m. on Friday, November 4, 2016.

I further certify that the witness was first sworn by me to tell the truth, the whole truth, and nothing but the truth, and was examined by counsel, and her testimony was stenographically reported by me and subsequently transcribed as herein before appears and consists of pages.

I further certify that I am not related to the parties hereto or their counsel, and that I am not in any way interested in the events of said cause.

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Witness my hand this 11th day of November, 2016.



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CONDENSED TRANSCRIPT

STATE OF CONNECTICUT
OFFICE OF THE CLAIMS COMMISSION

TARIQ ABDULAZIZ

Claimant,

vs. CLAIM NO.: 24260

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES

Respondent.
_____/

Deposition of **DORIAN J. LONG**, held on Friday, November 4, 2016, taken at the Office of the Attorney General, 55 Elm Street, Hartford, Connecticut 06106, commencing at 1:00 p.m., before Christine E. Borrelli, Licensed Court Reporter and Notary Public in and for the State of Connecticut.

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TARIQ ABDULAZIZ

Claimant,

vs CLAIM NO 24260

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APPEARANCES:

Attorneys for the Claimant:
LAW OFFICES OF MICHAEL T. KOGUT
75 Market Place
Springfield, MA 01103
(413) 348-2167
BY: MICHAEL T. KOGUT, ESQ.
mkogut@kogutlaw.com

Attorneys for the Respondent:
STATE OF CONNECTICUT
OFFICE OF THE ATTORNEY GENERAL
55 Elm Street
Hartford, CT 06106
(860) 808-5210
BY: HUGH BARBER, ESQ.
hugh.barber@ct.gov

ALSO PRESENT:
Tariq Abdulaziz

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STIPULATIONS

It is hereby stipulated and agreed by and among counsel for the respective parties that all formalities in connection with the taking of this deposition, including time, place, sufficiency of notice, and the authority of the officer before whom it is being taken may be and are hereby waived

It is further stipulated and agreed that objections other than as to form are reserved to the time of trial

It is further stipulated and agreed that the reading and signing of the deposition transcript by the deponent is hereby waived

It is further stipulated and agreed that the proof of the qualifications of the Notary Public before whom the deposition is being taken is hereby waived

DEPOSITION OF DORIAN J LONG
NOVEMBER 4, 2016

Thereupon,

DORIAN J LONG,

called as a witness by the Claimant, having first been duly sworn by the Notary, was examined and testified on her oath as follows

MR BARBER The next issue is usual stipulations, and one of the stipulations that you either can or cannot enter into is whether you wish to read and sign the transcript You're entitled to read it and correct any mistakes in transcription It's called an errata sheet

THE WITNESS Okay

MR BARBER You have to do that within 30 days, I believe, or you can waive that

THE WITNESS Okay

MR BARBER I don't care either way It's easier if you waive it, but if you would like to read and sign, that's you're choice

THE WITNESS I'll waive I'm fine

DIRECT EXAMINATION

BY-MR KOGUT

Q. Could you just, for the record, identify yourself, please?

A Sure My name is Dorian Long, and I work at the Department of Social Services

Q. And what is your position and title?

A I'm a Program Manager in the Social Work Services Division

Q. What are your responsibilities and duties in -- not going over the ascriptive, but just, you know, generally what do you do?

A Okay. I oversee programs and services for individuals who are low income, have disabilities or who are elderly, that are administered within the Department of Social Services in our division, Social Work Services

Q. And I'm sorry, but what is your title?

A Social Services Program Administrative Manager is my official title

Q. Manager. And how long have you been in that position?

A I have been in this position since 2007

Q. So, January 1st of 2007 or somewhere midway through 2007?

A October of 2007

Q. And prior to that, what were you doing?

A I was a lower-level manager in the same unit I came to DSS in 2004, September of 2004

Q. How about prior to that?

A Prior to that, I was a Program Supervisor at the Connecticut Department of Children and Families

Q. And what did you do there?

A Well, a lot of different stuff --

Q. Well, you can just --

A -- but in the position just prior to that, I was a Quality Management Liaison in the New Haven Regional Office

Q. You don't have to give me your address, but where do you reside, what city?

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A In Hartford, Connecticut
Q. And you work at 55 Farmington Avenue?
A Yes, I do
Q. And how long have you been there?
A We moved to Farmington Avenue in August of 2014
Q. So, before that you were at Sigourney Street --
A Yes
Q. -- before all the asbestos and all the other problems and whatever?
A Whatever issues they had, yes
Q. So, can you give me, if you don't mind, a little more description of what you do on a day-to-day basis?
A On a day-to-day basis, I liaison primarily with Regional Office social workers and supervisors on case activity related to several programs; again, programs that support elders and persons with disabilities I interact with managers within our Central Office regarding clients in common and program activities

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Q. Are the distinctive programs that you're involved in like separate titles or names of the programs?
A Yeah There are different titled programs
Q. Can you name them?
A Sure Protective Services for the Elderly, the Community-Based Services Program, Domestic Violence Services, Family and Individual Services, the Conservator of Person Program, the Conservator of Estate Program, the Family Support Grant, and I think that would cover the list of programs that I interact with currently
Q. How about prior to that?
A The Acquired Brain Injury Waiver Program and the Personal Care Assistance Waiver Program
Q. And when did you stop being part of or responsible for in any way dealing with the Acquired Brain Injury Program?
A Program administration of the program, as far as administrative management, ended in 2014, and case work activities ended in June

