Recent federal rules require that the State of Vermont reduce 'conflict of interest' in case management. When the same person or organization helps individuals gain access to services, assesses the needs for services, develops a service plan, provides services, and monitors those services, there is potential for conflict of interest. This can include:

- Creating complete and accurate assessments;
- Informing the person of options;
- Assuring free choice of services and service setting in service plans;
- Overseeing quality and outcomes;
- Financial relationships.

Your feedback in this survey will help the State of Vermont plan how we will address this conflict of interest. The survey was created to work with the Developmental Services Program - Analysis of Proposals to Address Potential for Conflict of Interest document that is posted on the Department of Vermont Health Access website. This document provides additional details about the options. ([https://dvha.vermont.gov/global-commitment-to-health/conflict-of-interest-home-and-community-based-services](https://dvha.vermont.gov/global-commitment-to-health/conflict-of-interest-home-and-community-based-services))

The federal government must approve the state’s plan to address conflict of interest.

**NOTE:** This feedback form may also be filled out online at [https://www.surveymonkey.com/r/DS_Conflict_of_Interest_Feedback](https://www.surveymonkey.com/r/DS_Conflict_of_Interest_Feedback)

**Stage 1** proposals are about the case management structure of the developmental services (DS) program. This means that these proposals are about how case management providers relate with direct service providers.
Option 1: Separating case management providers from direct service providers:

- The State would contract with one or more independent case management agencies, or allow independent individual case managers;
- The State would need to clearly define the role of the independent case managers, separate from "program managers," the staff at provider agencies who oversee service delivery.

1. What do you LIKE about separating case management providers from direct service providers (Option 1)?

2. What CONCERNS do you have about separating case management providers from direct service providers (Option 1)?
Option 2: Designated Agencies (DA) would be responsible for making sure the rules are followed by splitting off case management and/or making sure an independent agency exists in the region:

- DA and local agencies, if available, could work out who would provide case management and who would provide direct services;
- In areas without another provider available, the DA and local agencies would recruit additional providers.

3. What do you LIKE about designated agencies being responsible for making sure the rules are followed by splitting off case management and/or making sure an independent agency exists in the region (Option 2)?

4. What CONCERNS do you have about the designated agencies being responsible for making sure the rules are followed by splitting off case management and/or making sure an independent agency exists in the region (Option 2)?
Option 3: Expand the options for an individual to choose between having an independent case management or case management that remains with the direct service provider.

If the case management remains with the direct service provider, the State of Vermont would need to create formal protections to address conflicts of interest:

- Must separate case management and provider functions within the provider agency;
- Individuals must be provided with a clear and accessible process for resolving disagreements, including that there is no other case management available;
- People are provided a choice of providers and information about the full range of services;
- There is State oversight where conflict exists.

5. What do you LIKE about expanding the options for an individual to choose between having an independent case management or case management that remains with the direct service provider (Option 3)?

6. What CONCERNS do you have about expanding the options for an individual to choose between having an independent case management or case management that remains with the direct service provider (Option 3)?
Option 4: Submit a proposal for approval from the Federal Centers for Medicare and Medicaid Services (CMS) for an exception demonstrating:

- The provider agencies are the "only willing and qualified provider...in the geographic region" and,
- The protections required by CMS against conflict of interest are in place:
  - There are separate case management and direct services functions within the provider agency;
  - Individuals must be provided with a clear and accessible process for resolving disagreements, including that there is no other case management available;
  - People are provided a choice of providers and information about the full range of services;
  - There is State oversight where conflict exists.

7. What do you LIKE about submitting a proposal for approval from CMS for an exception (Option 4)?

8. What CONCERNS do you have about submitting a proposal for approval from CMS for an exception (Option 4)?
STAGE 2 proposals are different ways to increase consumer choice and reduce the potential for conflicts of interest. Any Stage 1 proposal that does not fully separate case management from direct service must include the CMS required protections.

Stage 1 proposals that do not fully separate case management from direct service could also have one, or a combination, of the following Stage 2 strategies/ protections to increase choice and address potential conflicts.

A. Have an Ombudsman (an independent person who helps people resolve complaints/problems about case managers or service providers)

9. What do you LIKE about the option of having an Ombudsman (Option A)?

10. What CONCERNS do you have about the option of having an Ombudsman (Option A)?

B. Have options counseling or peer navigation (an independent person who helps people understand the different service options.)

11. What do you LIKE about having options counseling or peer navigation (Option B)?

12. What CONCERNS do you have about options counseling or peer navigation (Option B)?
C. **Create an options/resource list** (a comprehensive list of programs and service options in an accessible format)

13. What do you LIKE about having an **options/resource list created** (Option C)?

14. What CONCERNS do you have about an **options/resource list created** (Option C)?

D. **Have an independent assessment of eligibility for the program** (a person from the state or a contractor assesses whether a person has a developmental disability and meets the criteria to receive home and community-based services (HCBS))

15. What do you LIKE about having an **independent assessment of eligibility for the program** (Option D)?

16. What CONCERNS do you have about an **independent assessment of eligibility for the program** (Option D)?
E. Have an independent assessment of need done by State staff. State staff would conduct the needs assessment that leads to the development of a service package or funding amount. The case manager would develop the Individual Support Agreement (ISA).

17. What do you LIKE about having an independent assessment of need done by State staff (Option E)?

18. What CONCERNS do you have about an independent assessment of need done by State staff (Option E)?

F. Have an independent assessment of need done by independent contractors. An independent contractor would conduct a needs assessment that leads to the development of the service package or funding amount. The case manager would develop the Individual Support Agreement (ISA).

19. What do you LIKE about having an independent assessment of need done by an independent contractor (Option F)?

20. What CONCERNS do you have about an independent assessment of need done by an independent contractor (Option F)?
G. **Provide additional training for providers** (a statewide training program that is available to all HCBS providers which is focused on person-centered planning and program-specific information.)

21. What do you LIKE about additional training for providers (Option G)?

22. What CONCERNS do you have about additional training for providers (Option G)?

Thank you for your feedback.

Please return this form to:

Conflict of Interest Feedback  
DDSD  
71 Main Street  
Springfield VT 05156  

Or by e-mail at  
ConflictofInterestFeedback@Vermont.gov