

Home and Community-Based Services Conflict of Interest (Conflict-free case management)

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What is Conflict-Free Case Management (CFCM)?

- 42 CFR 441.730(b): Home and community-based service (HCBS) delivery must be independent from:
 1. Evaluations of eligibility
 2. Individual assessments of need
 3. Person-centered plan development
- Current state:

The 5 HCBS programs operated by DAIL and DMH have varying levels of compliance issues because Designated Agencies and Home Health Agencies perform both service delivery and some of the above functions.
- Future state:

The 5 HCBS programs must separate HCB service delivery providers from the functions above.

Current State: Conflict-Free Case Management By Program

3

Programs	Providers Evaluate Eligibility?	Providers Assess Needs?	Providers Perform Person-Centered Planning?
Choices for Care	No	Varies by entity	Varies by entity
Brain Injury Program	No	Yes	Yes
Dev. Disability Services	No	Improvements in process	Yes
Adult and Children Mental Health	Yes	Yes	Yes

Future State Options

- An interdepartmental group is working with a technical assistance contractor to develop options for coming into compliance with conflict of interest requirements.
- Options include:
 - Completely separating case management from service delivery
 - Sharing responsibilities across current providers
 - Receiving exemption in areas where there is only one willing and qualified provider (high bar for federal approval)
 - For DMH only, redesigning programs to limit the reach of the regulatory requirements to only HCBS and not State Plan services