



COLORADO

Department of Health Care
Policy & Financing

Office of Community Living
1570 Grant Street
Denver, CO 80203

**To: Community Centered Boards (CCBs) and
Single Entry Points (SEPs)**

From: Brittani Trujillo, Case Management Section Manager

Date: December 4, 2017

Subject: UPDATE: HB 17-1343 Implement Conflict-Free Case Management

Purpose:

To provide stakeholders with information regarding a timeline for the next year for implementing HB 17-1343: Implement Conflict-Free Case Management.

Background:

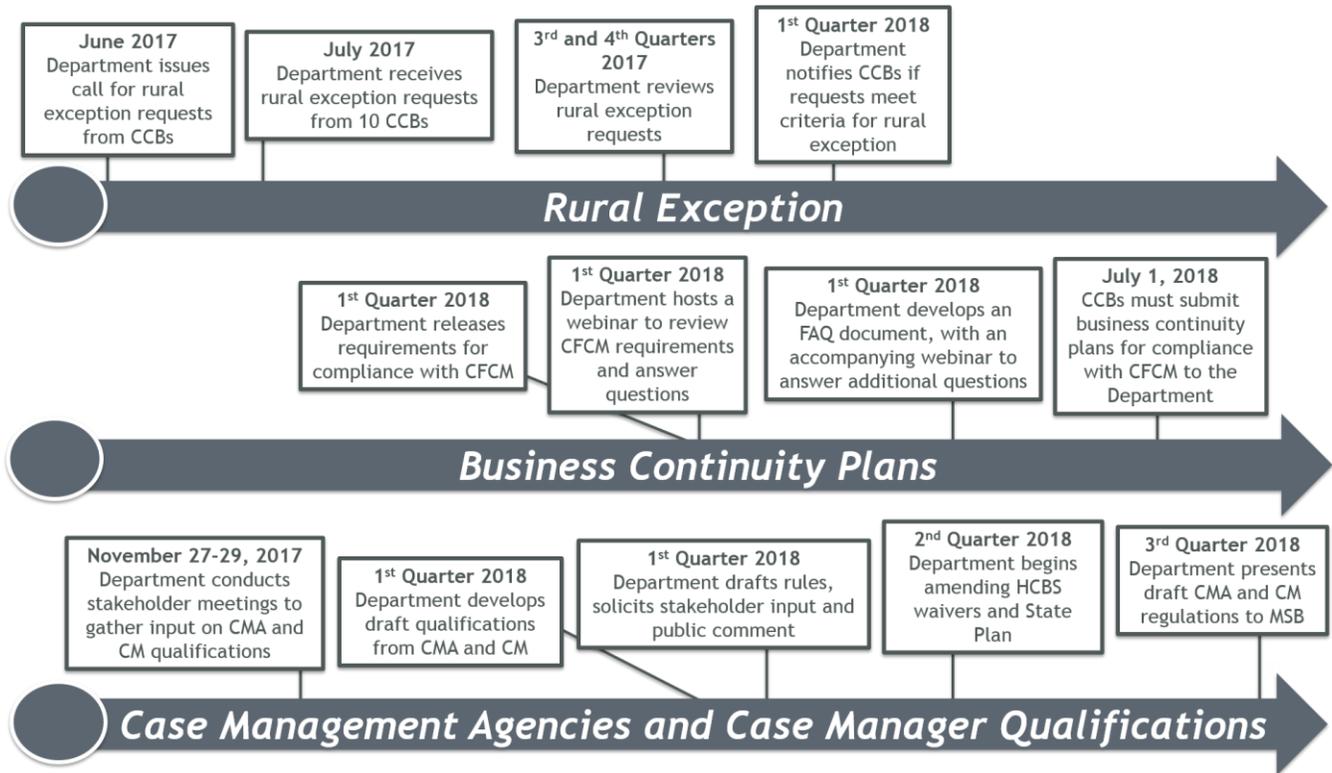
In 2017, the Colorado General Assembly passed HB17-1343 to implement Conflict Free Case Management (CFCM) for individuals with intellectual and developmental disabilities (IDD) in Colorado. Implementing CFCM per HB 17-1343 requires separation of case management from direct service provision for Community Centered Boards (CCBs).

