Division of Long Term Supports and Services BDS- Corrective Action Plan

May 21, 2019

12:30 pm – 2:30 pm – BDS, Tom Fox Chapel

NASDDDS On Site Visit

NH Corrective Action Plan

Provider Selection Subcommittee

Corrective Action Plan

In the fall of 2016, NH was notified that they are not in compliance with CMS regulations in the following areas:

- Conflict of Interest (COI)- the direct service provider cannot also be the provider that develops and maintains the Person Centered Plan. The Case Manager cannot be the direct service provider or the organization cannot provide both to the same person.
- Direct Bill- An agency must have the opportunity to directly bill the state Medicaid Agency.

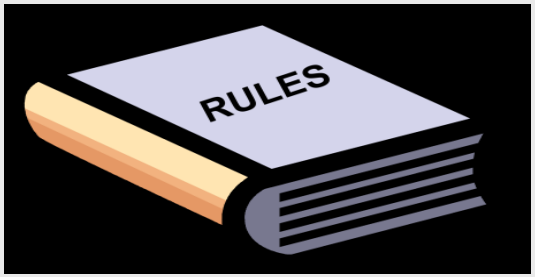
NH has until August 31, 2021 to be in compliance.

Conflict of Interest

Before 2014, conflict of interest under the 1915(c) waivers was guidance, ***now it is in rules***

Providers of HCBS for the individual, or those who have an interest in or are employed by a provider of HCBS for the individual **must not provide case management or develop the person-centered service plan**…

§ 441.301(c)(1)(vi)



Corrective Action Plan - NH

4 NH Statewide subcommittees have been established to move the work forward:

- Direct Billing Subcommittee
- **Provider Selection Subcommittee**
- Fiscal Management Services (FMS) / Rate Development Subcommittee
- Communications Subcommittee

Provider Selection Subcommittee

Goals:

Identify a baseline for statewide requirements of provider agencies for the provider selection process

Standardized the process for provider selection across the State of New Hampshire

Offer families and individuals choice in finding providers, without losing the unique aspects of the Area Agencies

Timelines for this Subcommittee

7/1/19: Develop Agency Outcome Report

9/1/19: Develop Process for Submissions to Provider Directory

9/1/19: Finalize Provider Selection

10/1/19: Develop Provider Manual

11/1/19: Finalize Provider Selection Tool

1/1/20: New Provider Selection Tool and Process Effective

7/1/20: Area Agencies Submit Provider Capacity Plans

1/1/20: Finalize Provider Manual

*Handout

Timelines for this Subcommittee (cont.)

1/1/21: Finalize Provider Directory

2/1/21: Provider Directory Live

2/1/21: Begin Training for Provider Manual

Provider Selection – What is the Individual Selecting?

The individual or family will be selecting services that are offered by providers from a NH Provider Directory. Services may include:

- Community Participation Services
- Respite
- Supported Employment
- Crisis Response Services
- Specialty Services
- Residential Habilitation / Personal Care Services
- Service Coordination
- Community Support Services
- Environmental and Vehicle Modification Service
- Wellness Coaching

Current State

Service Coordinator

- The Service Coordinator Sends a referral for proposal (RFP) to select provider agencies

Provider Agency

- Provider agencies review the referral for proposal and decide to submit a proposal or not

Individual / Family

- Individual or Family reviews proposal that have been submitted and selects a provider agency

Future State

Individual / Family

- With assistance from their service coordinator, the individual / family reviews the provider directory and selects a provider

Service Coordinator

- The Service Coordinator reaches out to the selected provider agencies to schedule interviews

Provider Agency

- Individual / Family selects provider based on interview process

Provider Selection Subcommittee

Progress to Date:

A list of Area Agency contacts for Provider Selection has been developed.

A List of Provider Agencies in the State of NH is in the process of being developed. This list will include:

- Provider Name
- Provider Services / Willing to provide new services
- Current Location(s) / Willing to be in new locations

Progress to date (cont.)

Currently developing a process by which the Area Agency will walk the individual/family through the provider selection process in a non-biased way. Researching current Area Agencies and other states' processes.

Provider Directory will be developed in NH Service Link Platform. Individuals / Families will select the provider agency and the provider agency will not be allowed to opt out unless there is a lack of capacity (at which point they will receive no referrals) or if there is a conflict of interest.

Progress to date (cont.)

Develop a Provider Manual – Research current area agency practices for approving provider agencies to operate in their regions (different than billing manual)

Establish a vetting process for providers which will be outlined in the provider manuals (ABD and DD).

