

FOR IMMEDIATE RELEASE

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Monday, August 20, 2018

DRNJ Asks State Comptroller to Investigate State's Management of Program for New Jersey Citizens with Disabilities

Trenton, NJ - Disability Rights New Jersey (DRNJ) has asked the New Jersey State Comptroller to investigate the state's failure to exercise effective oversight of two programs intended to support people with disabilities living in the community.

Both the Department of Human Services' (DHS) Personal Preference Program (PPP) and the Division of Developmental Disabilities' (DDD) Self-Directed Services are service delivery models that allow seniors and individuals with disabilities living in the community greater opportunity to choose where and with whom to live by directing and managing their own services. The Medicaid-funded programs depend on the state's contracted fiscal intermediary to make timely payments to employees and vendors hired and selected by the programs' participants.

In June 2017, Public Partnerships, LLC (PPL), a subsidiary of Public Consulting Group (PCG), assumed fiscal management responsibility for both programs. Despite more than one year of planning and an additional year of operation, PPL/PCG continues to have difficulty operating the program as intended, resulting in people with disabilities losing employees and being unable to access services.

Despite repeated complaints to DHS and DDD by DRNJ, families, and provider and advocacy organizations, DHS has not taken effective action to ensure that individuals with disabilities dependent on PPL/PCG are able to hire and pay direct service personnel and receive services in their approved service plans without excessive delays and interruptions. Because of the lack of action by the Department, DRNJ is asking the State Comptroller to exercise his responsibility to review the performance of the state programs and contracts.

DRNJ serves as New Jersey's designated Protection and Advocacy System empowered by Congress to provide legal and non-legal advocacy services for people with disabilities in New Jersey.

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DRNJ is supported by the U.S. Department of Health & Human Services, Administration on Intellectual and Developmental Disabilities; Center for Mental Health Services, Substance Abuse & Mental Health Services Administration; U.S. Department of Education, Rehabilitation Services Administration; and the Social Security Administration. This press release does not represent the views, positions, or policies of, or the endorsement by, any of these federal agencies.

Advocating and advancing the human, civil and legal rights of persons with disabilities

August 20, 2018

Philip J. Degnan, Comptroller
Office of State Comptroller
20 West State Street
Trenton, New Jersey 08625

Re: Public Partnerships, LLC
T-2949

Dear Comptroller Degnan:

Disability Rights New Jersey is the designated protection and advocacy system for people with developmental disabilities in New Jersey pursuant to 42 U.S.C. §§ 15041-45. On behalf of DRNJ and individuals eligible for services from the Department of Human Services, I am writing to request the Comptroller's attention to the consistent and continuing problems affecting participants in the Division of Disability Services' Personal Preference Program (PPP) and the Division of Developmental Disabilities' self-directed programs. I am taking the liberty of enclosing DRNJ's previous communications with former Commissioner Connelly and current DHS Commissioner Johnson asking them to take action to respond to this situation.

Public Consulting Group (PCG)/Public Partnerships, LLC, (PPL), began providing fiscal intermediary services for the PPP and DDD programs in June 2017. DRNJ staff has requested a copy of the contract between the state and PPL. DRNJ has been told that there is no contract. Instead, purportedly the RFP issued by the state and the response by PPL constitutes the agreement between PPL and the state.

PPL has consistently demonstrated that it is not equipped to perform the essential functions for the Medicaid beneficiaries it has been contracted to serve. PPL's continuing failure to perform is causing immediate and irreparable harm to individuals with physical, intellectual, and developmental disabilities who rely on a functioning fiscal intermediary to pay for medically necessary caregivers, goods, and services.

Over the past year, DRNJ has received over 115 complaints from beneficiaries and their families alleging that PPL's poor performance has caused interruptions in Medicaid Waiver services, including incorrect, inconsistent, and missing payments for approved services including payroll; long delays enrolling new participants; and unresponsive customer service. For example, in April 2018, a PPL systems error delayed direct deposit for a large portion of PPP staff. The next

week, PPL's systems began denying claims for payment after erroneously labeling individuals ineligible for Medicaid. Most recently, PPL sent a notice to individuals relying on their services that personal information may have been disclosed due to a security breach. (See attached.)

