

# Home- and Community-Based Services (HCBS) Conflict of Interest (COI) Corrective Action Plan

Agency of Human Services

July 2022

# What is Required?

Vermont must ensure HCBS direct service delivery is independent from:

- Evaluations of eligibility,
  - Needs assessments, and
  - Person-centered plan development
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- 42 CFR 441.730(b)

Vermont's five HCBS programs are:

- Choices for Care Program
- Brain Injury Program
- Developmental Disabilities Services Program
- Community Rehabilitation and Treatment Program
- Intensive Home- and Community- Based Services Program

Exceptions

- If there are no other willing and qualified entities to provide case management activities, and the single entity sets up firewalls.
- These requirements only apply to HCBS. Mental health programs to consider State Plan rehabilitation as an alternative.

# Federal Review: HCBS COI Corrective Action Plan

Submitted a 5-year plan to the Centers for Medicare and Medicaid Services (CMS).

- Included broad and robust stakeholder engagement
- Allowed more time for smooth transitions as programs come into compliance
- Allowed more time to account for the ongoing COVID-19 response and workforce shortages

**Dec. 2021**

CMS continues to review a revised 3-year plan:

- Includes broad and robust stakeholder engagement
- Complies with 3-year federal corrective action plan requirement
- Will be included in the 1115 Global Commitment to Health demonstration as Attachment Q once approved by CMS

**July 2022**

**May 2022**

CMS began commenting on the plan and said that a 5-year timeline was unacceptable. CMS said:

- The corrective action plan should only be 3 years long
- Vermont already conducted stakeholder engagement and should not need to do much more
- Comments did not acknowledge each activity would be done five times over for each HCBS program



# 3-Year HCBS Conflict of Interest Plan

Phased implementation begins January 1, 2025; estimated completion by end of year.

Publicly posted: [Draft HCBS Conflict of Interest Plan](#)

• Public comments accepted throughout this process: [ahs.medicaidpolicy@vermont.gov](mailto:ahs.medicaidpolicy@vermont.gov).

Major areas of work:

1. Stakeholder Engagement
2. HCBS System Assessment
3. Establish New Eligibility, Assessment, Person-Centered Plan Development, and Service Delivery Systems
4. Reimbursement Methodologies and Financial Modeling
5. Statute, Policy, and Manual Review and Updating
6. Quality Management System Design
7. Implementation Planning
8. Implementation

# Next Steps

July 26, 2022: Post Request for Proposals for technical assistance (TA)

September 1, 2022: Proposals due

October 15, 2022: Execute TA contract

November 2022: HCBS system assessment and stakeholder engagement begin

January 2023: Begin considering options for compliance across all HCBS programs

\*Dates are estimates and will be adjusted as needed.