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STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF LONG TERM SUPPORTS AND SERVICES

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TO: Individual/Family Member

FM: Christine L. Santaniello, Division Director

Following up on my May, 2018 letter, I am writing to update you on the Corrective Action Plan (CAP) that New Hampshire is under, related to the Home and Community Based Services (HCBS) Waivers through the Centers for Medicare and Medicaid (CMS). The three 1915 (c) waivers affected by this CAP are Developmental Services, Acquired Brain Disorder, and Children's In-Home Services.

As you are aware, the compliance issues addressed in the CAP focus on conflict of interest between case management and direct service delivery; and compliance with Medicaid billing rules, which allow providers to bill directly to the State.

The HCBS Waiver is an essential component for the delivery of community-based services to individuals with disabilities and their families. Without it, we would be unable to provide these critical services. Half of the funds provided through the HCBS Waiver are state dollars, with an equal match in federal funds.

Your Area Agency is in the process of creating a plan to comply with the Conflict of Interest Regulation as set forth by CMS for the August 31, 2021 deadline. Federal law states that an agency that provides direct service cannot also provide service coordination to the same individual. There are some exceptions to this, such as respite services and self-directed services. Each area agency is at a different place with planning, and will likely be reaching out to you to discuss your options.

Further updates, as well as a detailed CAP work plan, can be found on the Department's website: <https://www.dhhs.nh.gov/dcbcs/bds/documents/nhcaptimeline.pdf>. In addition, the website will include meeting minutes from the many work groups and past correspondence. I invite you to go to the website often for updates on New Hampshire's progress.

While the Department will use the website and other electronic means to update stakeholders on statewide progress, if you prefer to have updates mailed to you, please contact Peggy Sue Greenwood at 271-5034 to be added to a mailing list.

Our compliance with CMS on these matters is critical to our ability to continue providing programs and services that assist the individuals and families we serve. I am confident that by working together, we will achieve compliance and improve the array of services we have to offer.

If you have questions about the CAP and how it may affect you, please do not hesitate to contact me. Thank you.

cc: BDS Liaisons, BDS Management, AA Executive Directors, Stakeholder Advisory Group