

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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CARING PROFESSIONALS, INC. and CONSUMER)
DIRECTED PERSONAL ASSISTANCE) Index No.: 601181/2025
ASSOCIATION OF NEW YORK STATE,)
)
Plaintiffs,)
v.)
)
)
NEW YORK STATE DEPARTMENT OF HEALTH,)
JAMES V. MCDONALD, in his official capacity as)
Commissioner of the New York State Department of)
Health, MICHAEL LEWANDOWSKI, in his official)
capacity as a representative of the New York State)
Department of Health's Office of Health Insurance)
Programs, and PUBLIC PARTNERSHIPS LLC,)
)
Defendants.)

AFFIRMATION OF
JULIAN HAGMANN

Julian Hagmann, hereby affirms under penalties of perjury as follows:

1. I am the Vice President of Plaintiff Caring Professionals Inc. ("Caring Professionals"), I personally affirmed to the truth of the allegations in the First Amended Verified Complaint (the "Complaint") and, as with the allegations I affirmed to there, I also have personal knowledge of the facts contained in this affirmation.

2. I submit this affirmation to respond to the false assertions contained in the January 23, 2025 letter to this Court from Defendant Public Partnerships LLC's ("PPL") counsel (the "PPL Letter").

3. PPL seeks to sidestep the catastrophic harms that New York State stands to inflict on Caring Professionals and a vulnerable population if they make good on the illegal Medicaid sanctions threatened in the DOH's December 23, 2024 Letter.

4. PPL falsely claims that Caring Professionals only alleges “damages that could easily be calculated” and that Caring Professionals “fails to allege damages of a noneconomic nature.”

5. Notably, even New York State did not make did not try to pretend that expelling Caring Professionals from Medicaid would be anything short of irreparable and catastrophic to thousands of people.

6. Contrary to PPL’s false assertions, expelling Caring Professionals from Medicaid would result in far reaching “non-economic damages” or damages that could easily be calculated.

7. Rather, the catastrophic consequences to Caring Professionals and its patients of a Medicaid shutdown is the epitome of irreparable harm.

8. A Medicaid expulsion means a total shutdown of, and an end to, Caring Professionals and its 32 years of business providing services to vulnerable populations of patients in New York State-- full stop.

9. That is because approximately 96% of Caring Professionals’ revenue depends on Medicaid as the vulnerable population of patients who have received home health care services for the last 32 years cannot afford to pay for home health aides or personal assistants without it.

10. Additionally, expelling Caring Professionals from Medicaid is nothing less than an edict from the State of New York instantaneously terminating the employment of more than 6,900 personal assistants, home health care aids, the services for more than 5,800 Medicaid-dependent patients, and 115 administrative professionals within the State (just within Caring Professionals).

11. Moreover, an edict expelling Caring Professionals from Medicaid would also extend far beyond the boundaries of the CDPAP program.

12. PPL and the Department of Health continue to gloss over the fact that, like many FIs in the CDPAP Program, Caring Professionals serves several separate populations of Medicaid-dependent patients and not just patients in the CDPAP program.

13. Only half of Caring Professionals' patient population receives services from CDPAP.

14. Of the 5,800 total Medicaid-dependent patients who use Caring Professionals' to obtain home health care services, 2,500 of them receive services under Caring Professionals licensed home care services agency ("LHCSA") program and not CDPAP.

15. Likewise, Caring Professionals' LHCSA program is responsible for employing 3,100 home health care professionals of the 6,900 such professionals that work with Caring Professionals Medicaid-dependent patient population.

16. This is to say nothing of the fact that the remaining 4% of Caring Professionals business, such as its specially funded Holocaust survivor program would fall to the wayside if Caring Professionals business shutters because it can no longer afford to stay in business.

17. Even as related to the CDPAP program, an expulsion from Medicaid would also threaten irreparable harm. PPL is unequipped to and will likely fail to transition patients by April 1, 2025 to the CDPAP program through no fault of any of the existing Fis.

18. A Medicaid expulsion would preclude Caring Professionals from rendering the necessary Medicaid-funded home health care services to its 3,300 CDPAP patients and their 3,800 personal assistants once PPL fails in its transition efforts.

19. Accordingly, for these reasons and for the reasons set forth in the First Amended Verified Complaint, the Memorandum of law and the other papers supporting this Order to Show

Cause, Plaintiffs respectfully request that the Court grant their motion in full including the immediate temporary restraining order.

I affirm this 26th day of January, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.


Julian Hagemann