

# Vermont HCBS-COI Recommendations

**DAIL Programs**  
**January 2024**



# Agenda

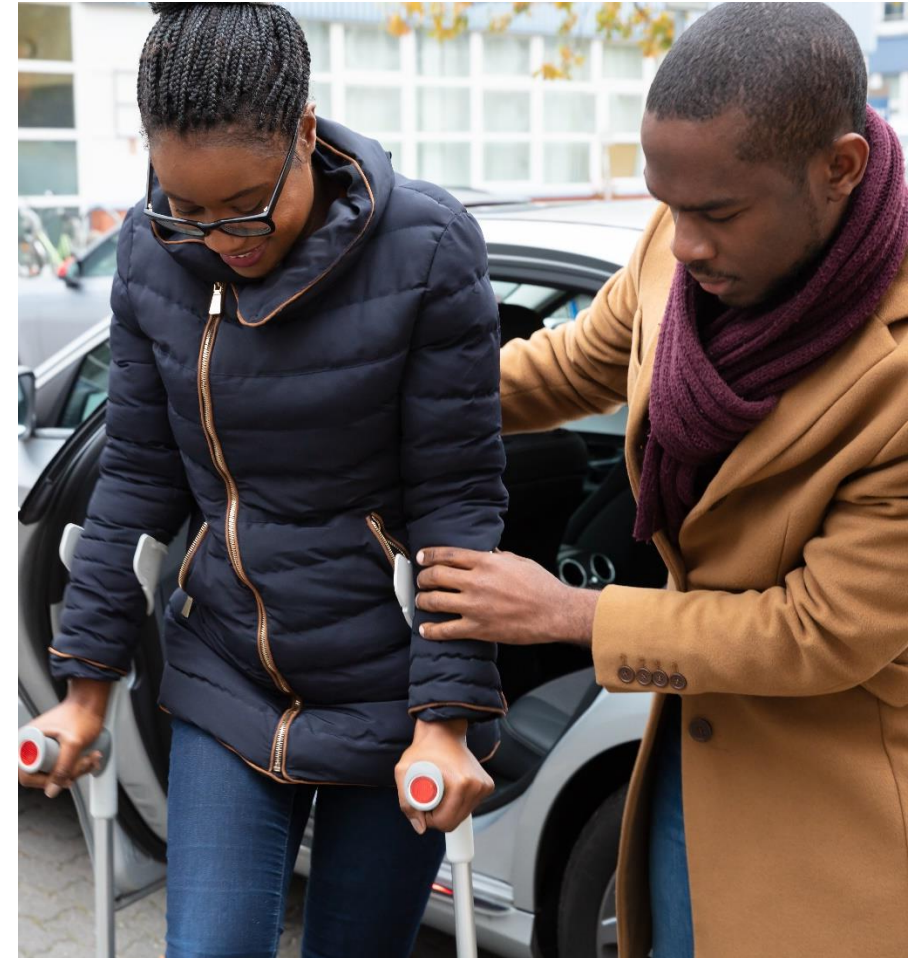
- Background: Home and Community-Based Services (HCBS) Conflict of Interest (COI)
- Summary of Recommendations
- Next Steps and Public Comment



# CMS Corrective Action Plan

## Major milestones

- **HCBS-COI Advisory Committee:** Feb 2023
- **HCBS System Assessment:** May 2023
- **HCBS-COI Structural Options:** August 2023
- **Draft Recommendations Public Comment:** December 2023-January 2024
- **Reimbursement/financial modeling:** 2023-2024
- **Implementation Planning:** Throughout 2024
- **Implementation:** May 2025-April 2026



# Federal Requirements for Medicaid COI

To protect the rights of participants, organizations can't deliver both HCBS direct services and HCBS case management\*

(\*with some very rare exceptions)

## **Functions that must be independent from direct service delivery:**

- Eligibility evaluations/determinations
- Needs assessments
- Development of the person-centered plan (including service referrals)
- Oversight of the service delivery