Several Medicaid beneficiaries and their families have reported that they have had to go without essential services when their support staff resigned because of PPL's consistent failure to pay staff on a timely basis, sometimes making no payments for several weeks. Other beneficiaries and family members reported receiving violation notices of federal and state labor laws for PPL's failure to pay wage obligations to caregivers or payroll withholding to taxing authorities.

In addition to consistent problems paying direct support professionals, PPL's failures have caused some beneficiaries to lose access to approved goods and services. For example, a number of beneficiaries have been approved for programs at local gyms. Because PPL has failed to make timely payment to the gyms, the beneficiaries have been told by the gym owners that the beneficiaries could no longer use the gyms.

The failure of PPL to perform appropriately has also resulted in denying some beneficiaries access to services. DDD has been forced to delay a long-planned transition to a fee-for-service model for its Medicaid Waiver programs because of PPL's inability to accommodate tax reporting for individuals who are enrolled in PPP and DDD's Community Care Program simultaneously. This delay harms individuals eligible for services from DDD who cannot access enhanced budgets and service options until the transition to fee-for-service is complete.

DHS has acknowledged the problems with PPL by assigning at least one state employee to work with PPL on technical issues and allowing beneficiaries not already enrolled with PPL to stay with the previous fiscal intermediary. However, despite repeatedly promising DRNJ, individual beneficiaries, and other advocacy organizations that the problems will be addressed, DHS has shown no urgency to implement a corrective action plan or otherwise hold PPL accountable for its failures affecting beneficiaries who are already enrolled with PPL. A complaint hotline promised by the Department of Human Services months ago is still not operational. Without notice or communication, DHS moved the programmatic oversight of the PPP program from the Division of Disability Services to the Division of Medical Assistance and Health Services. Many individuals with disabilities and their family members' complaints remain unresolved, many complaints thought to be resolved reoccur, and new problems are appearing more than a year after PPL began acting as DHS's fiscal intermediary in June 2017 and 19 months after it was awarded the contract.


It is DRNJ's understanding that PPL has a role in the administration of the Early Intervention Program in the Department of Health. DRNJ has heard complaints that PPL is not paying service providers in that program in a timely manner and has no mechanism for providing families with copies of the Individualized Family Support Plan.

DRNJ believes that PPL's inability to perform its obligations satisfactorily and DHS's unwillingness or inability to manage its contractor warrants intervention from your office.

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Please feel free to contact me; Jill Hoegel, Coordinator, Protection and Advocacy for Individuals with Developmental Disabilities; or Michael Brower, Staff Attorney, should you require any additional information.

Very truly yours,



Joseph B. Young
Executive Director

JBW/md

Enclosures

cc: Hon. Carole Johnson, Commissioner, Department of Human Services

January 9, 2018

Hon. Elizabeth Connolly
Acting Commissioner
Department of Human Services
P.O. Box 700
Trenton, NJ 08625-0700

Re: Public Partnerships, LLC

Dear Commissioner Connolly:

For several months, Disability Rights New Jersey, along with the New Jersey Council on Developmental Disabilities, has received numerous complaints from individuals and family members of individuals eligible to receive services through the Division of Developmental Disabilities' self-directed program and the Division of Disability Services' Personal Preference Program, all involving the transition to a new fiscal intermediary for these programs. Despite multiple communications and promises of remediation, significant problems remain. Attached is a spreadsheet listing 104 individuals and families. None of these names should be new to the Division or to the fiscal intermediary. Their problems are longstanding and, as of January 5, 2018, have yet to be resolved.

All these complaints are consequential, and they all have had serious adverse impact on the individual and the individual's family. Families are not able to enroll new direct support personnel, approved direct support personnel are not being paid, and approved goods and services for programs and transportation are not being paid. Individual budgets are not even treated similarly in the two programs. The Personal Preference Program allows only 4.3 weeks each month, resulting in a lack of funding when a month contains five weeks.

As a result, individuals have lost direct support personnel, and many are at home without programs or activities. Some families are attempting to pay for programs and services with the hope of ultimately receiving reimbursement. Other family members are losing wages because they have to stay home from work when they are unable to hire staff.

Despite months of complaints, there has been no noticeable improvement in the fiscal intermediary's customer services and its ability to resolve complaints. Individuals and families are not assigned to a specific person who is familiar with their concerns. When calls are returned at all, they are given inconsistent and conflicting information. When a problem is resolved, it is usually only a short term fix, with the same problem inevitably reappearing. In its efforts to assist individuals and families to resolve their complaints, DRNJ staff has experienced these

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same problems. When pressed, staff at the fiscal intermediary are too often too willing to blame the individual and the families rather than their ineffective system.