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of 2016
Q. This is quite a retreat, but I'm going to ask you this anyway, have you been deposed before?
A Yes, I have
Q. So, you understand what the ground rules are, and if you have any questions or you don't understand my question, please feel free to ask me to rephrase it or restate it or something. Do you understand that?
A Yes I understand that
Q. And also, in fairness to the stenographer, try not to speak with me or above me or against me so that she can take your testimony and my questions.
A Understood
Q. So, tell me more about your involvement with the ABI Program?
A Well, when I came to the Department in 2004, my initial role was to be the lead authorizer or approver of care plan services And then later in my time at the Department -- I want to say in 2005 or so -- I was responsible for the submission of the renewal

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application to the Center for Medicare and Medicaid Services for the Waiver Program, but I was the lead manager for responsibility of activities related to the ABI Waiver Program
Q. And who appointed you to that position?
A My manager at the time of appointment was Pamela Giannini
Q. Giannini?
A Yes
Q. What was her title?
A And she was the Director of the Bureau of Aging, Community and Social Work Services
Q. Now, the ABI Program, as I understand it, deals with elders but also younger people?
A Yes It deals with folks across the age population beginning at adulthood, 18
Q. So, in your experience so far, or your experience through the ABI Program, what percentage of people did you become aware of that were not geriatric patients but were younger?

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A The majority of the participants in the program are under the age of 60 years old I can't give you a percentage

Q. Please, I'm not going to hold you to anything.

A Okay

Q. When you say "under 60," could you be a little more descriptive?

A Sixty years of age

Q. Like between 30 and 50? Forty and 55?

A I wouldn't be able to speak with great authority on that, but I would say that the majority of the participants are 40 and under I would say 50 percent of the participants are 40 or under

Q. And were you responsible in any way to qualify them?

A Yes.

Q. And how does that process work?

A Regional Office social workers conduct an assessment They also collect medical information, typically a neuropsychological evaluation, that could have been conducted in

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the past They would review that, conduct an interview with the client and their circle of support, if they so choose; family members, friends, et cetera They would then do a write-up and share that with their supervisor who would then approve that, if they viewed it as appropriate, and then that would be sent to me or one of my colleagues for review and approval

Q. Can you describe to me what "a write-up" is?

A It's an assessment form and a care plan So, it would be information about the client's functioning It would be information about the challenges they might be experiencing, how they were injured, how they manage their daily activities, things like that

Q. Could you describe for me your post-secondary education?

A Certainly I have a Bachelor's Degree in Social Work

Q. Is that a BS or BA?

A It's actually a BSW

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Q. And where was that from?

A From St Joseph College

Q. Formerly St. Joseph --

A It's now St Joseph University in Connecticut --

Q. Correct.

A -- West Hartford, Connecticut

Q. And what year was that, roughly?

A I graduated in 1993

Q. And beyond that, anything?

A Yes I have a Master's in Clinical Social Work from --

Q. MS?

A MSW

Q. Okay. From where?

A Fordham University

Q. Was that done in person or online?

A Oh, it was in person at Lincoln Center, their campus in New York City

Q. Was that a two-year program?

A Yes, but I had advanced standing due to my Bachelor's Degree, so I skipped the first year and graduated in one year

Q. What year was that?

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A 1994

Q. And what was your first position of employment after that?

A After that, my first position of employment was at the Hartford Dispensary It's a methadone maintenance clinic

Q. Was this strictly methadone or Suboxone?

A It was methadone

Q. And for how long were you there?

A I was probably there a few months, actually Maybe six months

Q. Why did you leave?

A Another opportunity It was a grant-funded program, and so we moved onto -- I moved onto the Department of Children and Families after that

Q. And what was your first position at D.C.F.?

A Psychiatric Social Worker

Q. In a particular area?

A In their central office So, it was a state-wide role

Q. Thank you. Can you tell me anything

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more about the ABI Waiver Program, to your knowledge, and what your involvement has been?

A Again, it was day-to-day operation of the program, approval of services, liaison and management in coordination with, you know, requisite units at the Department related to the administration of the program I don't know what else

Q. Okay. Under whose direction?

A Well, as I stated earlier, my first supervisor in that role was Pamela Giannini, and then my next supervisor in that role was Dakibu Muley And then after that, my next supervisor was -- we were kind of in flux after Dakibu left, so I reported to Deputy Singleton, and then after that, to Deputy Brennan

Q. Over the course of time that you were involved with the ABI Program, did you become familiar with the providers who provided the --

A Yes To a certain extent, certainly

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Q. Okay. And what was the involvement with the providers?

A Well, if there was an issue with a particular case, I would, at times, attend care planning meetings I would sometimes interact with providers through the Brain Injury Association Now it's called BIAC And, I mean, that would be most of it It would be case related or related to the Brain Injury Alliance, that would be the biggest interaction And, obviously, they would call me on any issues or --

Q. Providers would?

A Yes

Q. Calls? Emails?

A Yeah

Q. Okay. And when you made a decision to participate in some case management study or case management meeting, that was your choice?

A Yeah Typically, yeah, yeah

Q. Okay. And how did you come to that conclusion?

A It depended If there was a

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question of, you know, service coordination and folks were struggling with a case, I would be called in On occasion, I would go out just to observe workers in the field and their expertise in delivering services So, there are various reasons, but usually it was because there was - the team may have been struggling with an issue --

Q. Okay.

A -- and wanted to kind of come to sorting it out

Q. And are you familiar with Tariq Abdulaziz?

A Yes, I am

Q. Have you ever had any complaints or anything against him during your tenure?

A I did

Q. Can you explain those to me?

A Some of the complaints that were raised related to relationships with a particular vendor

Q. Can you explain that for me?

A There was a vendor called Employment Options that had some coordination issues

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Q. Can you be more specific, please?