## **And the people delivering those functions must not have other conflicts:**

- May not be a family member of the participant or a paid caregiver
- May not have legal power to make financial or health-related decisions
- May not be financially responsible for the participant
- May not have a financial interest in organization(s) paid to provide services

**Federal Regulation: 42 CFR § 441.730(b)**

# Principles of the Vermont COI redesign

Vermonters who need home and community-based services will have equal opportunity to:

- Learn about service and support options from a **neutral, trusted source**.
- Access publicly-funded services through an **easy-to-use, unbiased and equitable** process.
- Be **empowered and supported to make informed choices** about a range of available services and supports and who delivers them, such as opportunities to live at home or in the community.
- Participate in person-centered services that respect and encourage **self-determination, independence, growth, dignity and individual preferences and goals**.
- Feel confident about the quality of services and supports, including the focus on individual **health and welfare, integration and coordination of care, and participants' rights**.

# Recommendations: Developmental Services

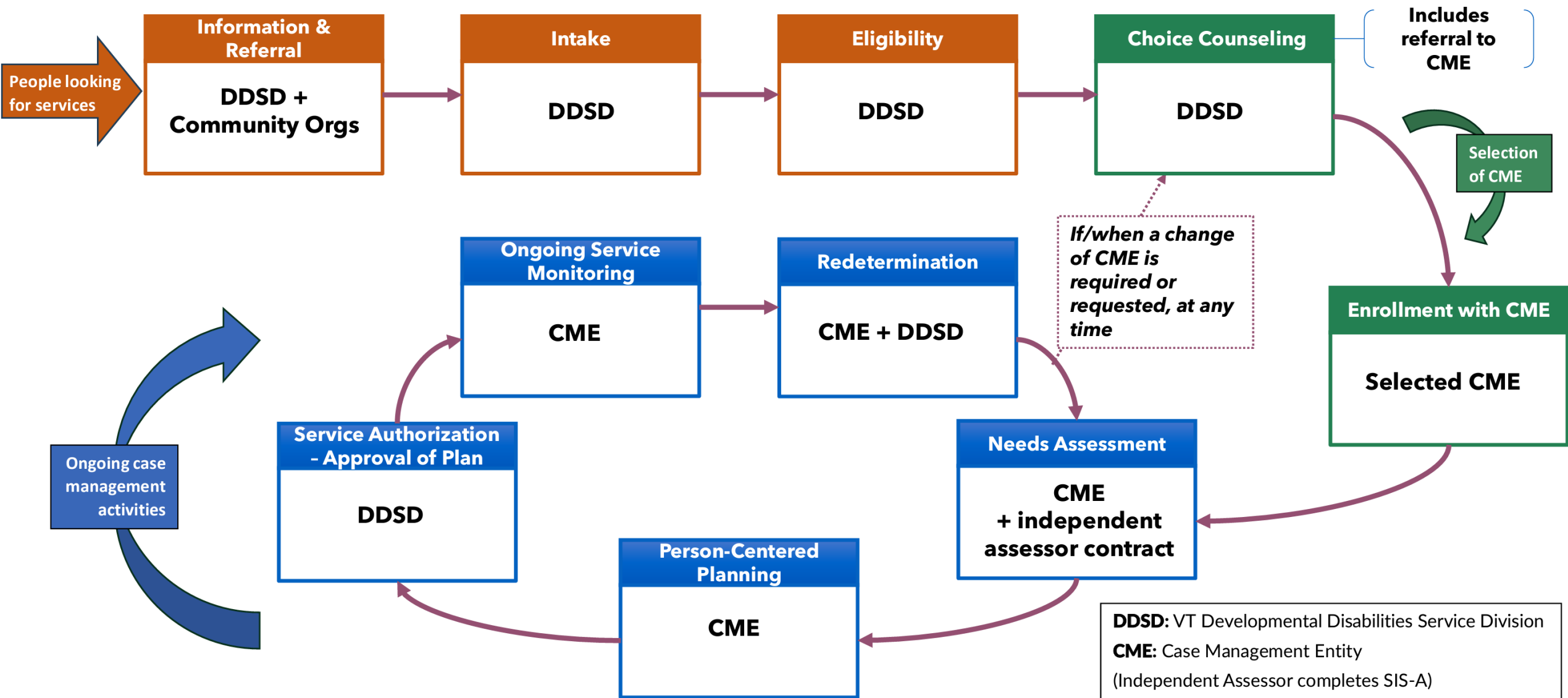
**Vermont will pursue statewide competitive contract(s) with one or more organizations to deliver case management for the DS system.**

