

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION CONCERNING NON-EMERGENCY MEDICAL TRANSPORTATION

This notice is to inform you of a proposed settlement of a class action lawsuit pending against the Commissioner of the Department of Social Services (“DSS”), Total Transit, Inc., and Veyo, LLC (referred to with Total Transit, Inc. as “Veyo”). As described below, this settlement has been granted preliminary court approval and is on behalf of all Connecticut residents, at the time of final court approval of the settlement, who were, are, or become eligible to receive Medicaid/HUSKY assistance and who were, are, or become eligible for Non-Emergency Medical Transportation (“NEMT”) by means other than public transit at any time beginning January 1, 2018. This settlement includes those who are or who become unable to travel by way of public transit due to their disabilities and for whom specialized transportation has been determined under applicable law as administered by DSS to be medically necessary.

This notice was approved by a federal court, affects your legal rights, and is given to you pursuant to Rule 23 of the Federal Rules of Civil Procedure. The purpose of this notice is to describe the lawsuit, inform you of the terms of the settlement, and inform you of your rights and options in connection with the settlement. **IF YOU ARE A MEMBER OF THE CLASSES OF PERSONS IDENTIFIED IN THIS NOTICE, YOU SHOULD READ THIS NOTICE CAREFULLY BECAUSE IT WILL AFFECT YOUR LEGAL RIGHTS AND OBLIGATIONS.** If the settlement is finally approved, it will resolve the claims in the lawsuit and the claims that could have been brought in the lawsuit.

The filing of the lawsuit, the settlement, and this notice do not mean that DSS or Veyo did anything wrong, does not mean that they admit to any wrong-doing, and does not mean that anyone “won” or “lost” the lawsuit. It simply means that the parties agreed to the settlement to provide benefits to class members and to save the costs, expense, and delay of a lawsuit.

Background

On January 8, 2019, Members David McNee, Deborah Carr, Edinelis Vega, Ida Davidson, Ernestine Coleman, Terrilynne Trudeau, and Matthew Ibrahim filed a lawsuit initially titled *McNee, et. al. v. Bremby, et. al.*, Case No. 3:19-cv-00035-KAD, in the United States District Court for the District of Connecticut., David McNee later moved to withdraw, resulting in the recaptioning of the lawsuit as *Carr, et. al. v. Bremby, et. al.* Two other named plaintiffs, Ida Davidson and Ernestine Coleman, passed away before final resolution of this matter. All of the remaining named plaintiffs are the “Representative Plaintiffs”.

The lawsuit claims that DSS and Veyo did not provide proper notice of the denial, termination, suspension, or reduction of services in violation of Constitutional due process, and that they discriminated against individuals with disabilities in violation of federal law. They also allege violations of state law based on this alleged conduct.

The Representative Plaintiffs asked the court to certify the case as a class action on behalf of two groups, meaning that the Representative Plaintiffs represent individuals who are similarly

situated to them:

All Members who are Connecticut residents who, during the Class Period were, are, or who become eligible to receive Medicaid assistance and who were, are, or who become eligible for NEMT by means other than public transit under applicable law as administered by DSS (“Settlement Class”).

Members of the Settlement Class who were, are, or who become unable to travel by way of public transit due to their disabilities and for whom specialized transportation was or has been determined under applicable law as administered by DSS to be medically necessary (“Settlement Subclass”).

The Representative Plaintiffs, DSS, and Veyo have reached an agreement on how to settle the case for the Settlement Class and Settlement Subclass.

Proposed Settlement

You can see the entire proposed settlement agreement at the offices of Connecticut Legal Services, Inc., 16 Main Street, New Britain, Connecticut, any DSS office, and on the web at <https://ctlegal.org/nemt>. A summary of the proposed settlement is also available if you have a MyAccount in MyConnect. The primary components of the settlement are:

1. Referral to Intensive Care Management

In cooperation with CHNCT, DSS and Veyo have agreed to identify two groups of class members: 1) class members who have utilized specialized transportation on at least two occasions since January 1, 2018 and 2) class members who have had requests for specialized transportation denied by DSS or Veyo since January 1, 2018. These two groups of members will be referred to CHNCT for Intensive Care Management (“ICM”) support. ICM support assists in the coordination of care for members with significant clinical conditions that impact their daily lives. CHNCT, DSS, and Veyo have agreed to work together to identify these two groups of members immediately after the settlement becomes effective and CHNCT will contact eligible members within two months of the effective date of the settlement to offer ICM support. Members may decline ICM support or discontinue ICM support at any time.

