



State of New Jersey
Department of Human Services
Division of Developmental Disabilities

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Conflict Free Policy for Support Coordination Services
Funded by the Department of Human Services' Division of Developmental Disabilities

The Centers for Medicare and Medicaid Services (CMS) requires the Division of Developmental Disabilities (Division) provide assurances that care management services provided to its waiver participants are conflict-free. External agency-based Support Coordinators are utilized to provide care management services. Support Coordinators engage in a person-centered planning process with the participant and when appropriate, his/her family, to develop their Individualized Service Plan, and ensure appropriate linkages to service providers.

According to CMS¹, conflict-free care management has the following characteristics: there is a separation of care management from direct services provision; there is a separation of eligibility determination from direct services provision; and anyone who is conducting independent evaluations, assessments and the plan of care cannot be related by blood or by marriage to the individual or any of their paid caregivers.

Further, Support Coordinators cannot be:

- Financially responsible for the beneficiary;
- Employed by any entity that is a provider of a person's personal care services or any other direct services under the Community Care Program or Supports Program;
- Empowered to make financial or health decisions on the beneficiary behalf; and
- Hold a financial interest/relationship in any entity that is paid to provide care for the beneficiary.

Required Conflict Free Assurances

Conflict-free care management provided by Support Coordination Agencies (SCAs) to participants enrolled in the Supports Program and Community Care Program is assured by the following:

- The Division recruits SCAs that provide the support coordination service exclusively, and no other Division-funded services. In some cases, the Division may allow some direct service provision by an SCA, but never to the same individual. Additionally, there must be at least a six-month gap between the provision of support coordination and the provision of other services to the same individual. Please note that the establishment of separate business entities to facilitate independence does not meet the requirements of the Conflict-Free Policy in any case where the affiliated businesses share an Executive Director/CEO, a Board of Directors, or any financial interest.
- Referrals to subsidiary or affiliated companies of SCAs are not allowed. SCAs cannot make direct service referrals to any service provider which is owned or shared by a parent/subsidiary/affiliated company in which the SCA has any financial interest. Trends in referrals by Support Coordinators are monitored by

¹ [42 CFR 441.301 \(c\)\(1\)\(vi\); https://www.medicare.gov/sites/default/files/2019-12/conflict-of-interest-outcomes-date-july2019_0.pdf](https://www.medicare.gov/sites/default/files/2019-12/conflict-of-interest-outcomes-date-july2019_0.pdf).

the Division and violations of Conflict-Free Policy requirements may result in sanctions up to, and including, disenrollment.

- Support coordinators are completely separated from the eligibility determination process. Individuals will choose a support coordinator and begin work with them after their eligibility assessment has been completed and a budget has been allocated based on their level of need. Please note that support coordinators may support the individual/informant during NJCAT reassessment process (which informs budget determination) or act as the informant should the primary caregiver be unavailable.
- The Division's policy restricts support coordinators, as well as individuals who perform independent evaluations/assessments from being related by blood or marriage to the individual or to any of his/her paid caregivers, financially responsible for the individual, or empowered to make financial/health decisions on the individual's behalf.

SCA Compliance with Conflict-Free Policy

An SCA can meet the Division's Conflict-Free Policy by selecting **one** of the below service delivery options. SCAs must submit a *Letter of Intent* on agency letterhead to the Division identifying which option it will operate under.

- **Option One - Intent to Provide Support Coordination Services Only**
SCAs declaring to provide only support coordination services must submit a *Letter of Intent* on agency letterhead outlining that they will only provide support coordination and thus, there is no conflict of interest. The letter shall also include the following information:
 - a. Listing of any affiliates and/or subsidiaries and disclosure of any Executive Director/CEO, a board of Directors or any financial interest in another agency. *Please note that if, after submission review, the Division determines that there is a conflict it will communicate that another option must be utilized.*
- **Option Two - Intent to provide Support Coordination and other services, but in distinct geographic areas.**

Meaning the agency provides both support coordination and other Division-funded services, but the geographic areas where support coordination is provided does not overlap with the areas they provide other services in (e.g. The agency provides support coordination in Essex County and employment services in Bergen County). In this circumstance, the letter shall include the following information:

- a. What direct services the agency expects to provide other than support coordination;
 - b. How many individuals the agency anticipates providing services to, both for support coordination and direct services;
 - c. In what counties the agency expects to be providing support coordination and direct services;
 - d. How the agency will ensure that they are not providing services (both support coordination and direct services) to the same individual in different counties. Please note the method for tracking, title of staff in the organization who will be responsible, how often information is checked, and actions that will occur if there is a conflict;
 - e. How the agency will ensure a six-month delay before providing other services to any individuals for whom they were previously providing support coordination services or vice versa. Please note the method for tracking, title of staff in the organization who will be responsible, how often information is checked, and actions that will occur if there is a conflict; and
 - f. All shared financial interest(s) of the agency. This includes disclosing all services provided by the agency that are funded by Medicaid and/or the Division and all names that the agency could be known as. The agency shall also note any affiliates and/or subsidiaries. Please note that if there is any Executive Director/CEO, a Board of Directors, or any financial interest in another agency this must be disclosed.
- **Option Three - Request for Exception to provide both Support Coordination and other Division-funded services in the same geographic region.** Meaning the entity will provide both support coordination and other Division-funded services in an overlapping geographical area but the direct services they provide are to a very small number of individuals or the services they provide are not easily accessible. This

exception is based on the essential needs of the Division, not agency need. (Please note that the rules related to never providing both services to the same individual and the six-month gap still apply.) When this occurs, the Division will evaluate these proposals on a case-by-case basis and reevaluate the need periodically to ensure that the exception continues to be justified. In this circumstance, the letter shall include elements a through f noted in Option Two (above) and the following information:

- a. Why the exception is essential to the Division and how they will ensure continuity of care while avoiding any conflict of interests; and
- b. How the business and management are structured, including the roles and responsibilities of members of the Executive Management Team. If separate business entities are established to facilitate independence, a conflict will be assumed in any case where they share an Executive Director/CEO, a Board of Directors, or any financial interest.

Letters of Intent can be submitted via the Provider Helpdesk at DDD.ProviderHelpdesk@dhs.nj.gov. An agency who meets the Conflict-Free Policy but later changes their business, services provided or counties served in a way that may impact their ability to remain Conflict-Free must resubmit their Conflict-Free Policy/*Letter of Intent* at the time of the change.