A I'm trying to recall the specifics, but --

Q. Yeah, that's okay.

A -- basically, it was relational issues between Tariq and the agencies in coming to agreement on service provision, that was the biggest issue that was brought to my attention

Q. And what type of services did Employment Options provide?

A They provided a variety of supports under the program, including companion services, vocational services, what we called independent skills training services, but basically, the array of wrap-around supports related to services for folks on the Waiver Program

Q. Do you recall specific complaints that Employment Options raised? As best you remember. If you don't, that's okay.

A Yeah It's been a couple of years Not necessarily specifics I know that there was one allegation of impropriety on the part

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of Tariq with a staff person at the agency
Q. And what would that have been?
A A relationship of some sort
Q. Just disgruntled or --
A A romantic relationship
Q. Can you be a little more specific?
A That's really the -- all the extent that I have
Q. Did you document whatever complaint was raised?
A I raised it to the attention of my supervisor at the time, Ray Singleton, who was my supervisor at that time
Q. Is there anything by email or other memoranda, or anything that would have documented that?
A I knew we met, my supervisor and I, related to that I mean, there may be an email to that extent, but I don't recall the specifics of that That was a couple of years ago
Q. No. I understand that.
A Yeah
Q. So, would you have documented

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something to Mr Singleton, or would he have maybe documented something to you confirming your discussion with him?
A We requested that the agency write a letter that was directed, I believe, to Mr Singleton regarding their concerns
Q. And can you recall ever seeing that?
A I'm sure I did I don't recall the content, but --
Q. No, that's fine. Now, I believe you said -- well, strike that.
When you say that you became involved in the ABI Program, in 2004 --
A Uh-huh yes
Q. -- what, if anything, did you do when you began that assignment to educate yourself about the program?
A Well, I think I read the procedural manuals that we had on board I read the ABI Waiver Application that was submitted to start the Waiver Program I talked to staff about how the program was administered, because it was up and running when I came on board I talked to my supervisor who had

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overseen the unit that administered the waiver at the time, and I spoke to staff persons who had helped in the development of the waiver when I first came on board
Q. And when you say that you reviewed procedural forms, what would those have been?
A It was a training manual that was available to staff to orient them to the waiver I mean, it's well outdated now, but it was information about brain injury, information about -- a copy of the actual waiver itself, and procedural guidance
Q. Are you familiar with the provider agreements that the providers for those services are required to sign?
A Yeah I do know that the providers sign a provider agreement that Allied issues to them, and Allied is a fiduciary agency for the Waiver Program
Q. Did you deal with anybody at Allied regarding this?
A There have been a few staff at the program When I first came on board, I probably dealt with Kathleen Blackwood

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Q. Anyone else that you recall?
A Well, as time went on, I dealt with Valerie Giannelli
Q. Was she formerly with the Department --
A Who?
Q. -- Valerie Giannelli?
A No Pam Giannini was one person
Q. I'm sorry.
A And Valerie Giannelli was another
Q. I'm getting my vowels mixed up.
A Absolutely, yes It's hard
Q. And what was Valerie's title?
A I don't know her exact title, but she certainly was one of our liaisons related to waiver activities And there are others; I mean, Carol Bonnette, who was the Director over at the program There are a number of folks, but on day-to-day stuff, I often dealt with them
Q. As best as you understood, what was Allied's role?
A To do provider enrollment, to do payroll processing and claims payment They

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coordinate training for providers, and those are their biggest roles

Q. Were they also responsible for credentialing?

A Yes I would put that under provider enrollment But yeah, provider enrollment and credentialing

Q. Did you have any training or background or education with the ABI Waiver before you began this work in 2004?

A I served as a liaison at D C F to make referrals to the program when I was at D C F I worked in a unit that made referrals to the program So, I became oriented to the program prior to coming to the Department.

Q. And how long were you at D.C.F.?

A. How long was I with D C F ?

Q. Yes.

A For just short of ten years

Q. So, on a yearly basis, if you can just give an estimate, how many referrals for brain injury did you make from D.C.F. on a yearly basis?

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A I really couldn't hazard a guess

Q. Fewer than ten? More than ten? Fewer than 100? More than 100?

A Probably slightly more than ten --

Q. Okay.

A -- maybe

Q. So, like ten plus?

A Ten plus, yeah

Q. On an annual basis?

A Yeah I would say that's reasonable, to the best of my recollection

Q. No, that's fine. Okay. Can you tell me about your knowledge or familiarity with the provider agreements dating back to, actually, the beginning of your tenure in 2004, that the ABI Waiver providers were involved in?

A And I know there was a document that was issued to providers when they came on board with the program

Q. Did you have an opportunity, over the course of the years, to see it, review it?

A Uh-huh, yes

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Q. Did you review any documents in preparing for this deposition today?

A I reviewed the emails that were sent as part of the package

Q. Which emails would those be?

MR BARBER Well --

MR KOGUT Would you like to comment?

MR BARBER Yeah I provided some material to the witness from the Declaratory Ruling Record, which she has reviewed

BY-MR KOGUT

Q. Anything else?

A That's it

Q. Okay. Other than talking to your lawyer, did you speak to anybody about this deposition today?

A No

Q. Did you tell anybody you were coming here today?

A Yes

Q. I would hope so. Who did you tell?

A My supervisor and my co-manager

Q. Okay. And I'm sure she said have a

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nice weekend

A Pretty much

Q. Got it. So, the first provider agreement you may have seen would have been dated in 2004?

A It might have been dated in 2004 It might have been just a blank one just to see what the provider agreements looked like

Q. Okay.

A So, not necessarily a review of any specific ones, but just this is what we do

Q. And it was provided to you in a blank form without any particular provider. Were you asked to comment on it?

A I don't recall, but that would be -- that would be something that I probably would seek consultation on, but I don't recall I really don't

Q. So, you have no memory today of commenting on it or referring it to anybody else?

A When I first came on board to the Department?