Most egregious of all, the Division of Disability Services has terminated the services for two individuals because they or their family members complained too impolitely to representatives of the fiscal intermediary about the problems the families were experiencing.

While behind closed doors, the Department may be working to resolve the current fundamental inability of the fiscal intermediary to administer these programs, the public perception is that the Department is indifferent to the hardships that individuals eligible for these programs are experiencing. There is no evidence that the Department's efforts to hold the fiscal intermediary accountable in any way matches the degree of deprivation and hardship experienced by these individuals and their families. In fact, the Department has already demonstrated that it is more willing to terminate the services of individuals who complain, in violation of the Americans with Disabilities Act and the First Amendment, than it is to even criticize the fiscal intermediary.

DRNJ is, again, requesting that the Department immediately ensure that sufficient resources are deployed to fix these problems immediately and permanently.

Very truly yours,


Joseph B. Young
Executive Director

JBW/md

Attachment

cc: New Jersey Council on Developmental Disabilities



210 South Broad Street, Third Floor
Trenton, New Jersey 08608
800.922.7233 | 609.633.7106 (TTY)
609.292.9742 | 609.777.0187 (FAX)
www.drnj.org

Joseph B. Young, Executive Director

May 2, 2018

Hon. Carole Johnson
Acting Commissioner
Department of Human Services
P.O. Box 700
Trenton, NJ 08625-0700

Re: Public Partnerships (PPL)

Dear Commissioner Johnson:

Disability Rights New Jersey is the designated protection and advocacy system for people with developmental disabilities in New Jersey pursuant to 42 U.S.C. §§ 15041-45. As the protection and advocacy system, DRNJ looks forward to working with you and the new administration to ensure that individuals with intellectual and developmental disabilities are protected from abuse and neglect and have the opportunity to live independent and productive lives in the most integrated setting with adequate supports and services.

Unfortunately, there is one issue carried over from the previous administration that is not only frustrating these goals but also having serious negative consequences on the lives of a significant number of individuals who are eligible for services from the Division of Developmental Disabilities and the Division of Disability Services.

While there could be an extended discussion about the extent to which the disability community was not prepared for the substantive and procedural changes that accompanied the change in the designation of fiscal intermediary for both divisions, the more immediate concern is that Public Partnerships, LLC (PPL), the new fiscal intermediary, has not demonstrated an ability to meet its contractual obligations to the Department, resulting in immediate and irreparable harm to individuals with physical, intellectual, and developmental disabilities.

For almost a year now, DRNJ has received complaints that, because of PPL, beneficiaries and families have experienced widespread interruptions in the delivery of waiver services, including problems with incorrect, inconsistent, and missing payments for approved services,

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New Jersey's designated protection and advocacy system for individuals with disabilities | Member, National Disability Rights Network

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unreasonable delays in enrollment, and non-responsive customer service. PPL's failure to pay direct support personnel promptly or at all has resulted in the loss of direct support personnel and in complaints being filed against families for violating the Fair Labor Standards Act. PPL's failure to pay providers of goods and services has resulted in the termination of community-based activities for some individuals with disabilities and the lack of ability to access these activities for others, including basic services such as physical, occupational, and behavioral services. The absence of a functioning fiscal intermediary has prevented others from enrolling and receiving an array of services, including cognitive rehabilitation; goods and services; prevocational training; and speech, language, and hearing therapy.

Compounding PPL's failures is the evident inability of PPL to effectively fix its problems and the lack of willingness of the Department to exercise its authority to require immediate and permanent solutions. Deferring to PPL in the hope that someday the problems will work themselves out is simply not a responsible response.

When PPL's customer service phone number and escalation procedures were not responsive, DRNJ staff walked into PPL's offices in Princeton. While initially promising, DRNJ's direct conversations with PPL staff to resolve concerns were unilaterally stopped without notice by PPL. DRNJ has received over 100 individual complaints. To date, more than 80% remain unresolved. Last week's failure by PPL to make timely direct deposits to direct service personnel and this week's inability to process timesheets suggests that PPL's deficiencies are getting even worse.