The ICM support will include an assessment by CHNCT of whether eligible individuals referred by Veyo have a medical necessity for specialized transportation, and sets forth specific timelines for these determinations. ICM support for eligible individuals may also include: coordination with Veyo to book and schedule specialized transportation; requesting that Veyo follow-up on a late ride or “no show” by a transportation provider; requesting that Veyo communicate with a transportation provider regarding late/“no show”/cancelled rides; and other tasks necessary for the referred members to access NEMT. CHNCT will assist with scheduling appointments for the members on the referral lists who have accepted ICM services based on each individual member’s needs and provider availability. CHNCT will also offer, where appropriate, to assist with the coordination of the arrangement of services, such as blood draws, to take place at an individual member's home rather than a medical office.

2. **Global Positioning Tracking by Transportation Providers**

As set forth in the settlement agreement, Veyo has agreed to require its transportation providers to use Global Positioning Systems (“GPS”) to support real-time visibility and tracking. Veyo has agreed to train relevant providers on proper usage of Veyo’s smartphone application, including acceptance and assignment of rides, and verification of each stage of the trip. Veyo will penalize providers that do not comply with the GPS requirement.

3. **Notice, Education, and Outreach**

As required by law, DSS will ensure that Veyo issues required notices when there is a denial, termination, suspension, or reduction of services.

DSS and Veyo will also host quarterly town hall meetings for the duration of the settlement agreement, to be held in different regional areas of the state, and to encourage the attendance and participation by members. A standing agenda item at these meetings will be a minimum of twenty minutes at each meeting for member questions and feedback.

4. **Data Gathering**

The settlement also requires Veyo and DSS to compile and share additional data beyond what they already gather and report regarding on-time percentages, trip completion, trip cancellations, and usage of GPS. DSS and Veyo will also publish dates, location, and attendance data for educational/training events on use of GPS tracking. DSS also agrees to provide monthly reports regarding ICM referrals and medical necessity determinations for specialized transportation.

5. **Release of Claims**

The settlement agreement describes the claims you are releasing with specific descriptions, so read it carefully. If you have any questions you can talk to Class Counsel identified below for free or you can talk to your own lawyer if you have questions about what this means.

6. **Final Settlement**

The settlement becomes effective after the court finally approves the terms of the actual settlement agreement, which is only outlined in this notice. The date and time of the final approval hearing is set forth below. The duration of the settlement is until March 31, 2023, but certain obligations may be shortened depending on DSS’ contractual relationships with CHCNT and/or Veyo.

Your Rights

The court has appointed Connecticut Legal Services, Inc., 16 Main Street, New Britain, Connecticut, 06051, (860) 225-8678 (“Class Counsel”), as the lawyer for the Representative Plaintiffs, Settlement Class, and Settlement Subclass. You will not be charged for these lawyers, but you may hire a lawyer at your own expense. As part of the settlement, Veyo has agreed to pay the attorneys’ fees of Class Counsel, in the amount of \$75,000.00.

You have the right to let the court, the attorneys, DSS, and Veyo know if you do not agree to the proposed settlement by objecting to the settlement. To object to the settlement, you must submit a written letter that includes: (a) your name, address, and telephone number; (b) a statement saying that you object to the settlement in *Carr, et. al. v. Bremby, et. al.*, Case No. 3:19-cv-00035-KAD; (c) the reasons you object to the settlement; (d) documents establishing or providing information sufficient to allow the parties to confirm that the objector is a class member; and (e) any documents such objector desires the court to consider. You must also indicate whether you intend to appear at the final approval hearing that is scheduled on **August 29, 2022 at 1:00 P.M.** at the following address:

Brien McMahon Federal Building
United States District Court
915 Lafayette Blvd.
Courtroom Four – Annex
Bridgeport, CT 06604

The purpose of the hearing is to hear any objections, determine if the settlement is fair, reasonable, and adequate, and approve the settlement.

If you object you must send the above materials to each of the following addresses, and your objection must be filed with the Court by **August 12, 2022**, and postmarked and mailed to each of the below by **August 12, 2022**:

Brien McMahon Federal Building
United States District Court
Attn: Clerk’s Office
915 Lafayette Blvd.
Bridgeport, CT 06604

Kristen Noelle Miller Hatcher
James Haslam
Matthew Dillon
Nilda R. Havrilla
CONNECTICUT LEGAL SERVICES
16 Main Street
New Britain, CT 06051

Tanya DeMattia, Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL
State of Connecticut
165 Capitol Avenue
Hartford, CT 06106

Thomas C. Blatchley
GORDON & REES SCULLY MANSUKHANI LLP
95 Glastonbury Blvd, Suite 206
Glastonbury, CT 06033

If Class Counsel does not believe that DSS or Veyo have complied with the settlement, they may ask the court to take further action. Because they are acting on your behalf, you should contact Class Counsel if you have questions about this settlement or your rights.

To see a copy of the proposed settlement agreement, the court's approval of class notice, and the operative complaint filed in the lawsuit, or to get more information about the settlement, please contact Class Counsel identified above.

PLEASE DO NOT CONTACT THE COURT, THE JUDGE, DEFENDANTS, OR DEFENDANTS' ATTORNEYS WITH QUESTIONS REGARDING THIS MATTER.