Information:

To implement HB 17-1343, the Department and our partners are currently working on three main issues: rural exceptions to the conflict-free case management rule, business continuity plans for Community Centered Boards (CCBs), and qualifications for case management agencies and case managers.



FY 2017-18 Timeline for Implementing HB 17-1343



Rural Exceptions

Federal regulations only allow exceptions to CFCM requirements when a state “demonstrates that the only willing and qualified entity to provide case management and/or develop person-centered service plans in a geographic area also provides HCBS.”¹ In rural areas where it has been determined that there are no other available case management agencies and direct service providers, CCBs may be allowed to continue providing both case management and direct services, as long as appropriate safeguards are put in place to ensure that individuals have freedom of choice to the maximum extent possible.

The Department is considering rural exception requests from CCBs to determine whether the agencies meet the criteria for the exception. The Department will submit rural exception requests through waiver amendments. If CMS approves rural exceptions, the Department must still demonstrate to CMS how the state will mitigate the conflict of interest issues. The

¹ Source: 42 CFR § 441.301(c)(1)(vi). U.S. Government Publishing Office, www.gpo.gov. Current as of February 10, 2016.



Department will work closely with CMS to gain approval for such rural CFCM exceptions where appropriate.

Timeline for rural exception work:

- Department received rural exception requests from 10 CCBs by July 1, 2017
- Department is working with contractor to evaluate the rural exception requests
- Department will determine if requests meet criteria and notify CCBs 1st quarter 2018

Business Continuity Plans (BCPs)

In the Department's plan to become compliant with CFCM, case management agencies with conflict of interest have four options to comply:

1. CCBs choose to become a case management agency only
2. CCBs choose to become a direct service provider only
3. CCBs choose to be a case management agency and direct service provider, but never to the same individual, and implement appropriate firewalls and safeguards
4. CCBs discontinue participation as access point waiver case managers and direct service providers

Each CCB must submit a business continuity plan (BCP) that indicates which of the four CFCM options it selects and details both its plans for transitioning to compliance with CFCM and the timeline for meeting the Department's deadlines.

Timeline for Business Continuity Plans:

- Requirements for the BCPs will be released by email to all CCBs January 1, 2018
- The Department and contractor will host a webinar early in the 1st quarter of 2018 to review requirements and answer questions from CCBs
- The Department will also develop and release an FAQ by the end of the 1st quarter 2018, along with another webinar to answer additional questions
- CCBs must submit BCPs to the Department by July 1, 2018

Case Management Agency and Case Manager Qualifications

HB 17-1343 requires the Department to develop qualifications for case management agency and case manager (CMA and CM). The Department and its contractor conducted five stakeholder meetings from November 27-29, 2017 to obtain input on CMA and CM qualifications.

During these meetings, the Department and its contractor provided proposed recommendations for changes to the qualifications in Colorado, including research regarding other states' qualifications for CMA and CM. Input received from these stakeholder engagement meetings will be considered in the development of final qualifications. The final



qualifications will be used to amend the Home and Community-Based Services (HCBS) waiver agreements, the State Plan, and Department regulations.

Timeline for CMA and CM qualifications:

- The Department will have draft qualifications by mid-1st quarter 2018 to allow CMAs to consider new qualifications in BCPs
- By the end of the 1st quarter 2018, the Department will draft rules and solicit stakeholder input/public comment
- In the 2nd quarter 2018, the Department will begin amending the waivers and State Plan prior to presenting regulations to Medical Services Board (MSB)
- Presentation to MSB and implementation of rules is dependent on waiver and State Plan amendment approvals from CMS
- The Department anticipates presenting draft CMA and CM regulations to the Medical Services Board (MSB) 3rd quarter 2018

Single Entry Points (SEPs) in Conflict

- Four SEPs are currently in conflict.
- The Department is working to align the timeline for these SEPs with the CCB timeline.

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