Q. The 2004 provider agreement.

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A No I don't have a recollection
Q. Okay. Do you know whether or not there was an end date to the 2004 agreement?
A I'm not familiar, no, of a date
Q. Prior to being appointed to this position in 2004, were you familiar with other DSS provider agreements?
A No, no
Q. Ever seen one before that?
A No As far as a provider agreement?
Q. Correct.
A Well, for the Personal Care Assistance Waiver
Q. No. Any DSS provider agreement.
A For the person -- yes, for the Personal Care Assistance Program
Q. But that was also a Waiver Program. Right?
A Yes
Q. Did you ever see a provider agreement for a non-Waiver Program?
A I've seen the General Medicaid Program Agreement
Q. Prior to your appointment in 2004,

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had you?
A No
Q. But since, you had?
A Yes
Q. In your review of a 2004 provider agreement, if you recall, do you recall if there were any requirements or monthly reports from the providers?
A I don't recall the content of the document All I would say is that it is used to, you know, let folks know that they are enrolled in the program
Q. When you say "folks," you mean the actual clients or consumers?
A The provider
Q. Can you expand that a little more?
A So, a document is a provider agreement, and it has certain details that are spelled out on it I'm trying -- yeah, you got me I feel like I'm on a quiz show
Q. Oh, not yet. You just wait.
A So, on the provider agreement, they have information about being -- providing the

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services If there is a changes in your status, I believe that's on there I'm trying to think what else is on that? What else is on a provider agreement? That's all I recall
Q. Would you agree with me that it's important for both your agency and the provider to know what the agreement includes and what the requirements are?
A What, on the agreement?
Q. Yes. What is required of the provider and what is required of the Department?
A It's important for providers and participants to understand how the program works, yeah
Q. Correct, because that's for the benefit of the ultimate consumers or clients?
A Yeah
Q. Do you know, if you recall in the 2004 provider agreement, whether there was a documentation requirement?
A There was an expectation that folks would be able to demonstrate the services

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provided to clients
Q. I don't mean this in a derogatory manner, but are you a Northeasterner?
A Yes I'm born and reared in Connecticut
Q. So, I'm trying to understand when you say "folks," folks is a southern term.
A I'm also African American
Q. I understand that too. So, when you say "folks," what folks are you referring to?
A When I say "folks," you know, providers in that context
Q. You don't mean like your parents or grandparents?
A No
Q. That was a joke. Okay. Do you recall, since 2004, your involvement -- and we will go through the other provider agreements that follow 2004 -- but do you recall seeing any requirements for invoicing and documenting services?
A Well, claims are issued to our fiduciary directly
Q. And at the time, that was Allied?

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A Allied, yes And there are claim forms that folks complete for reimbursement on the program

Q. Do you recall reviewing any of them during your tenure?

A I'm sure that I have

Q. Ever question any of them?

A. The veracity of them?

Q. Not necessarily, just questioning -- not truthfulness, but -- good term veracity -- but whether or not it was one unit or four units or any combination of any of that?

A I've seen -- I mean, I have looked at the agreements, and I have seen, you know, the tales that folks put on those agreements There's two different kinds of claim forms, and folks detail what their activities are We did a revision to the Direct Service Claim Form, and that I -- I recall that

Q. When was the revision --

A Oh, gosh

Q. -- if you recall?

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A That's a good question, 2012

Q. Okay. Do you recall after the 2004 provider agreement, what the next provider agreement was issued by the Department after '04?

A I don't recall the date, though

Q. If I suggested to you it was 2014, would that refresh your memory at all?

A If it was 2014, then I wasn't involved in the issuance of those activities By that point, I was not involved in the issuance of those kinds of documents

Q. So, you would not have been aware of the 2014 agreement?

A To my recollection, no

Q. And you wouldn't have been involved in the 2015 agreement?

A No

Q. Do you recall, with regard to the 2014 agreement, if anyone ever solicited from you any request or comment or commentary?

A I don't recall, no

Q. Do you have any memory today of ever seeing a 2014 agreement?

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A Maybe if I saw it, but off the top of my head --

Q. Your memory today is that you don't recall --

A No

Q. -- seeing the '14, actually, or '15?

A Right, right

Q. Okay.

A I kind of got out of that game at that time

Q. Where did you go after that?

A I didn't go anywhere The program was moved to another division

Q. I see.

A So, the day-to-day, like care plan stuff remained in our division, but other issues were managed in Health Services

Q. And who was in charge of that?

A Kathy Gurney

Q. Did you interact with Ms. Gurney at all?

A On occasion, yes, certainly, she worked at DSS

Q. What was your involvement with her

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with regard -- if at all, to the provider agreements after you no longer were involved with the program?

A I was not

Q. She never asked you for any information?

A No She would have been able to get copies of that information, I guess, from Allied, but no

Q. But she never asked you for any information about how the program was running or if you had any concerns or questions or any things that you wanted to relay to her about how it could be run better or any of that?

A I'm sure we had conversations about the program and how it's administered, I mean, just as work colleagues

Q. Anything that was documented that you recall?

A Not to my recollection, no

Q. Okay. Did you have a habit or custom of documenting your conversations with Ms. Gurney?

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A No
Q. Why not?
A Because it's colleagues communicating
Q. Did you think it was in your best interests to protect your interests in documenting those?
A I never thought that I would be sitting here
Q. Okay. Well, you are.
A So, I would say no
Q. Okay.
A At that time, no
Q. Do you think you will change your mind?
A Probably
Q. Good for you. Let's mark this.
(Whereupon, Claimant's Exhibit-1, 2008 Application, was marked for identification.)
MR BARBER Just peruse it, please
THE WITNESS Is there any particular page that you're pointing me to?
BY-MR KOGUT
Q. I'm going to get there. First of all, are you familiar with that document?