## **What does this mean?**

- The State will hold a contest between different agencies to apply.
- The State will decide which case management agencies will work best for people who receive Developmental Services, and give those organizations contracts.
- Depending on who applies, there could be more than one agency for people to choose from.
- Current providers of DS will continue to deliver home and community-based services (HCBS), except for service coordination (case management).
- The changes will start during May 2025 and will be complete by May 2026.



# DS: Proposed CM Functions/Roles



# Developmental Services: Why this solution?

- Meets federal requirements and creates clear boundaries to eliminate conflict of interest.
- Aligns with the goals and principles for Vermont's HCBS-COI effort.
- Easy solution for individuals and families to understand and navigate.
- Statewide contracts offer more consistency and equity across different parts of the State.
- If more than one contract is awarded, offers individuals choice of case management entities.
- Allows the state to oversee quality and performance.





# Recommendations: Brain Injury Program (BIP)

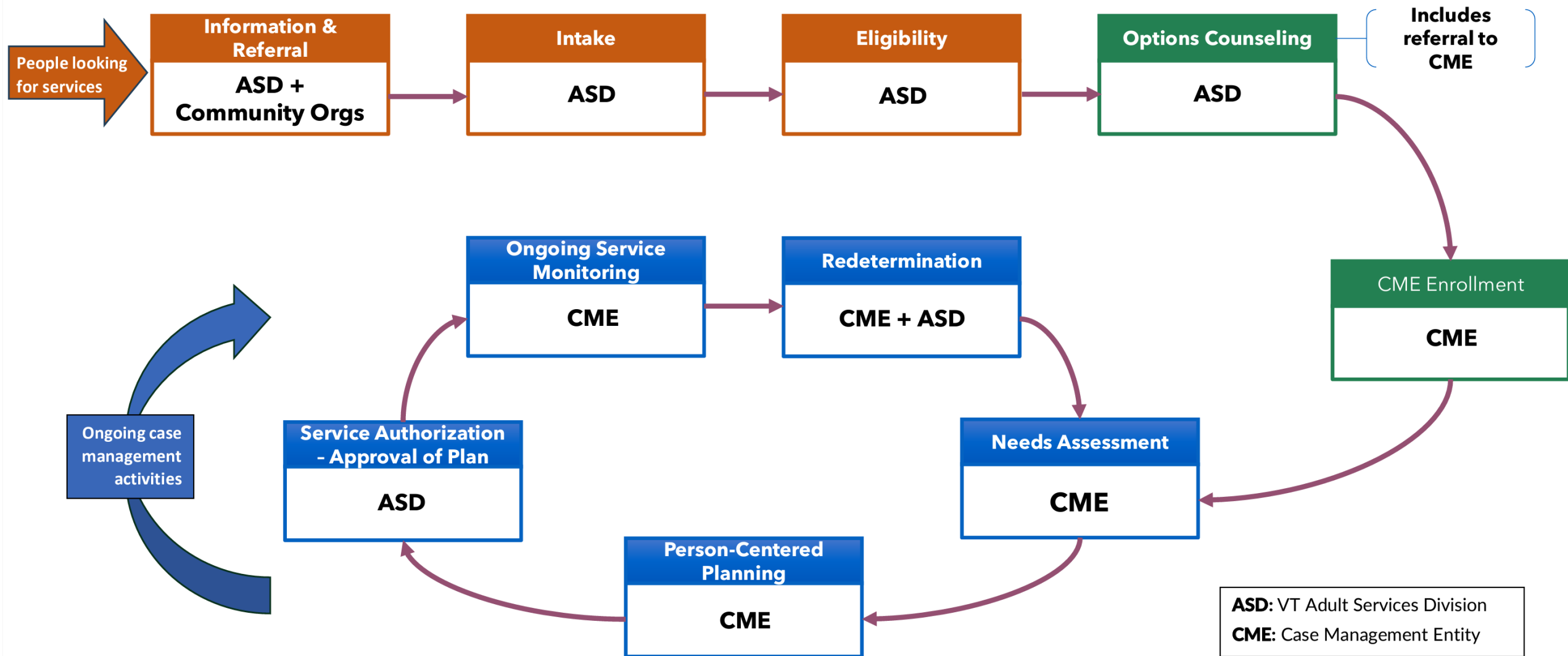
**Vermont will pursue statewide competitive contract(s) to deliver case management for participants in BIP, along with the Developmental Services (DS) program.**

