

**From:** Newman, Zoe <Zoe.Newman@vermont.gov>  
**Sent:** Tuesday, July 16, 2024 11:40 AM  
**To:** Richard Thompson [REDACTED] >  
**Subject:** Re: Retaliation Against Mandated Reporters and Investigation Procedures

Hi Richard:

Thank you for your response, however, I noticed you did not include a phone number. Could you please provide the best number at which to reach you?

In order to respond to your request, I will need to understand the specific records that you are seeking from the Medicaid Fraud and Residential Abuse Unit. Currently, your request remains too broad and vague for me to fulfill. The best way to narrow your request would be for us to have a phone call.

Please let me know what number I can reach you at for this purpose and the best times to reach you tomorrow, July 17th.

Best,  
Zoe

On Jul 16, 2024, at 10:36 AM, Richard Thompson <[REDACTED]> wrote:

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good morning,

Thank you for your reply. Below is a more specific request for the documents needed.

Purpose:

### **Purpose Statement**

There appears to be a systemic and ongoing lack of self-enforcement of anti-retaliation laws within the Health and Human Services (HHS) designated agencies. These agencies utilize both W-2 and 1099 mandated reporters, with those under 1099 agreements appearing to be the most vulnerable. Evidence suggests that HHS designated agencies are using state-funded legal resources to silence and chill the speech of mandated reporters. This issue is systemic to the point of ubiquity and is documented in legislative records and public documents. One such entity highlighting this phenomenon is Disability Rights, though there are many other private reports. This is a known phenomenon in the legal

community, where designated agencies use their unlimited state-funded resources to attack private citizens who report abuse.

Documents confirm reports of retaliation made to HHS with no ameliorative actions taken. This situation indicates structural abuse affecting the rights of clients within the HHS system, creating a chilling effect on both the public and mandated reporters, and revealing a significant lack of oversight. This request seeks to clarify the protections, oversight, and recourse available to mandated reporters who face retaliation, to understand the existing procedures and representation structures when such violations occur, and to highlight the urgent need for transparent and effective oversight mechanisms.

### **Request for Information**

#### **1. Whistleblower Protections:**

- **Background:** HCAR 8.100.8(f) ensures no punitive action against providers who file or support a beneficiary's grievance. Attachment C to the Provider Agreements with the designated and specialized service agencies includes whistleblower protections.

#### **2. Oversight of Medicaid Retaliation:**

- **Question:** Does MFRAU oversee investigations into retaliation related to Medicaid?
  - If yes, please provide details of the oversight procedures and any relevant documents.
  - If no, please provide contact information for the entity or individual responsible for this oversight.

#### **3. Publicly Available Forms:**

- **Request:** Please provide any publicly available forms used for reporting retaliation against a mandated reporter by a state supervisor, employee, or director. If no such forms exist, please confirm this.

#### **4. Investigation Procedures:**

- **Request:** Please provide documentation on the procedures for investigating allegations of retaliation against state employees, supervisors, and directors. Include details on the steps involved, timelines, and oversight mechanisms. If no such documents exist, please confirm this.

#### **5. Documented Retaliation Investigations:**

- **Request:** Please provide a numerical breakdown of documented retaliation investigations involving state-designated agency employees, supervisors, or directors since 2006. If no such records exist, please confirm this.

### **Additional Information Request**

Based on information from the Department of Labor:

#### **1. Legal Recourse for Mandated Reporters:**

- **Question:** Given the whistleblower protections, does a private citizen (mandated reporter) who has lost employment due to retaliation need to sue a designated agency?
  - If so, does this mean that the employee, supervisor, or director of the designated agency would be provided automatic representation by the state of Vermont's legal resources?
  - If this is the case, it could create a chilling effect among mandated reporters and underreporting of fraud and abuse within the HHS system.

Thank you again for your response, I will be more attentive to your emails. Please reach out if you have any further questions.