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A Yes It's a Waiver Application document
Q. And can you explain to me how much you know about this?
A Sure Well, I can tell you that the Waiver Application document is the mechanism that states communicate with the Center for Medicare and Medicaid Services about how they are going to administer a Waiver Application, and they are separated by waiver type
Q. And what is the first time that you saw that particular document?
A Well, this type of document or --
Q. No --
A -- this particular document?
Q. -- that one there marked as Exhibit Number-1.
A Well, let me see the submission date, because that would let me know This is the -- is this the actual submitted application, or is this just a blank document?
Q. I get to ask the questions.

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A Oh, sorry I'm just trying to understand what I'm looking at
Q. Okay, I understand.
A So, this is the Waiver Application support from CMS that explains what is required in the submission of the waiver
Q. So, you are familiar with this?
A I am
Q. And you use it to implement the waiver in the State of Connecticut?
A This is the guidance that CMS provides to support the completion of the application
Q. And you use that to submit or --
A Yes
Q. -- complete your --
A This is the guidance Yes, absolutely This is the guidance --
Q. Okay.
A -- that CMS provides so that you can do your application
Q. I'm going to direct you to -- I don't know the page. You know what, let me mark this, if I could.

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(Whereupon, Claimant's Exhibit-2, Application Excerpt, was marked for identification)
THE WITNESS Okay So, what is your question? I'm sorry
BY-MR KOGUT
Q. Is that familiar to you?
A This appears to be an excerpt likely from --
Q. Correct.
A Yeah
MR KOGUT Off the record
(Whereupon, there was an off record conference)
BY-MR.KOGUT
Q. I would ask you to take a look at the second line down in parenthesis (ix). Do you see that?
A Okay
Q. It says, "Be finalized and agreed to with the informed consent of the individual in writing and signed by all individuals and providers responsible for its implementation." Did I read that correctly?

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A Yeah So, where is the rest of this?
Q. No. That's part of the --
MR BARBER The preceding section -- I would object to the question because the preceding -- you can't put it into context because you don't know what precedes this.
BY-MR KOGUT
Q. Despite his objection, are you familiar with this?
A I mean, I'm assuming that it is an excerpt coming from the guidance in this
Q. Let me ask it this way, do you understand what it means to say, "Be finalized and agreed to with the informed consent of the individual in writing and signed by all individuals and providers responsible for its implementation"?
A Do I understand? I understand those words, yes
Q. Okay. Well, what does that mean to you?
A It means that folks or individuals

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or the parties identified in this listing agree or are in accord
Q. Do you know if that was implemented?
MR BARBER I object to the form of the question, again, because there is no context as to what this relates to
BY-MR KOGUT
Q. Despite his objection, you can answer the question if you understand it.
A I understand the language articulated here So, what are you asking me?
Q. I'm asking whether or not that was implemented in the State of Connecticut Waiver Program?
A I don't think I can answer the question without knowing the context of what you're asking So, I would say I don't know
Q. You don't know?
A Without knowing the context, I don't see how I can
MR KOGUT Can we just take a few minutes?
(Whereupon, a recess was taken)

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BY-MR KOGUT
Q. I understand it's a large document in front of you, and I frankly appreciate your comment that you believe it was taken out of context. Okay? But would it be fair to say that you are familiar with -- at least as it applies to the ABI Program -- plans of care?
A Yes I would say yes
Q. And as best as you can, describe what is a plan of care?
A A plan of care is the identification of the supports that are needed to help the client be successful in their services on the program
Q. And that would be the so-called ADLs, how they can comply with the ADLs?
A Yeah, and just general functioning within the community
Q. Right. What are ADLs?
A Well, there are activities of daily living, and then there are instrumental activities of daily living And then within the plan, there are also -- there is also

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information about behavior that folks might exhibit or participants might exhibit -- sorry I'll get away from the folks -- and then, obviously, the services and the allocation of those services within the care plan
Q. During your tenure in working with this particular program, did you ever visit any consumers or clients?
A Oh, yeah
Q. Did you visit with companions or guardians and/or a service provider, or did you visit on your own?
A I visited -- well, not solo, no I'm not a case manager So, I would be, you know, visiting in my capacity of just checking in, so either at a family's request or if the worker needed some support So, my visitation would be different than the program's
Q. So, not spontaneously. It would be at someone's request?
A Usually, yeah
Q. Going back to the plans of care,

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would you agree with me that it was required that they be signed and distributed?
A Yes
Q. Can you explain that requirement to me?
A So, normally, the worker, obviously, gets the care plans forwarded up the chain, as I explained earlier That plan would then be forwarded to our fiduciary, and then the members of the team -- and the team would include the providers, anyone that the client wanted included in that process -- the client or their legal representative, would then get a copy of the care plan
Q. And do you have any information today whether or not those plans were actually signed and distributed?
A Yes They were signed and distributed
Q. All of them?
A Well, I'm sure something was missing That's the reality of life, but yes
Q. Well, I'm not --
A But the intent, certainly, was for

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interested parties on the team to receive copies of those care plans, yes
Q. You don't know whether they were all complied with and whether they were all signed and distributed?
A I can't say with 100 percent certainty
Q. Okay. What is the last year provider agreement that you remember seeing? We talked about the 2004 provider agreement, and I believe you questioned whether you saw the 2014.
A Yeah I don't recall seeing one later than that It's possible that I did, but I don't have recollection of that
Q. And if you answered this, I'm sorry, but were you consulted when a decision was made to have a 2016 direct provider application as opposed to going through the intermediary?
A We talked about it I remember having conversations about that, yeah
Q. And who is "we"?
A Kathy Gurney and I And this is

