

Hartford Courant

Civil Rights Complaint Made Against Company That Provides Patients With Rides

By Josh Kovner

March 18, 2016

HARTFORD - The company being paid \$26 million to arrange non-emergency medical rides for Medicaid patients is under fire again, accused by advocates in a federal complaint of ignoring doctors' orders during the transport of children to chemotherapy treatment.

The children were outpatients, and were well enough to ride in a taxi, but only if they rode with just a parent or guardian, and not with another patient or paying passengers.

But on several occasions involving at least two children, LogistiCare Solutions LLC allowed children to be exposed to unrelated riders during the trips, including adult patients and regular fares picked up along the way, according to the complaint from the Center for Children's Advocacy in Hartford.

These lapses occurred even though transportation-restriction forms signed by doctors, spelling out the needs of the children, were on file with LogistiCare, the complaint states.

LogistiCare officials issued an apology Friday and said they were aware of two incidents in which drivers transported children "whose medical conditions qualify for single occupancy transportation. Those drivers and the agent responsible for insuring compliance with these protocols have been suspended or disciplined."

The complaint, alleging violations of the Americans With Disabilities Act, was filed Thursday with the civil-rights section of the U.S. attorney's office in New Haven. Spokesman Tom Carson said the office would have no comment.

The complaint also says that the state Department of Social Services has failed to ensure that the transport program is making the required accommodations for people with disabilities.

Atlanta-based LogistiCare's performance as the state's Medicaid transportation "broker" has been repeatedly criticized over at least the last two years. Following testimony about late and missed rides and spotty oversight by the Department of Social Services at a legislative public hearing earlier this month, DSS is now considering putting the contract back out to bid, among other options. The contract, signed in 2012, expires on Dec. 31 and pays the company about \$6.5 million a year, plus a performance bonus.

Executives with LogistiCare said overall performance has improved, and that the company handles 4 million rides a year with relatively few problems.

The taxi companies are paid by the state for the non-emergency medical transports. In the fall of 2014, a cab dispatched by LogistiCare arrived to take a Waterbury mother and her son to the son's chemotherapy appointment at Connecticut Children's Medical Center in Hartford. The ride was arranged at least two days before as required, and a physician transportation form, ordering that the child and his mother ride by themselves, was on file, according to the complaint written by attorney Bonnie Roswig of the Center for Children's Advocacy.

"Another passenger was in the taxi. The passenger was sick and coughing," the complaint states. [The child's] mother could not refuse the ride, because [her son's] chemotherapy treatment is very regimented."

The same thing happened to the boy, identified in the complaint as IJ, on several occasions over the next few weeks, Roswig wrote. In one of those other instances, the oncologist had to call LogistiCare and reinforce the order for a "non-shared" ride, because the company was refusing to send another cab, the complaint states.

Another boy, 11-year-old MM, of Hartford, had similar experiences. He is undergoing chemotherapy treatment for brain cancer and is blind.

"On an ongoing basis, the 'no shared ride' order has been violated," the complaints states. Earlier this month, on a ride home from Connecticut Children's, "the taxi picked up several unrelated passengers. MM and his father had no other available transportation, so they remained in the taxi."

DSS was informed of these lapses as they occurred.

After a July 2014 incident, a DSS official thanked Roswig for bringing it to the department's attention and said improved forms and better communication "will greatly reduce if not alleviate a circumstance such as this from happening again."

Roswig said in the complaint that it took well over a year for DSS and the company to change the forms to make the medical condition and the doctor's orders more clear.

In a March 14 letter to Roswig, another DSS official again thanked Roswig and said that the driver who picked up MM and exposed him to other passengers was suspended from taking Medicaid transports for 15 days.

"We have taken corrective action to ensure that this situation does not happen again," Casey Tillman, general manager of LogistiCare's operation in Connecticut, said Friday. "We take any complaint seriously and work diligently to minimize service issues."

He said that the vast majority of "the nearly 5,000 transports provided to and from [Connecticut Children's Medical Center] over the last six months have occurred without complaint. However, we apologize for these errors and will be vigilant in minimizing and eliminating mistakes."

DSS spokesman David Dearborn said the department in about two weeks will formally ask other companies who do this Medicaid transport work to provide input on how to improve the state's system.

"We need to take a long, hard look at best practices available in the field," said Dearborn. He said the state may decide to hire several companies to handle transports by region.

Health care professionals said it's important that transport programs follow doctors' orders.

Children who are outpatients, such as those described in the complaint, "don't need a sterile environment — that's why they can ride in a cab," said Patricia McIntosh, manager of the child and family support service at Connecticut Children's. "But they can't be exposed to someone else who might compromise their health. It's a matter of limiting that exposure," she said.

Medicaid patients who are healthy enough to ride in a bus, and live within a quarter-mile of a bus stop, are given a bus pass by LogistiCare. People who use a wheelchair are transported in a wheelchair-accessible taxi or van, and bedridden patients are transported in an ambulance.

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