

From: [Frazer, Dylan](#)
To: ["rw latta"](#)
Subject: RE: Response to Public Records Request
Date: Thursday, October 02, 2014 2:15:00 PM

Dear Mr. Latta,

According to 1 V.S.A. § 317(b) a “public record” or “public document” “means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business”. The information you requested in your September 26th public record request does not exist in written or recorded format but would have to be compiled from other records, thus creating a public record. The Department of Vermont Health Access is not required under Vermont public records statutes to create a public record in response to a request; nor, is it their custom and practice to do so.

Additionally, the Department is not required under public records statutes to answer your many questions. I direct you again to the Department’s public website for more information. The following link connects to contracts DVHA has entered into, including contracts with transportation brokers which include the maximum amount to be paid for transportation services: <http://dvha.vermont.gov/administration/contracts>. Finally, in response to your comment regarding data having “commercial value,” for your information, 33 V.S.A. § 111(b)(2) prohibits a person from using any records of the department of any kind or description for political or commercial purposes, or purposes not authorized by law.

Please be advised that, pursuant to 1 V.S.A. § 318(a)(2), you have the right to appeal the denial of any portion of your request to Mark Larson, Commissioner of DVHA.

Sincerely,

Dylan

From: rw latta [mailto:r_2007_l@yahoo.com]
Sent: Wednesday, October 01, 2014 2:25 PM
To: Frazer, Dylan
Subject: Re: Response to Public Records Request

Greetings Sir.

Thank you for replying. My last name is spelled "Latta". I do have some questions. I have been looking at the document link you provided. I was able to download the providers list off of your agency website without any application process. I presume that is permitted.

Is there a public source for who the registered NEMT providers are?

I then presume that any disclosed data would look like the following:

NEMT Broker Name, Unique Number (Not "Medicaid" Number), Month, Amount with a record for each member per month. If this is not accurate, what does the format look like?

If a member does not use the NEMT service provider for an entire month due to legitimate causes, does the transportation broker still get paid?

I do not wish to have to contact the individual transportation brokers to ask them to sell their filtered triplog data records. Somehow, they might not be interested. That limitation leaves only a few options.

I have considered the possibility of formally applying for a provider's authorization, just as a means to maintain any credentialed status as a FOIA requester. Does this approach have merit, since I would not be sending any invoices to your agency? Would the registered provider status allow me to access and or acquire the data I am interested in (possibly on a recurring basis rather than a one time only request) as stated in my initial email?

Un-fortune-ate-ly, there seems to be no current quick easy method to apply for the data records I am interested in.

I would like to work in harmony with your agency to see what data apply for this data.

Ideally, there is commercial value in this data, especially in the filtered and sanitized form as I originally requested.

Am I correct in presuming the entire program population is small enough that the program direction warrants this (bottom-up --from the vendor to the state direction) rather than the typical top-down direction?

It is just new to me, Sir.

Thank you for your time.

Sincerely,

Richard Latta

On Tuesday, September 30, 2014 8:12 AM, "Frazer, Dylan" <Dylan.Frazer@state.vt.us> wrote:

Dear Mr. Lotta:

The Department of Vermont Health Access (DVHA) has conducted a search in response to your September 26, 2014 public records request. The information requested is "claim and payment records to the entities whether they are non-profit or for-profit that provide the transportation services," and specifically, "the information request is based on the transportation subcontractor's information: tax id number, name, address, city, state, zip code, and phone. [T]he remaining part of the request is for the date of transportation, number of people transported, mode of transportation, (bus, train, handy-capped accessible van, or private auto), the claim amount for services, claim date, received payment date, and received payment amount."

DVHA does not maintain records with this level of information due to the payment methodology used for these services. Medicaid transportation brokers are paid on a per member, per month basis unless there is a claim totaling more than \$500. Pursuant to 1 V.S.A. § 317(b), a public record is any written or recorded information which is produced or acquired in the course of public agency business. As such, DVHA has no records to produce based on this request.

Also requested was “any legislative references detailing the operations of the program that may detail the case management systems involved in this program.” The following link connects to the Vermont Medicaid Non-Emergency Medical Transportation Manual, which details the requirements of the program:
<http://dvha.vermont.gov/for-providers/3nemt-manual-7-1-14.pdf>.

Feel free to contact me if you have any questions.

Sincerely,

Dylan Frazer

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