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something that other providers of service under our Waiver Program either were already doing or were in the process of getting enrolled to do, I will say that
Q. And did you offer any opinion or advice or consultation?
A No, no I don't recall
Q. Did you have a position, one way or the other, whether it was a good idea or a bad idea?
A No We talked about -- I remember being not clear on what providers were going to have to do this And then it was clarified for me that household employees, which would be folks that work -- or individuals who work directly for the clients that are paid through payroll did not have to do that So, I remember a conversation about that
Q. And what is the distinction between those providers?
A There are providers who are paid as an employee of the client So, it would be no different than having, let's say, your own

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maid, for example, because that's someone that really kind of works for you personally And then there are, for lack of a better word, professional providers that, you know, work in a different kind of capacity with individuals
Q. And how does a client or consumer get to choose one or the other? How does that work?
A. They are afforded choice based on the provider types and if that's available to them So, when I was involved with the program, an example of that service would be companion services So, you could have a companion who worked for an agency that would bill for the services that the companion provided So, you could hire an individual to serve in that capacity, and they would be paid a paycheck on your behalf, for lack of a better way of explaining that, through Allied, our fiduciary
Q. And was compensation the same?
A There was a change in the compensation rate at some point I'm trying

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to think when that was, but they weren't always paid identically

Q. So, if you had your own personal, for lack of a better term, personal care person as opposed to a provider, one was paid higher than the other?

A The rate paid was slightly different under certain services

Q. Well, it was either higher or lower.

A That was because of payroll deductions and all that. So, it wasn't necessarily the individual worker's rate that was different, but the rate that the Department paid was slightly different

Q. So, the Department made a decision that if you chose your own personal care individual, they became an employee of the State of Connecticut?

A No

Q. Well, I thought I understood you to say that they started deducting certain payroll taxes?

A No The fiduciary works on behalf of the consumer or the participant to provide

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that function So, no, they are not employees of the State of Connecticut

Q. Never were?

A No

Q. And how about fiduciary, what was a fiduciary's relationship to the State of Connecticut?

A The fiduciary is a contracted entity

Q. And the provider --

A Is a provider

Q. -- is paid on whatever rate was dictated by the state?

A I think providers are paid rates based on whatever was authorized for payment That's the way it's done

Q. Did you ever have any communication, as best you remember, with CMS during your tenure in this -- we're talking about the Brain Injury -- by either email, writing or telephone?

A Yeah

Q. And what would the substance of those conversations, generally?

A. It would be questions regarding the

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application for the waiver, that would be the context that we would communicate

Q. Are you familiar with the regulations that were promulgated in 2013?

A Yes

Q. Did you have any involvement in those?

A Yes

Q. Could you describe that for me, please?

A I worked with our Legal Unit to develop the regs I mean, obviously, they took the lead, but I certainly provided input into the content of those

Q. What kind of input?

A The areas of service, clarification on what happens in a particular service, the description, you know I mean, most of that, obviously, was taken from the waiver document, but certainly provided and put on the development Legal, obviously, takes leads on that because it's regulatory and all legal stuff

Q. Who did you deal with directly with

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that?

A My primary liaison was Lara Stauning

Q. Did she rely on you for information?

A Yeah I think we relied on each other for information I mean, she certainly, as an attorney, you know, provided guidance in the development of those documents, as did I

Q. Did she ever discuss with you or you discuss with her the 1999 regulations that existed at the time?

A Yeah I would say that that document would -- was really the base document to do the 2013 regulations

Q. So, if I understand you correctly, you did discuss with her the 1999 --

A Oh, yeah

Q. -- regulations as it existed?

A Right And, obviously, those were developed prior to my time

Q. Correct.

A But, yes

Q. But that's what the Department was relying on until the new regulations were

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adopted --
A Yes
Q. -- and promulgated? Do you recall any conversations you may have had with her about the 1999 regulations?
A Well, the one thing that she shared with us was that they were not regulations until they were fully promulgated, and so that they were fine to use as guidance, but were not considered regulations, even though we called them regulations as lay people
Q. Did you or anyone that you know of in your Department rely on those 1999 -- call them non-regulations -- to implement or make decisions?
A We certainly used them as guidance in our activities
Q. So, it would be fair to say when you either accepted or denied an individual's application for participation in the program, you relied on the 1999 regulations?
A Well, I would say that the language in those regulations was certainly part of that, but we also had the application, which

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has information about eligibility criteria, et cetera
Q. And I understand that completely. But in making the determination based on the application, you relied on the 1999 --
A I would say that we used them as our guidance, yes
Q. Okay. When did you first become aware, when did somebody tell you that they weren't actually promulgated regulations?
A I don't recall the exact date, but I do remember talking to Lara about that and her making it clear that, you know, although the contents certainly quacked like regulations, they weren't regulations
Q. Not that you are educated or trained in that area, but did you agree with her?
A I accepted her guidance
Q. Of course you did. Did you ask her whether you should continue to rely on them for making decisions?
A Her guidance was that we did not
Q. But did you rely on them anyway?
A No

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(Whereupon, Claimant's Exhibit-3, Notice of Action, was marked for identification)
MR BARBER We have privacy concerns
MR KOGUT I thought I --
MR BARBER I can clearly read the individual's name through the -- I mean, there is an attempt to black it out, but it is clearly legible
MR KOGUT Okay
MR BARBER I can still see it on the official one
MR KOGUT Off the record
(Whereupon, there was an off record conference)
BY-MR KOGUT
Q. You have Ms. Long, Exhibit Number-3?
A Yes
Q. Okay. Is this document familiar to you?
A Yes It's a Notice Of Action form
Q. What does that mean? What is that --

