

Home- and Community- Based Services (HCBS) Conflict of Interest Plan

Agency of Human Services Joint Testimony:

- Department of Vermont Health Access
- Department of Disabilities, Aging, and Independent Living
 - Department of Mental Health

April 21, 2022

Why are we here?

- In October 2021, the Centers for Medicare and Medicaid Services (CMS) determined that Vermont's Home and Community Based Services (HCBS), or HCBS-like, programs do not comply with conflict of interest requirements.
- Vermont must ensure direct service provision is independent from:
 - evaluations of eligibility,
 - needs assessments, and
 - person-centered plan development
- Vermont's five HCBS programs are:
 1. Choices for Care Program
 2. Brain Injury Program
 3. Developmental Disabilities Services Program
 4. Community Rehabilitation and Treatment Program
 5. Intensive Home- and Community- Based Services Program

What's the plan?

- Submitted draft HCBS Conflict of Interest Plan to CMS on December 17, 2021.
 - Available here: [Conflict of Interest: Home- and Community-Based Services](#)
- Stakeholder engagement from October – December 2021:
 - Updates provided at existing DMH and DAIL boards/committees.
 - [Issued notice in the Global Commitment Register.](#)
- **Next Step:** Prepare for Technical Assistance Contractor
 - Develop and issue request for proposals (RFP) for technical assistance (TA) contractor to facilitate conflict of interest plan scope of work.

What kind of technical assistance?

1. Assessment of current HCBS programs
- 2. Stakeholder engagement**
3. Recommendation of eligibility, assessment, and case management/person-centered planning solutions
4. Implementation planning and execution

Technical Assistance for Stakeholder Engagement

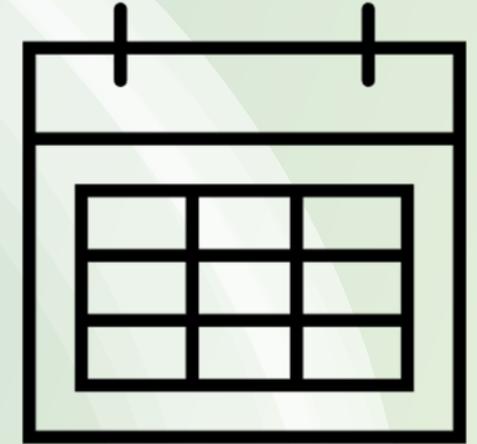
- Stakeholder engagement is critical for the success of this project.
- The TA contractor will have an important role in facilitating stakeholder engagement.
- AHS (including DVHA/DAIL/DMH) will work with the selected contractor to develop a comprehensive stakeholder engagement plan, estimated to be complete by November 1, 2022.
- Stakeholder engagement campaign begins January 2023, through the end of the project.

Engaging Stakeholders to Prepare for Stakeholder Engagement

- February and March 2022: Prior to issuing the Request for Proposals, solicited feedback from DAIL and DMH boards/committees on project goals and stakeholder engagement plan:
 - DAIL Advisory Board, DS Standing Committee, DMH Adult Standing Committee, DMH Children's Standing Committee/Act 264 Advisory Board, and other meetings.
- Advisory group, regional forums, webinars, interviews, surveys, focus groups, letters, brochures, etc.
- Engagement should be accessible, person-centered, and ensure that diverse stakeholder voices are heard throughout the process.
 - Emphasis on consumer voices and the provision of safe spaces for input.

Vermont History

- **January 16, 2014:** the Centers for Medicare and Medicaid Services (CMS) issued final regulations on home- and community-based services (HCBS) requirements (79 FR 2947).
- **2016:** AHS asked CMS for guidance on how to best ensure compliance with person-centered planning requirements.
- **2018:** AHS initiated workgroup to assess HCBS conflict of interest.
- **February 2019:** Began stakeholder engagement effort to educate and begin to collect feedback on potential solutions.
- **September 2019:** Starting with Developmental Disabilities, proposed a menu of options to stakeholders and collected feedback.
- **January 2020:** Presented 'choice' model to CMS; paused efforts due to COVID response.
- **2021:** Held additional meetings with CMS; provided additional info as requested.
- **October 2021:** CMS informed Vermont that the proposed 'choice' model is not an acceptable end state, and that Vermont must pursue separation of HCBS case management from HCBS service provision.



DAIL Adult Services

- The Adult Services Division (ASD) administers two programs included in the conflict-free case management work:
 - Choices for Care ([summary assessment](#))
 - Brain Injury Program ([summary assessment](#))
- ASD has engaged providers and participants multiple times already for input:
 - Stakeholder meetings 2018-2021
 - Participant surveys 2019, 2021
- ASD is committed to robust stakeholder engagement in this next phase of work.
 - Most recently engaged DAIL Advisory Board, HHAs and AAAs for input into the RFP

DAIL Developmental Services

- The Developmental Disabilities Services Division (DDSD) oversees the DS Home and Community Based Services program included in this initiative ([summary assessment](#))
- DDSD sought stakeholder engagement during the initial phases of the conflict-of-interest initiative, through input sessions and surveying
 - Stakeholder meetings and survey: 2019-2022
- Developmental Disabilities Services (DDS) stakeholders have been engaged through State Program Standing Committee to provide input and feedback to inform the process and content of draft plan and RFP
- DDSD is dedicated to authentic stakeholder participation throughout this project
- DDS involvement in conflict-of-interest initiative has been included in [DDSD Workplan](#)

DMH HCBS Programs

- The Department of Mental Health (DMH) administers two programs included in the conflict-free case management work:
 - Community Rehabilitation and Treatment Program
 - Intensive Home- and Community-Based Services Program
- DMH has engaged providers and participants multiple times for input on the system of care:
 - Payment reform stakeholder engagement sessions, Fall 2017 – present
 - Monthly meetings with the Adult and Children’s State Program Standing Committees
- DMH is committed to robust, ongoing stakeholder engagement in collaboration with AHS partners.