

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



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September 28, 2022

Simonne M. Maline
Executive Director
Consumer Council System of Maine
219 Capitol Street, Suite 7
Augusta, Maine 04330

Re Issue Statement dated August 26, 2022, Maine Transportation Brokers

Dear Ms. Maline:

Thank you for submitting your issue statement referenced above. I directed staff to look into the matter and report back to me. A summary of this information is provided below.

Your statement that you are hearing from constituents throughout the state about late and missed trips is acknowledged. We are sorry that people are experiencing missed and late trips. The fundamental cause of this problem is the lack of labor to transport MaineCare members to their appointments. The state was in a labor shortage prior to the pandemic; however, the pandemic has exacerbated this problem and has resulted in the loss of 30% of the drivers that were available in 2019. Much like many other businesses, brokers and transporters are offering higher pay, sign on bonuses, and paid training to recruit and retain employees. This has had some success but continues to be a challenge.

The remainder of this letter addresses each of the nine recommendations provided in your issue statement.

Recommendation 1. Modivcare's website should have a button at the top of their page that goes directly to a simple complaint process and forms. It should be uniform with a centralized place not with a subcontractor.

Response: The link below can be used to submit complaints directly to Modivcare.

https://wecare.logisticare.com/?_hstc=56544372.574358f00d26dd5f7e540b486639c0c4.1643132757368.1655826407397.1663337570783.4&_hssc=56544372.1.1663337570783&_hsfp=3874435361

Complaints can also be called into MaineCare Member Services at 1-800-977-6740. These complaints are then sent to the Non-Emergency Transportation (NET) team for follow up with the appropriate NET broker.

Recommendation 2. *Modivcare needs to have a complaints report that can be easily seen on their website. Data needs to be transparent for all to see.*

Response: We are not sure what is being requested in this recommendation. Requiring brokers to have a complaints report on their websites is problematic in that complaints contain protected information such as MaineCare member's name, address, phone number and other protected information. Such information would have to be redacted before posting and this would create a very significant administrative burden. The Department can provide information on the percent of complaints per 100 trips for each broker on a monthly basis if requested. The standard for each of the brokers is no more than one complaint per 100 trips (1%). Each of the three brokers in Maine, including Modivcare, is currently under 1%, thus meeting contract requirements.

Recommendation 3. *Modivcare should have an advisory council that is made up primarily of services users to advise on systems related issues and meet at least 4 times per year. We recommend that the advisory council review written materials and notifications before being sent to service users. The council should review the program data including complaints.*

Response: Each of the three brokers is required to have an advisory council that meets at least twice per year. These advisory councils are attended by MaineCare Members, health care providers, behavioral health providers, Disability Rights of Maine, Department staff, and others. Many topics are discussed including missed trips, complaints, program policy and procedures and other issues. If you desire to participate on these advisory councils, please contact one of the following persons:

Modivcare: Myra Orifice at myrao@modivcare.com

Penquis Community Action Corp: Steven Richard at srichard@penquis.org

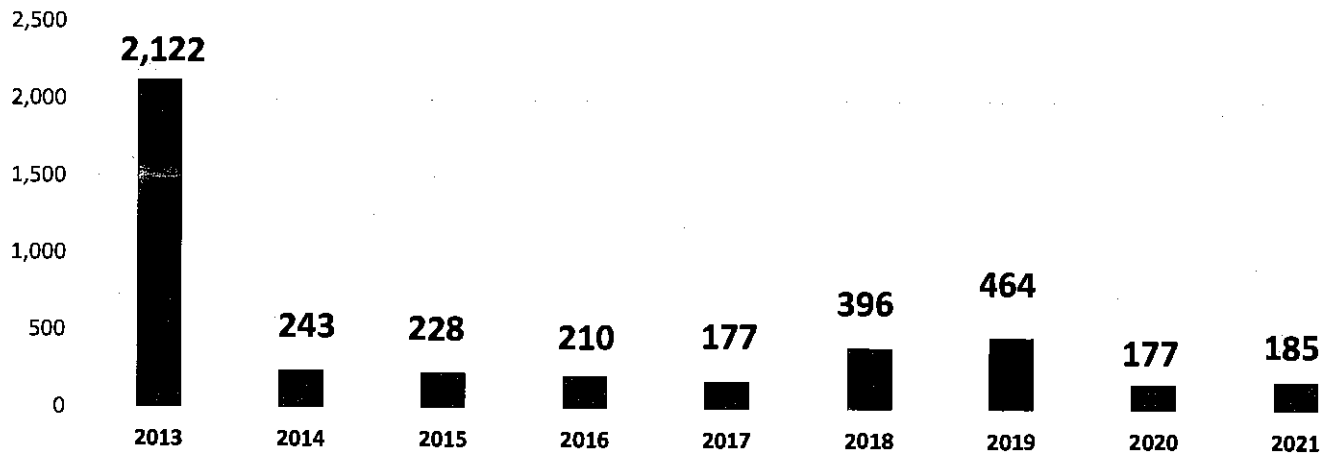
Waldo Community Action Partners/MidCoast Connector: Michael Hallundbaek at mhallundbaek@midcoastconnector.org

Recommendation 4. *DHHS is responsible as the payor of this multi-million-dollar contract. They currently rely solely on subcontractor's reports. DHHS needs to provide hands-on management and oversight of the contract to help them identify and correct service user issues.*

Response: We do not rely solely on subcontractor's reports to administer the program. For example, we audit the transportation brokers and review their encounter claims and associated medical claims to ensure trips were appropriately provided and that trips were to MaineCare covered services. We also review driver credentials and eligibility of persons transported to ensure the program is compliant with federal rules. In addition, every year broker financial and trip data is reviewed by an independent actuary to establish the rates we pay the brokers. The trip data from the encounter claims is compared to the trip data reported monthly to the Department and they are consistent.