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A A Notice of Action form is a document that is used to communicate status on a program, and it certainly is a document that we use to communicate denial on programs It's used in the Waiver Program for denials
Q. You also approve granting?
A Yes, but typically, it's -- in the context of this, it's used for communicating formally your denial
Q. So, what is the box that says "granted your application" for?
A Normally, this form is used for a lot of different programs So, it's kind of like a multi-use document, but we certainly -- the context that I find that we typically use this program -- this document for is the issuance of denials
Q. So, you would never use it to put the X in the box that says "granted"?
A No Because you see how it says all of these other things about -- like reduced benefits, discontinued benefits? You know, there's a whole bunch of other types

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of things listed It's not just for this program You know what I'm saying?
Q. Well, yes and no, but it sounds like what you're saying is the only reason to use this particular document is for denial?
A This was the document that we most often used for that
Q. Despite all of these other boxes, it's just used for denials?
A Typically, that's what I have seen the ones that come across my desk said
Q. Okay.
A They were -- because there is no -- if you look at the document, it doesn't call for my signature It calls for -- this is a social worker at the agency's signature But, you know, I have seen this for denials of application, yes
Q. And why would this document come across your desk?
A They would often come across my desk for notification that this was going to go out
Q. So, you reviewed these routinely?

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A Well, we don't deny that frequently, but yeah That's a big decision. We don't like to issue denials to clients So, they would often come to me for review
Q. But not always?
A. I can't say that every time a denial happens that it came to me, but they -- you know, they do get forwarded to me for consultation, yes
Q. Did you ever overrule a denial?
A I have, yeah
Q. On what grounds?
A Maybe not agreeing with the rationale for discontinuance
Q. So, why would every application for denial come across your desk?
A Some reasons for denials are very factual in, like, financial criteria So, if somebody was like a kajillionaire, it's kind of a no brainer
Q. Like your family?
A Right You know what I mean? So, yeah
Q. Pretty routine reasons before they

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come to your desk?
A Yeah, uh-huh
Q. So, if I read this correctly, it says that it was denied because you do not meet the programmatic requirements for eligibility. Is that correct?
A Uh-huh
Q. And that could have been a variety of reasons?
A Uh-huh
Q. Do you see the next line it says, "Regulation referenced"?
A Uh-huh
Q. Can you just read that for the record?
A 17b-260a-1(d)(3)
Q. And you're familiar with that regulation?
A Well, it appears to be
Q. No. I'm asking you whether you're familiar with it or not.
A I can only say for certain that it is a regulation that falls under DSS because I know that 17b is our regulation area

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Q. If I suggested to you that reference is to the 1999 regulations, would that refresh your memory as to what it is?
A Well, 17b-260a could be ABI, but I can't say for certain
Q. Let's assume that it is. If you just bear with me, and your lawyer, if he wants to ask you not to testify, that's fine, but let's assume that that is the 1999 regulations --
A Uh-huh
Q. -- would you agree with me that in June of 2015, the Department used a 1999 regulation to deny eligibility?
A I can't --
MR BARBER I'm going to object to the form It's entirely hypothetical.
BY-MR KOGUT
Q. You can answer.
A I would say that this -- looking at this document, I could not say what regulation this was. I can see what the numbers are, et cetera So, you know, that's what I would say I would also say

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that this document relates to ABI Waiver 2, and it relates it to activities that happened in 2015 when I did not have purview First of all, I did not have purview over ABI Waiver 2 And 2015, it was not under my purview to see this or authorize this

Q. I'll ask you again then. Today, you have no knowledge or no idea what this regulation is referencing in the line that says "Regulation referenced"?

A I cannot say with certainty what it is, but you told me that it was the 1999 reg

Q. Well, I suggested to you that it was. It doesn't refresh your memory?

MR BARBER I would object, and you're not asking the -- to the form You're not asking her to testify from personal knowledge

BY-MR KOGUT

Q. And it didn't refresh your memory at all as to what regulation it is, did it?

A No

Q. I believe you testified that at some

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point in 2014, you were no longer involved in the program Correct?

A The?

Q. The ABI Waiver Program.

A Again, for the ABI Waiver Program, we were authorized for care planning and support But as far as kind of program management, program-wide management, that was then in the Division of Health Services So, it was kind of a bifurcated leadership, if you will

Q. And who made that decision?

A Our agency leadership, I guess, I would have to say

Q. Well, I'm just asking if you know if there was a memorandum. Was there an email saying that such and such a date you're no longer going to be doing these activities? I'm just asking.

A Certainly that was communicated to us How that was communicated, I don't recall the actual format But certainly, that was communicated, that, you know, these roles would be split, for sure

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Q. Did you question it at all?

A No

Q. Less work?

A Absolutely

Q. Just asking. Are you familiar, at least, with the 2004 agreement?

A Yeah I mean I -- you know, if you have a copy.

Q. Do you recall what date you no longer were involved in the overall program in 2014?

A I would -- that's a good question

Q. Thank you.

A I'm trying to help you out here December, maybe I cant recall a specific

Q. Okay.

A Again, I think -- yeah

Q. I'll let you ask your question, but let me mark this.

(Whereupon, Claimant's Exhibit-4, Administrative Regulations, was marked for identification.)

BY-MR.KOGUT:

Q. If you can, just take a moment to

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look at that, please

A Okay

Q. Is this familiar to you at all?

A Yes

Q. When do you recall seeing this?

A When it went out

Q. So, when it was published, in March of 2013?

A I probably would have seen it when it was drafted prior to sending it over

Q. So, did anyone seek your advice or input prior to this regulation being published?

A On this document?