Accountability to CMS is being developed (how do we prove that choice is offered and there is no conflict) – This question is being asked on the HRST and will be tracked during BDS service audits.

Progress to date (cont.)

Develop a Provider Agency Outcomes Report:

This group distributed a survey to find out what individuals/families are looking for.

Work has been done with Certification and Licensing to identify data points that might be shared to outline provider performance.

Additionally, the Medication Committee will be consulted to determine if this data should be used in the report.

Employment Data will also be included.

Progress to date (cont.)

Process on what to do if there are no willing and able provider agencies.

- BDS has developed and submitted a firewall policy which is being reviewed by CMS.
- CMS has initially allowed up to 30% conflict in each Region, but this must be reassessed every year.
- The expectation is that the Agency will build capacity in its region.
- The governance audit process will ensure that the Agency has appropriate firewalls in place, and the PA office will need official documentation showing that approval was granted by the Bureau.

When a COI is present a state must

- Demonstrate to CMS that the only willing and qualified case manager is also, or affiliated with, a direct service provider *(which is not the case in NH-and no state has used this exception yet, including SD and WY!!))*
- Provide full disclosure to participants and assurances that participants are supported in exercising their right of free choice in providers.
- Describe individual dispute resolution process.
- Assure that entities separate case management and service provision (different staff).
- Assure that entities provide case management and services *only* with the express approval of the state.
- Provide direct oversight and periodic evaluation of safeguards.

When a COI is present a state must

If a state employs this exception it must guarantee the independence of this function(s) within the provider entity.. *We also will not permit states to circumvent these requirements by adopting state or local policies that suppress enrollment of any qualified and willing provider*."

Exemptions- Only Willing and Qualified Provider

CMS on allows the following reasons for requesting an Exemption:

- Rural Barriers
- Cultural; and/or
- Linguistic barriers
- In certain circumstances***, we may require that states develop "firewall" policies, for example, separating staff that perform assessments and develop person-centered service plans from those that provide any of the services in the plan; and meaningful and accessible procedures for individuals and representatives to appeal to the state.”

Developmental Services 2018

- Northern Human Services
- PathWays of the River Valley
- Lakes Region Community Services
- Community Bridges
- Monadnock Developmental Services, Inc
- Gateways Community Services, Inc
- Moore Center Services, Inc
- One Sky Community Services
- Community Partners
- Community Crossroads

Map #	Vendor / Organization	City/Town
1	North Country Independent Living	N. Conway
2	Becket Family of Services	Orford
3	NeuroRestorative	Standish, ME
4	C.O.R.E. Vocational Services	Gilmanton IW
5	Brock Children's Home, LLC	Pittsfield
6	Farmsteads of New England, Inc.	Hillsborough
7	The Institute of Professional Practice, Inc.	Concord
8	Great Bay Services	Dover
9	Living Innovations	Dover
10	Independent Services Network, Inc.	Manchester
11	LifeShare Management Group, LLC	Manchester
12	Chesco Inc	Keene
13	Residential Resources, Inc.	Keene
14	Southwestern Community Services, Inc.	Keene
15	Plowshare Farm	Greenfield
16	Crotched Mountain Foundation	Greenfield
17	Monadnock Worksource	Peterborough
18	Tobias Community, Inc.	Temple
19	The PLUS Company	Nashua

