

1 Welcome to the New Hampshire Family Voices podcast series. I'm Jennifer
2 Pineo, and I'm joined today by Chris Santaniello, the Director of the Division of Long
3 Term Supports and Services, to talk about conflict of interest. You may have heard this
4 referred to as the Corrective Action Plan, or the CAP, or Conflict-Free Case
5 Management. This podcast is based on frequently asked questions that were released in
6 February 2019. Thank you Chris for joining us today.

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8 Jen: So why are we hearing so much about conflict of interest? What is it and how
9 will it affect families?

10 Chris: Thank you. On January 16th in 2014, the Center for Medicare and Medicaid
11 Services, who we refer to as CMS, issued its final ruling which stated that agencies cannot
12 provide both direct service and case management to the same individuals. This impacts a
13 number of the Department of Health and Human Service home and community based waivers,
14 including the 1915C, Developmental Disability Waiver, Acquired Brain Disorder, and our
15 Childrens In-Home Support Waiver.

16 In New Hampshire services are paid for with a 50 percent match in federal
17 dollars, which means for every 50 cents New Hampshire pays, the federal government matches
18 the remaining 50 cents. If New Hampshire does not comply with this federal ruling we will lose
19 critical funding for the provision of essential home and community based services. What's
20 important to know is that many individuals will not need to make any changes to their case
21 management services as they already meet these requirements. Some individuals will need to
22 make new choices, but this will be done through a detailed comprehensive person centered
23 approach that will best meet the needs of an individual.

1 Jen: When will this take place?

2 Chris: New Hampshire has worked with CMS to make these changes in a way that
3 does not cause major disruptions to our service delivery system. As a result of this work, New
4 Hampshire must be compliant by August 31st, 2021. Today, approximately 50 percent of New
5 Hampshire's waiver services are already conflict-free. We will be using this time as an
6 opportunity to strengthen our system moving forward to ensure its compliance with the federal
7 regulations.

8 Jen: What are agencies being directed to do?

9 Chris: The area agencies, together with the Bureau of Developmental Services, have
10 begun to work on their plans to comply with the ruling. The Bureau of Developmental Services
11 is working closely with each area agency to understand the circumstances in each part of the
12 state in order to minimize disruption to those served. In the New Hampshire way, we are
13 allowing each area agency to decide how it's going to come into compliance. The Bureau of
14 Developmental Services will monitor this compliance through quality metrics, which will
15 include tracking opportunities for autonomy and choice for individuals, families, and
16 caregivers.

17 Jen: Will the area agencies go away?

18 Chris: No. The area agency system plays an essential role in both service delivery and
19 case management, and this will continue. Area agencies will still be responsible for providing a
20 comprehensive community based system for individuals served, which will include intake and
21 eligibility, quality monitoring, contracting, service coordination, wait list management, and
22 family support, to name a few, in accordance with RSA 171A.

23 Jen: Will there be a rural exemption?

1 Chris: With guidance from CMS, we are in the process of determining if exemptions
2 can be made for New Hampshire towns that are designated as rural by the Division of Public
3 Health Services within the Department of Health and Human Services. However, area agencies
4 that serve individuals and families in rural areas will be required to demonstrate that they are in
5 compliance with the federal ruling.

6 Jen: What should families do if there are no providers in their area?

7 Chris: There will be providers. Area agencies are responsible for ensuring the
8 availability of providers in accordance with state law 171A. In areas of the state with a limited
9 number of service providers agencies may work together to increase their availability to those
10 served, either for direct service or case management. As part of our work towards compliance,
11 the Bureau of Developmental Services has developed a Provider Selection Workgroup that is
12 also working on building system capacity.

13 Jen: What role will case managers have throughout this process?

14 Chris: As part of this process the Department will amend some of the regulations
15 involving service provision within developmental and acquired brain disorder services. The
16 Department, with stakeholder input, will outline requirements for the role of the case manager,
17 as well as the training that's required. We are currently creating a case management orientation
18 that all case managers will be required to attend by August 31, 2021 regardless of who
19 employees them. Also, all changes will be guided by principles of person centeredness, with a
20 focus on opportunities for individual and family choice and control. If you have a case
21 manager, this person will assist you throughout this process. You will be informed in a clear
22 and comprehensive way before any changes take place.

23 Jen: This seems simple. Why are we waiting until 2021?

1 Chris: Our goal is to use the time allotted by CMS to make improvements to the
2 current system that allow for more choice, a more engaging partnership with area agencies and
3 service providers, and increase accessibility to services in a way that minimize disruption to
4 individuals and families. This date set by CMS will provide us with an opportunity to identify
5 areas of the state where services may be impacted, and develop a plan to increase service
6 capacity. At the same time, individuals and families are not required to wait until the
7 compliance date to make changes to their services or case management.

8 Jen: Thank you, Chris, for joining us today and answering questions about conflict of
9 interest. If anyone listening would like to learn more about this, please visit the DHHS website
10 and look for conflict of interest, or call Kaarla Weston at the Bureau of Developmental Services
11 at 271-5036.