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Conflict Free Policy for The Supports Program **Revised January, 2015**

Under the Comprehensive Medicaid Waiver, the Division of Developmental Disabilities (Division) is launching a new program designed to expand home and community-based services for adults age 21 and over currently residing with family members or living independently in unlicensed homes. The program, known as the Supports Program, is designed to help New Jersey better serve adults with developmental disabilities and significantly reduce the number of individuals waiting for supports and services.

In alignment with this new program and other related system reforms, the Division is redesigning part of its case management system. Case management will be provided by external agency-based "Support Coordinators," who will engage in a person-centered planning process with the individual and (if requested) their family, develop their Individualized Service Plan, and ensure appropriate linkages to service providers. Assigned Division staff will provide ongoing technical assistance and quality assurance.

According to the Centers for Medicare & Medicaid Services (CMS), care management services must be "conflict-free," which has the following characteristics: there is a separation of care management from direct services provision; there is a separation of eligibility determination from direct services provision; care managers do not establish the levels of funding for individuals; and anyone who is conducting evaluations, assessments and the plan of care cannot be related by blood or by marriage to the individual or any of their paid caregivers.

In the Supports Program, conflict-free case management will be assured by the following:

- Support coordinators will be entirely separated from the eligibility and budget determination processes. Individuals will choose a support coordinator and begin work with them after their eligibility assessment has been completed and a budget has been assigned based on their level of need. If a budget reassessment becomes necessary, the individual will go through a reassessment process completely separate from their support coordinator.
- The Division's policy restricts Support Coordinators, as well as individuals who perform evaluations/assessments from being related by blood or marriage to the individual or to any of his/her paid caregivers, financially responsible for the individual, or empowered to make financial/health decisions on the individual's behalf.

- The Division is recruiting support coordination agencies who provide support coordination exclusively, and no other Division-funded services. **In some cases, the Division may allow some direct service provision by a support coordination agency, but never to the same individual. Additionally, there must be a six month gap between the provision of support coordination and the provision of other services to the same individual. Please note that the establishment of separate business entities to facilitate independence does not meet the requirements of the Conflict-free Policy in any case where the affiliated businesses share an Executive Director/CEO, a Board of Directors, or any financial interest.**
- **Referrals to subsidiary or affiliated companies of Support Coordination (SC) Agencies are not allowed.** SC Agencies cannot make direct service referrals to any service provider which is owned or shared by a parent or subsidiary or affiliated company or in which the SC Agency has any financial interest. Trends in referrals by Support Coordinators are monitored by the Division and violations of the Conflict Free Policy requirements may result in sanctions up to, and including, disenrollment.

An agency can meet the criteria for the Division's Conflict Free Policy if one of the following:

- (1) They provide support coordination exclusively, and no other Division-funded services; - OR -
- (2) They provide both support coordination and other Division-funded services but the geographical areas where they provide support coordination and other services do not overlap, e.g. they provide support coordination in Essex County and employment services in Bergen County. (Please note that the rules related to never providing both services to the same individual and the six month gap still apply.); - OR -
- (3) They provide both support coordination and other Division-funded services in an overlapping geographical area but the direct services they provide are to a very small number of individuals or the services they provide are not easily accessible. (Please note that the rules related to never providing both services to the same individual and the six month gap still apply.) When this occurs, the Division will evaluate these proposals on a case-by-case basis and reevaluate the need periodically to ensure that the exception continues to be justified.

To meet the Division's conflict free policies, an agency who wishes to provide only support coordination services must submit a letter of interest on agency letterhead outlining that they are only providing support coordination and thus, there is no conflict of interest.

To meet the Division's conflict free policies, an agency who wishes to provide support coordination and other services, but in distinct geographical areas, must submit a letter of interest on agency letterhead outlining:

- (1) What services the agency expects to provide other than support coordination;
- (2) How many individuals the agency anticipates providing services to, both for support coordination and other services;
- (3) In what areas the agency expects to be providing support coordination and other services;
- (4) How the agency will ensure that they are not providing services (both support coordination and other services) to the same individual in different geographical areas; and
- (5) How the agency will ensure a six month delay before providing other services to any individuals for whom they were previously providing support coordination services.
- (6) All shared financial interest of the agency. This includes disclosing all services provided by the

agency that are funded by Medicaid and/or the NJ Division of Developmental Disabilities and all names that the agency could be known as.

An agency who requests an exception to the Division's Conflict-Free policies, and wishes to provide both support coordination and other Division-funded services in the same geographic region, should submit a letter of interest on agency letterhead outlining:

- (1) What services the agency expects to provide other than support coordination;
- (2) How many individuals the agency anticipates providing services to, both for support coordination and other services;
- (3) In what areas the agency expects to be providing support coordination and other services;
- (4) How the agency will ensure that they are not providing services (both support coordination and other services) to the same individual;
- (5) How the agency will ensure a six month delay before providing other services to any individuals for whom they were previously providing support coordination services;
- (6) All shared financial interest of the agency. This includes disclosing all services provided by the agency that are funded by Medicaid and/or the NJ Division of Developmental Disabilities and all names that the agency could be known as;
- (7) Why the exception is essential and how they will ensure continuity of care while avoiding any conflict of interests; and
- (8) How the business and management is structured, including the roles and responsibilities of members of the Executive Management Team? If separate business entities are established to facilitate independence, a conflict will be assumed in any case where they share an Executive Director/CEO, a Board of Directors, or any financial interest.

Letters of interest can be submitted via the Supports Program Helpdesk email at: DDD.SuppProgHelpdesk@dhs.state.nj.us. An agency who meets the Conflict-Free Policy but later changes their business or service model in a way that may impact their ability to remain Conflict-Free must resubmit their Conflict-Free Policy at the time of the change.