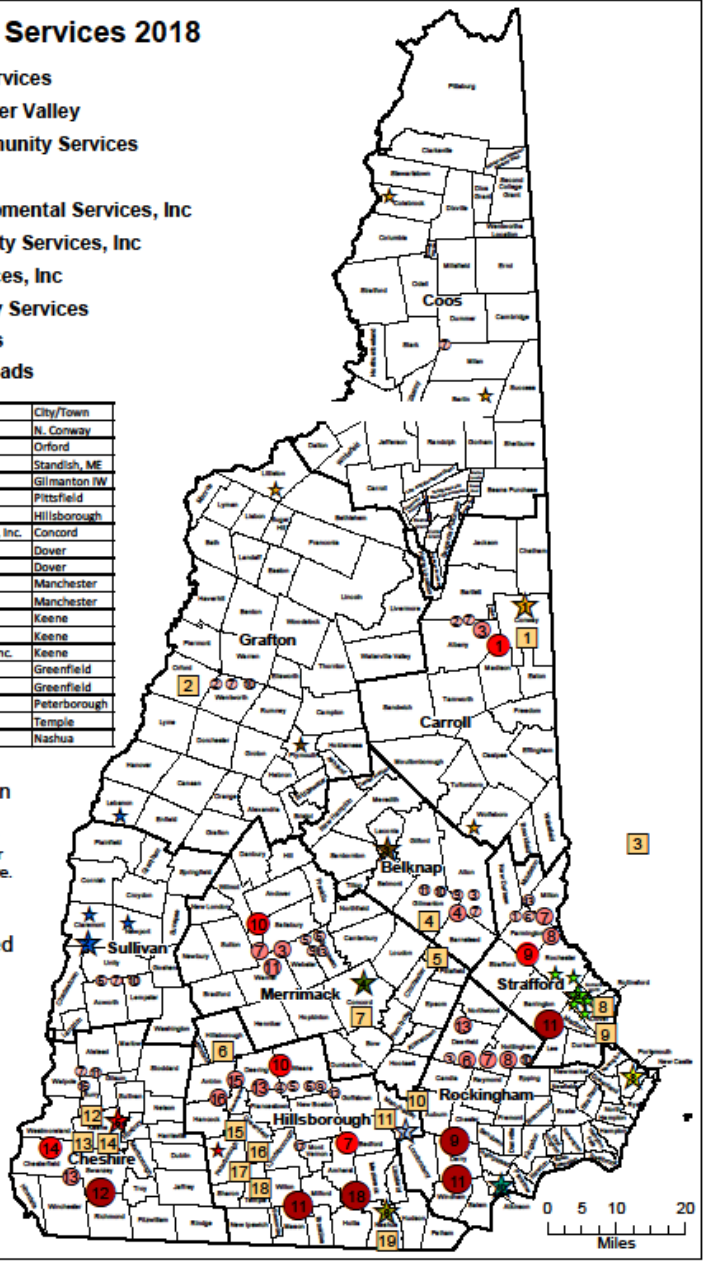
- Vendor Location

The number in each square corresponds with the vendor map number indicated above.

Number of Clients Served

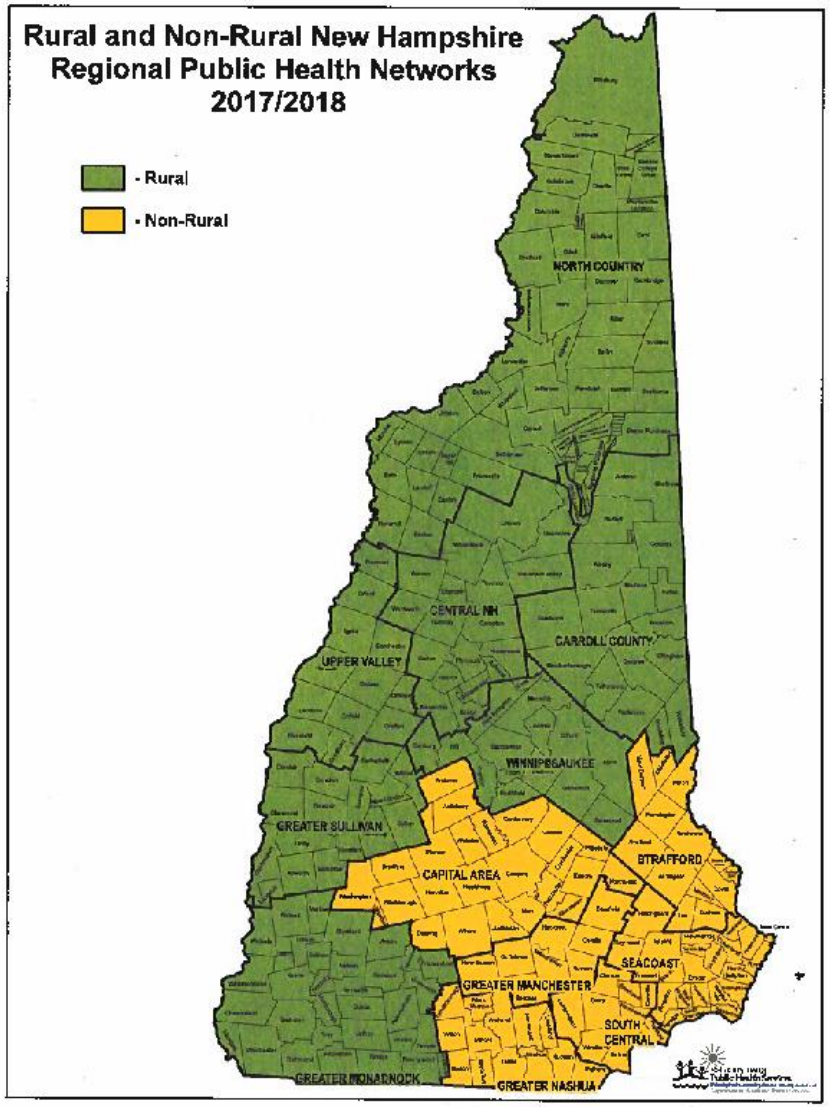
- 10 or Less
- 11 - 25
- 26 - 50
- 51 +

The number in each circle corresponds with the vendor map number indicated above.