## **What does this mean?**

- The State will hold a contest between different agencies to apply.
- The State will decide which case management agencies will work best for people who receive Brain Injury Program Services and Developmental Services, and give those organizations contracts.
- Current providers of BIP services will continue to deliver home and community-based services (HCBS), except for service coordination (case management).
- The changes will start during May 2025 and will be complete by May 2026.



# BIP: Proposed CM Functions/Roles



# Brain Injury Program: Why this solution?

- Meets federal requirements and creates clear boundaries to eliminate conflict of interest.
- Aligns with the goals and principles for Vermont's HCBS-COI effort.
- Easy solution for individuals and families to understand and navigate.
- Statewide contracts offer more consistency and equity across different parts of the State.
- Allows the state to oversee quality and performance.



# Recommendations: Choices for Care (CFC)

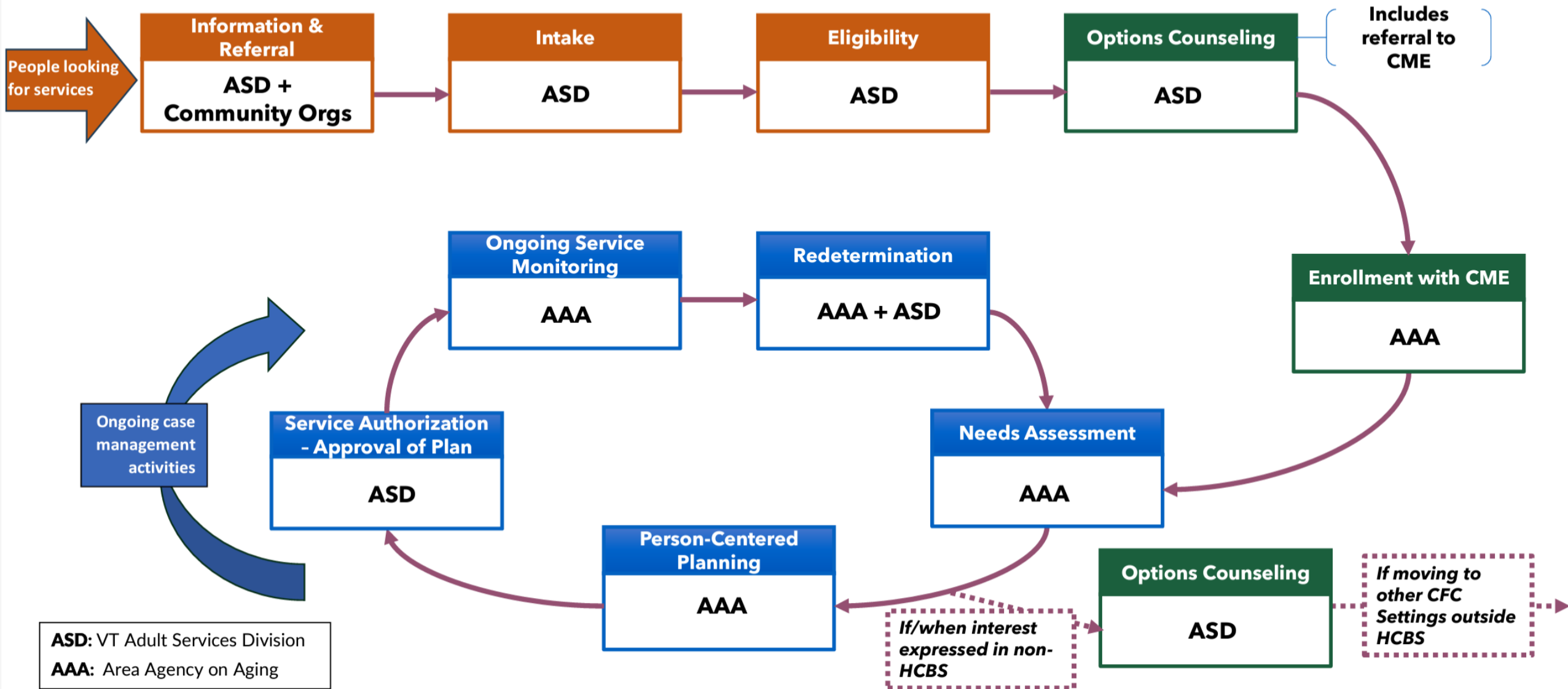
**Starting in mid-2025, the five current Area Agencies on Aging (AAAs) will provide case management for all CFC participants.**