We receive complaints from MaineCare members directly or from MaineCare Member Services. We follow up on these complaints with members and the appropriate broker for resolution. We also track these complaints independent from broker reports. The chart below illustrates the complaints we received from MaineCare Member Services since 2013.

**Number of NET Complaints Referred by Member Services
By Calendar Year**



The trend line for broker complaints is downward over time. This downward trend is similar to the trendline we see from broker reports overtime, and this gives us confidence in the reports that the brokers submit to the Department. None-the-less, we do track complaints independent of the NET brokers.

Recommendation 5: There needs to be an overhaul of the rules around no shows. For example, a driver could put someone down as a no show without the rider's knowledge. The person could be penalized, and it wouldn't necessarily be the rider's fault. Policies need to be sent to service users around the expectations when they start services, so they know the policies and rules. People should know how to access their due process rights. This should be sent out yearly to remind the individual of the policies and procedures.

Response. Every MaineCare member receives a member handbook when they sign up for MaineCare. This handbook details how each member has the right to dispute a decision by a provider including transportation brokers (see link below and scroll to page 43).

<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/mainecare-member-handbook.pdf>

If you disagree with a decision to deny, terminate, or reduce your services, you have a right to a Fair Hearing. You will receive a letter explaining the decision. The letter will also tell you how you can ask for a Fair Hearing if you disagree with the decision. You can ask for a Fair Hearing up to 60 days from the date of your letter. If you ask for a Fair Hearing within 10 days of the date

on the letter, your current services will continue until a decision is made. For more information, call MaineCare Member Services at 1-800-977-6740. If you are deaf or hard of hearing and have a TTY machine, call Maine Relay 711.

You can also write to: MaineCare Hearings Coordinator MaineCare Services 11 State House Station Augusta, ME 04333-0011.

If a NET broker denies a trip, it must send you a letter stating the reason for that denial and advise you of your appeal rights.

Brokers must also issue a letter to the member when a rider no-show situation happens advising the member that they need to call in advance when deciding not to use the NET ride. If a member does not receive a letter when a no-show occurs, we would like to know about it because brokers are required to issue letters. In order for the Department to follow up on complaints of unjustified no-show declarations, we need specific information such as member name, MaineCare ID#, date of the trip, and transportation company if known.

The NET brokers collectively report over 2,500 rider no-shows every month. This means that when a transporter arrives to pick up a member, the member does not take the trip and did not call in advance to cancel that trip. When this happens the transportation company does not get paid because the federal government does not allow payment for trips in which there is no MaineCare member in the vehicle. This creates financial burdens on transportation companies because they lose money when no-shows occur.

One of our NET brokers provided the information below to illustrate the no-show experience through August of 2022.

Month	Rider No Shows Mental Health Services	Rider No-Shows Opioid Treatment Services
January	259	339
February	209	324
March	241	275
April	200	292
May	254	345
June	326	388
July	289	470
August	363	444
Totals:	2,141	2,877

This broker reported that transporter revenue losses from rider no-shows for mental health and opioid treatment services thus far in 2022 = \$140,504.

Recommendation 6. Disability Rights of Maine should have a role in supporting the investigation of complaints by service users and assist in the complaint process.

Response: It has been our experience that Disability Rights of Maine has been very active in investigating complaints it receives from MaineCare members. The organization has our contact information and that of each of the brokers to use when it receives transportation complaints.

Recommendation 7. There needs to be more questions when rides are set up around mobility assistance and devices needed. We have heard that a driver refused to transport an individual using a wheelchair.

Response: The NET brokers are required by state and federal rule to provide wheelchair accessible vehicles for MaineCare members. They should be asking if you need accommodations such as wheelchair accessible vehicle when you call to schedule a trip. If a MaineCare member is denied wheelchair transport we would like to know about it and as noted above, the more specifics we have the better, so that we can investigate the complaint with the appropriate NET broker.

Recommendation 8. Communication is very important between drivers and riders. A phone app would also help riders knowing where drivers are or if issues arise. If no smart phone is available, they need to use whatever communication system the rider has available to them.

Response: We agree that there needs to be more communication between drivers and riders, and we will convey this concern to the brokers.

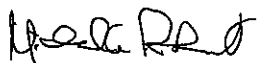
Recommendation 9. Transportation providers should have sensitivity and communication training. The riders should develop said training and be given support to develop a curriculum to be used. Refreshers should happen yearly.

Response: Transporters and their drivers are required to be trained in rider cultural and disability sensitivity and passenger safety (see contract language below). We are open to suggestions for other trainings if you know of any.

i. Attend training in patient assistance techniques such as the Community Transportation Association's PASS program, defensive driving, customer service, cultural and disability sensitivity. Training shall be provided to all drivers and Attendants who are not currently certified in any curriculum. Training will be conducted within 30 days of Transporter beginning service under a Service Agreement, and within 30 days of hiring for drivers and Attendants hired during the term of the Service Agreement.

We hope that you find this response helpful in addressing your concerns.

Sincerely,



Michelle Probert
Director, Office of MaineCare Services