NH CAP

- NH developed an Only Willing and Qualified Provider Policy.
- NH has put forward legislation to enable providers to direct bill, amending RSA 171-A.
- NH has met with Area Agencies to break down the steps in a workable model.



Area Agencies

Region 1 – Northern Human Services

Phone: 603.447.3347 / **Website:** www.northernhs.org

Region 2 – Pathways of the River Valley

Phone: 603.542.8706 / **Website:** www.pathwaysnh.org

Region 3 – Lakes Region Community Services

Phone: 603.524.8811 / **Website:** www.lrcs.org

Region 4: Community Bridges

Phone: 603.225.4153 / **Website:** www.communitybridgesnh.org

Region 5: Monadnock Developmental Services, Inc.

Phone: 603.352.1304 / **Website:** www.mds-nh.org

Region 6: Gateways Community Services

Phone: 603.882.6333 / **Website:** www.gatewayscs.org

Region 7: The Moore Center

Phone: 603.206.2742 / **Website:** www.moorecenter.org

Region 8: One Sky Community Services, Inc.

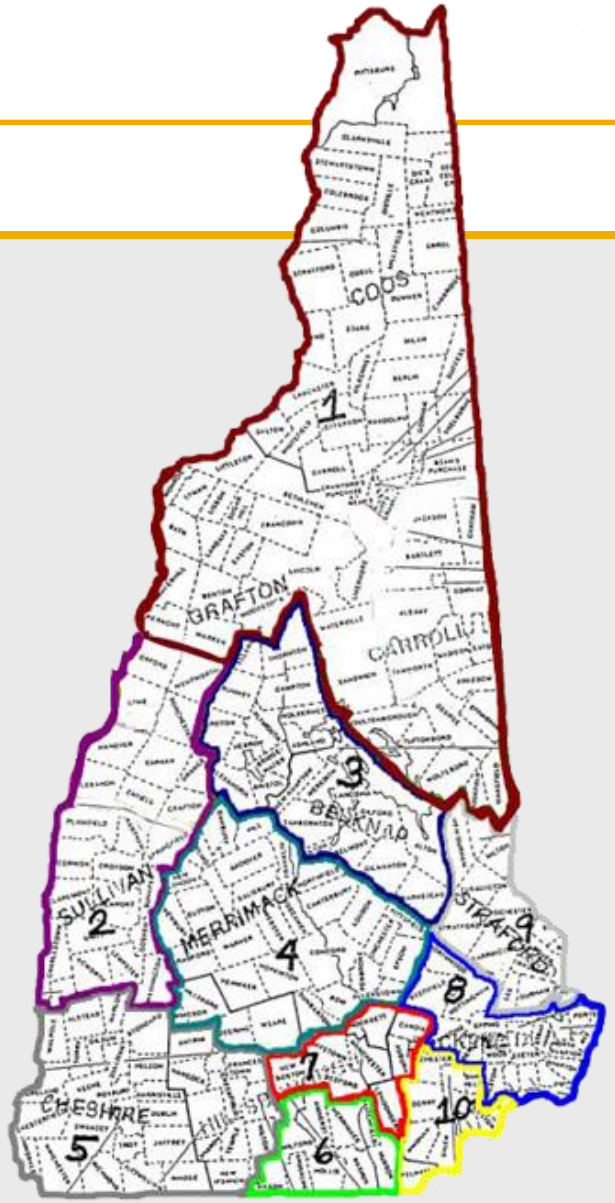
Phone: 603.436.6111 / **Website:** www.oneskyservices.org

Region 9: Community Partners

Phone:603.516.9300 / **Website:** www.communitypartnersnh.org

Region 10: Community Crossroads

Phone: 603.893.1299 / **Website:** www.communitycrossroadsnh.org



Question and Answer

Other Questions, Comments, Considerations?

Next Provider Selection Subcommittee Meeting:

May 31st, 2019

1:00 pm – 3:00 pm

Tom Fox Chapel: BDS Main Building, Concord NH