

# STERNS & WEINROTH

A PROFESSIONAL CORPORATION  
COUNSELORS AT LAW

50 WEST STATE STREET  
SUITE 1400  
P.O. BOX 1298  
TRENTON, NEW JERSEY 08607-1298  
(609) 392-2100  
FACSIMILE  
(609) 392-7956  
WWW.STERNSLAW.COM

Writer's Direct Line: (609) 989-5012  
e-mail: kconfoy@sternslaw.com

File No.: 50442-2

July 15, 2009

Mary Jane Cooper, Esq.  
Inspector General  
State of New Jersey Office of the Inspector General  
P.O. Box 208  
Trenton, New Jersey 08625-0208

**Re: Inspector General Reports on Department of  
Corrections Inmate Health Services**

Dear Inspector General Cooper:

We represent Correctional Dental Associates ("CDA"), a specialized provider of inmate dental services. We write to follow-up on the recommendations and referrals made by the Office of Inspector General ("OIG") in its October 15, 2007 and the Supplemental December 9, 2008 Reports. We also write to request that the OIG investigate and monitor the current delivery of inmate dental services that is the subject of an interagency agreement between the University of Medicine and Dentistry of New Jersey ("UMDNJ") and the New Jersey Department of Corrections ("DOC").

Your December 9, 2008 letter to Governor Corzine that accompanied release of the Supplemental Report recognized that the State failed to assess against Correctional Medical Services, Inc. ("CMS") as much as \$4.5 million in liquidated damages. It also noted that CMS overcharged the State of New Jersey by \$700,000. You recommended that the State pursue recovery of these monies. With the passage of seven months since issuance of your Supplemental Report, we wonder whether those monies have been recovered.

We also write to inquire whether a determination has been made by the Office of the Attorney General and the State Ethics Commission either to take or not to take any action against Anthony Roselli, the former Assistant Commissioner of DOC and David Meeker, the CMS Vice President, as recommended in your December 9, 2008 Supplemental Report.

We have not seen any ruling or opinion by the New Jersey Board of Dentistry regarding CMS's engagement in the unauthorized practice of dentistry and, therefore, question whether the Office of the Attorney General has undertaken review of the contracts of the various corrections agencies in New Jersey to evaluate compliance with New Jersey's Professional Service Corporations Act, as recommended in your December 9, 2008 Supplemental Report.

While we are, of course, cognizant of the standards articulated in N.J.S.A. 52:15B-12, that balance the public interest in disclosure with the need to maintain the confidentiality of investigations and deliberations, as you are not doubt aware, there has been a significant passage of time since the issuance of OIG's reports. The public's perception of the integrity of the process is premised, in large part, on a timely response and action on OIG's recommendations.

Finally, we write to bring to your attention the continuation by UMDNJ of CMS's failure to properly and timely deliver inmate dental services. As you know, although the State refused to extend and did not re-bid the inmate medical services contract, UMDNJ assumed delivery of these services to DOC's inmate population based on an interagency agreement. Unfortunately, UMDNJ has no prior experience providing these services and its current dental services administrators are individuals formerly employed by CMS. In fact, UMDNJ has hired the same staff previously employed by the non-compliant CMS, including the former-CMS Dental Director and the majority of the CMS staff. Incredibly, these employees are now considered State employees eligible for State benefits.

Although CDA's concerns regarding UMDNJ's performance arise, in part, from being replaced after nine years of providing contractually compliant dental care to the DOC -- first by CMS, and more recently by UMDNJ -- its business interests in no way diminish its legitimate concern over performance and service delivery failures, and the concomitant public spending abuses. As you are already aware, the OIG's lengthy investigation revealed that CMS failed to properly report, and DOC failed to properly monitor performance of inmate dental services. UMDNJ, like the predecessor CMS dental subcontractor, AllCare, has no experience in providing inmate dental services. In addition, based on the responses we have received to our Open Public Records Act requests, it appears that UMDNJ is not adequately reporting its delivery of services. Thus, whereas the OIG report concluded that CMS did not adhere to its mandatory reporting obligations and provided less than fifty percent of the required dental services, it appears that the same may be said for UMDNJ. We urge OIG to investigate UMDNJ's service delivery at this juncture, therefore, to ensure comprehensive reporting, monitoring and oversight early in the service delivery process. Such early intervention is the only way to prevent continued and repeated failures outlined in OIG's reports on inmate dental services.

Mary Jane Cooper, Esq.  
New Jersey Inspector General  
July 15, 2009  
Page 3

We look forward obtaining additional information regarding the status of actions taken to implement the recommendations in your reports and to your response regarding UMDNJ's performance.

We would appreciate an opportunity to meet with you to discuss these matters.

Very truly yours,



Karen A. Confoy

cc: William J. Castner, Jr., Esquire, Chief Counsel to the Governor  
Bonnie Watson Coleman, Assembly Majority Leader  
Joseph Milestone, Assistant Inspector General  
A. Matthew Boxer, State Comptroller  
Leslie A. Hayling, Jr., DDS, President Correctional Dental Associates