

# **CORRECTIONAL DENTAL ASSOCIATES**

**192 West State Street  
Trenton, New Jersey 08608  
609-599-2800**

Joseph Milestone, Esquire  
Assistant Inspector General  
State of New Jersey  
Post Office Box 208  
Trenton, New Jersey 08625-0208

April 2, 2008

Dear Mr. Milestone:

We believe that a diligent investigation will reveal millions of dollars in owed adjustments to CMS' compensation based on negative deviations from the agreed upon "must relief staffing".

We are enclosing specific information on the "must relieve staffing" deficiencies in the NJDOC Inmate Medical Services Contract. We are including the specific CMS bid documents and RFP guidelines, 3.1.1.8 STAFFING MATRIX, which basically delineate the "must relieve" positions and the RFP's position that negative deviations will result in adjustments to compensation. We believe "will" means mandatory and not subject to the NJDOC contract manager's or the NJDOC HSU's discretion.

CMS stated in its enclosed non conforming Price Schedule that "Relief factor staffing has been summarized for all positions across the state/region and not separately identified by job title". We know from your investigation that most, if not all, of this relief factor dental staffing was never provided by CMS, but was supposed to be paid for by the State in the Paid Time Off column. We have already discussed in earlier correspondence the impropriety of expensive mandatory bid specifications that have historically only been enforced on the minority dental provider but not on CMS.

We do not have the capability to track the specifics of the CMS compensation. Regardless, of whether the State was billed for this Paid Time Off, we believe that this CMS cost cutting tactic violates the language and intent of this RFP and renders the CMS delivery materially unresponsive. The documented selective enforcement of mandatory bid specifications by the NJDOC destroys the integrity of this procurement process and wastes millions of dollars.

We believe that CMS may owe the State and its tax payers for every must relieve position vacancy over the term of this contract. It is likely that these vacancies will have to be tracked manually because the NJDOC has not demonstrated the capability to adequately monitor staffing. These positions include: Dentist, Dental Assistant, Physician, Nurse Practitioner, Director of Nursing Services, Supervisor of Nursing Services, Nurse-Day, Nurse-Evening, Nurse-Night, Practical Nurse-Day, Practical Nurse-Evening and Practical Nurse-Night.

Respectfully,

Leslie A. Hayling, Jr., D.D.S.  
President  
Correctional Dental Associates

Cc: Bonnie Watson Coleman, Assembly Majority Leader  
Mary Jane Cooper, Inspector General