Disappointingly, the Department has not publicly acknowledged the problems individuals and family members are experiencing or the Department's plans to get things fixed. DRNJ wrote about our concerns to the previous commissioner. We were promised a response, but none was received. The Department's public inaction has given the impression that PPL will be permitted to perform incompetently indefinitely causing continuing hardship to New Jersey citizens with disabilities with no apparent consequences to PPL.

DRNJ urges the Department to publically demand transparent performance standards from PPL and to impose meaningful sanctions for failure to meet those standards. DRNJ urges the Department to require PPL to assign sufficient staff to ensure that emails and telephone calls are answered within one business day. DRNJ urges the Department to establish a working group composed of state representatives, independent business consultants, family members, individuals receiving services, and advocates to monitor PPL's contract performance. Reports from this workgroup should be made public at least monthly.

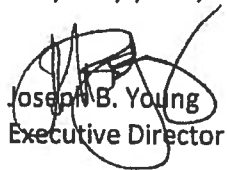
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The Department also needs to address the damage that has already been caused by PPL's failures. The Department needs to assist families and individuals with disabilities who have received complaints for violations of federal and state labor laws and to hold families and individuals harmless for any fines and penalties. The Department needs to reimburse families and individuals who have had to pay direct support staff out of their own pocket because of PPL's failure to enroll and pay direct support staff in a timely manner. The Department needs to ensure that underpayments to direct support personnel are corrected.

DRNJ hopes that after an appropriate period, the Department will evaluate the current administrative structure and procedures as well as complementary and alternative systems and involve the full spectrum of stakeholders in the evaluation and recommendations.

Your attention to these concerns is urgently requested. I look forward to future conversations when we can discuss ways we can collaborate to achieve independence and productivity in the most integrated setting with adequate supports and services for New Jersey's citizens with disabilities.

Very truly yours,


Joseph B. Young
Executive Director

JBW/md

PCG

July 31, 2018

Dear [REDACTED],

We are contacting you about a security event involving information Public Partnerships LLC (Public Partnerships) keeps for you as a participant in the New Jersey Personal Preference Program (NJ PPP). As a result, your personal information may have been potentially exposed to others. This letter describes the event and the potential impact on you. Please be assured that we have taken steps to address the event and we are committed to protecting information entrusted to us.

What happened and What we are doing to protect your information?

An email containing your information (name) was inadvertently emailed unsecure to an individual on June 28, 2017. Public Partnerships proactively reached out to the recipient and instructed them to destroy the email. Public Partnerships also asked the recipient to sign an attestation related to the proper disposal of the email and non-use of the information. We have no record of the email being sent to anyone else.

Additional steps you can take

We believe there is almost no chance that your information [REDACTED] was misused, but out of an abundance of caution, we want to notify you of the event in case you feel it is necessary to take additional steps to ensure that your personal information is not used inappropriately. Those steps can include the following:

- 1) Placing a fraud alert on your credit report. A "fraud alert" alerts credit reporting agencies that there may be fraud involved in new requests for credit. A fraud alert is free, and you only need to notify one of the three main credit reporting agencies to place an alert on your credit report.
- 2) Requesting your credit report from the three main credit reporting agencies. By law, you may request one free credit report each year from each of the three credit agencies: Equifax, Experian, and TransUnion. Ordering a report from each credit agency every four months allows you to check your credit report three times a year. To request a free credit report, go to www.annualcreditreport.com or call toll-free 1-877-322-8228. The contact information for each credit reporting agency is listed below:
 - i. Equifax, 1-800-525-6285 or www.equifax.com
[or mail to P.O. Box 740241, Atlanta, GA 30374-0241]
 - ii. Experian, 1-888-EXPERIAN (397-3742) or www.experian.com
[or mail to P.O. Box 9532, Allen, TX 75013]
 - iii. TransUnion, 1-800-680-7289 or www.transunion.com
[or mail to Fraud Victim Assistance Division,
P.O. Box 6790, Fullerton, CA 92834-6790]
- 3) Reporting suspected identity theft to your local police department. If you have reason to believe your personal information has been accessed or compromised as a result of this incident, you might want to consider filing a report with your local police department.

We sincerely apologize for this event and regret any inconvenience it may cause you. Should you have questions or concerns regarding this matter, please do not hesitate to contact us at **1-844-880-8702**.

Sincerely,
Public Partnerships LLC