## **What does this mean?**

- Home Health Agencies (HHAs) can continue to deliver direct services.
- CFC participants who live in Adult Family Care (AFC) homes will receive case management from the AAAs.
- Participants in Flexible Choices will also receive case management services from the AAA (outside of their self-direction budget).
- State staff will continue to manage intake, eligibility, and choice counseling for HCBS or other settings (such as Enhanced Residential Care.)



# CFC: Proposed CM Functions/Roles



# Choices for Care: Why this solution?

- Meets federal requirements and creates clear boundaries to eliminate conflict of interest.
- Aligns with the goals and principles for Vermont's HCBS-COI effort.
- Easy solution for individuals and families to understand and navigate.
- Builds upon existing conflict-free AAA case management, expanding current capacity rather than creating a new system or structure.
- Allows the state to oversee quality and performance.



# Next Steps

- Public feedback on recommendations
- Meetings with affected providers to work on transition planning
- Creation of provider grants to support transitioning providers
- **Legislation:** Establish DAIL's ability to contract with independent case management
  - New section at 18 V.S.A. § 8915 to read: "Notwithstanding any other provision of law, the Commissioner of Disabilities, Aging, and Independent Living may enter into agreements with case management entities to support local communities. The Commissioner may develop rules setting forth the standards and procedures for the case management entities it contracts with."

# Public Comment Opportunities



**Online Website:** [HCBS-COI Recommendations - Vermont HCBS](#)

**Comments due by January 26, 2024**

**Online Survey and Mailed Survey to Participants**

**Virtual Town Hall Forums via Zoom:**

- [Tuesday, January 16 at 7:00 PM](#)
- [Thursday, January 18 at 3:30 PM](#)

**Virtual feedback Session for People who get Developmental Services:**

- [Wednesday, January 17 at 4:00 PM](#)

**In-Person Town Hall Forums:**

- St. Johnsbury: [Monday, January 22 at 4:30 PM](#)
- Rutland: [Wednesday January 24 at 2:00 PM](#)
- Bennington: [Wednesday, January 24 at 6:00 PM](#)
- South Burlington: [Thursday, January 25 at 4:30 PM](#)