Q. This particular regulation, yes.

A On the regulation, yes

Q. And who would that have been?

A That would have been Lara

Q. Lara Stauning?

A Uh-huh

Q. And do you recall the conversation that you had with her?

A I mean, we had --

MR BARBER Let me just object and

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clarify You're referring to the issuance of the Notice of Intent or the underlying reg or what?

MR. KOGUT: The Notice of Intent

THE WITNESS Oh, the Notice of Intent, I would have seen this probably when she was preparing to email it over for submission to the Law Journal I mean, it's pretty simple

BY-MR KOGUT

Q. I'm sorry?

A It's pretty simple

Q. Right. Did you have conversations with her prior to this regarding the regulation itself?

A Yes

Q. And do you recall what those discussions were?

A Other than the fact that -- to get them done, that's pretty much the main thing

Q. I think you have already testified, if I recall correctly --

A On the content, yeah

Q. -- that she discussed with you the

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1999 regulation --

A Oh, yeah

Q. -- as it existed?

A Yes

Q. Thank you. All right. Let me mark this.

(Whereupon, Claimant's Exhibit-5, Provider Services Document, was marked for identification.)

BY-MR.KOGUT:

Q. I believe you testified at -- it may have been closer to December of 2014 when you no longer had all of your full responsibilities for the ABI Waiver Program. Is that fair?

A I mean that was a guesstimate

Q. Right.

A So, in looking at this document, I would probably amend that and say it was prior to that date, looking at this document

Q. So, you don't recall?

A The exact date? No

Q. That wasn't my question yet.

A Right

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Q. You don't recall seeing this document prior to your change of responsibilities for the ABI Waiver Program?

A I don't recall.

Q. Is that document familiar to you at all?

A Well, I mean, it's -- it seems to be the next generation of the provider agreement

Q. And when you say "next," do you mean from 2004?

A Well, it looks very similar Maybe a little longer

Q. Nobody consulted with you regarding that particular provider agreement?

A I'm sure someone communicated with me about an update to it

Q. Do you have any memory of having conversations with anybody at Allied relative to that?

A I don't recall, no

Q. Would you have any memorandum or documentation or emails with regard to conversations with Allied relative to that?

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A Off the top of my head, I can't say Very possible, though

MR KOGUT Let's mark this

(Whereupon, Claimant's Exhibit-6, Provider Application/Agreement, was marked for identification)

BY-MR KOGUT

Q. All set?

A Yes

Q. The exhibit in front of you, can you identify what that document is?

A It's a bit -- this one, six?

Q. The one in your hand, yes.

A It is the Provider Registry Application and Provider Agreement

Q. And what does that mean to you?

A Well, it's the vehicle that folks sign up to be a provider for Waiver services

Q. Okay. Do you recall seeing this before?

A Yeah, yes

Q. And this was during your tenure in January of 2004?

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A No In January of 2004, I did not work for the Department I came on board in September of 2004

Q. And when do you recall first seeing this?

A Oh, probably soon after -- I mean, not this exact document, but some blank version of this -- probably soon after I started I couldn't speak to date, but --

Q. And what would be the reason for you reviewing this or seeing this?

A To familiarize myself with the functioning of the fiduciary agent for the program

Q. Do you recall having any conversation or communication with the fiduciary regarding the particular registry application in 2004?

A No I don't have any recollection of anything in 2004

Q. Do you have any particular problems with the manner in which it was drafted and existed?

A I mean, looking at it now, I wouldn't hazard an opinion, per se

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Q. Did you ever ask providers to sign a new agreement after 2004?

A As new providers come on board, yeah, they sign new agreements

Q. No. Current providers.

A I don't have a recollection of it, but it's possible

Q. Well, did providers have annual renewals or annual statements of provider agreements on a year-to-year basis?

A When I first started, no I have no recollection of them being annual

Q. After 2004, do you know when the next provider agreement was executed by providers?

A No, I do not

Q. And you didn't participate in any of that?

A I don't recall

Q. Did anybody ever ask you to say -- to give your view or recommendation about language for a new provider agreement after 2004?

A It's likely that someone did, maybe

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the fiduciary or -- it's possible, but I don't have a recollection

Q. Do you know whether there was a new one in 2005?

A It's possible, but I don't recall

Q. 2006?

A I don't recall

Q. How about all of the way until when you were no longer responsible for the entire program, until 2014, do you recall any references or any recommendations or improvements to a new provider agreement beyond 2004?

A I'm sure there were discussions As we do our contract renewals, there is often a review of the activities of the fiduciary, but as far as the actual content, I don't recall

Q. Okay. And do you have any memory of whether a new provider agreement was provided to providers after 2004 until your tenure in 2014?

A I don't recall

MR KOGUT Thank you

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MR BARBER Thank you Nothing on cross Thank you very much

(Whereupon, the deposition of DORIAN J LONG concluded at 2 38 p m)

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CERTIFICATE

I, Christine E Borrelli, a Notary Public and Licensed Court Reporter for the State of Connecticut, do hereby certify that the deposition of DORIAN J LONG, was taken before me pursuant to the Connecticut Practice Book at the Law Office of the Attorney General, 55 Elm Street, Hartford, Connecticut, commencing at 1 00 p m on Friday, November 4, 2016

I further certify that the witness was first sworn by me to tell the truth, the whole truth, and nothing but the truth, and was examined by counsel, and her testimony was stenographically reported by me and subsequently transcribed as herein before appears and consists of pages

I further certify that I am not related to the parties hereto or their counsel, and that I am not in any way interested in the events of said cause

Witness my hand this 11th day of November, 2016.

Christine E. Borrelli
Licensed Court Reporter
Notary Public
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