



Frequently Asked Questions on Conflict-Free Care Coordination and the Exception Process May 2019

The SDS provider certification process now incorporates many of the requirements to maintain provider eligibility for those agencies granted an exception. Below are FAQs outside of the certification process that relate to the exception process.

What is a conflict for an agency?

An agency has a conflict when:

- The agency is responsible for providing both care coordination and home and community-based (HCB) services, which includes both 1915 (c) waiver and state plan personal care services and community first choice (CFC), **and/or**
- The agency may benefit financially from the participant's choices; **and/or**
- The agency shares an executive director/CEO, Board of Directors, or other governing body that has any financial interest in any entity that provides home and community based services, including 1915 (c) waiver services, and state plan personal care or CFC services.

Are there exceptions to the conflict-free requirement for agencies?

Yes, SDS can allow an exception to the conflict-free requirement in a rural census area where a provider of HCB services is willing and qualified to provide care coordination services, if conflict-free care coordinators are not available or are unable to meet the capacity in that census area.

Are there exceptions for individual care coordinators?

No. There is no exception to conflict-free requirements for individually certified care coordinators. Care coordinators cannot provide HCB services in addition to care coordination, whether employed by an agency with an exception or not.

Care coordinators also must comply with the conflict of interest provisions contained in 7 AAC 130.240 and the Care Coordination Conditions of Participation. Each individual care coordinator will need to complete a "Conflict of Interest Assurance" form provided by SDS.

Under what circumstances would an agency providing HCB services be considered for an exception?

An agency that currently provides HCB services can request an exception to SDS' conflict-free care coordination requirement, in order to provide both care coordination and HCB services in the same census area, if it meets these conditions:

- (1) The agency must be located in a census areas that is **outside** of the five urban areas identified in 7 AAC 130.220(j): Municipality of Anchorage, Matanuska-Susitna Borough, Kenai Peninsula Borough, Fairbanks North Star Borough, and City and Borough of Juneau; and

(2) The agency must be

- Currently certified to provide HCB waiver services,
- in good standing with SDS, and
- willing to provide care coordination in a census area where SDS has determined the area is underserved by conflict-free care coordinators.

An agency currently certified to provide HCB waiver services in a census area may apply for an exception with SDS at any point during the three year time period following the SDS determination that an exception is allowed in a census area.

All new HCB service agencies in all census areas must be conflict-free.

How does an agency obtain an exception?

In April, 2016, and then every three years after that, SDS will post the census areas in which SDS will allow exceptions to conflict-free care coordination to occur for a period of three years.

SDS will also post the “Conflict of Interest Exception Application” form that HCB providers must use to apply for an exception. The completed application must include:

- (1) A description of the how the agency will ensure administrative separation of HCB services from care coordination (separate supervisors and internal monitoring of Plans of Care) while ensuring recipient choice of providers to the greatest extent possible;
- (2) An organizational chart that demonstrates the separation of the HCB services unit from the care coordination unit;
- (3) An attestation that the agency has a plan for resolving disputes between the separate HCB services and care coordination units;
- (4) An attestation that the agency has a process for resolving disputes recipients may have with provision of HCB services or care coordination.

What criteria will SDS consider in identifying census areas that will be on the list to allow exceptions?

SDS will consider the number of recipients and the number of conflict-free care coordinators by waiver type in each census area when identifying which census areas will be allowed exceptions to conflict-free requirements, according to these criteria:

- 1) Number of Conflict-Free care coordinators could not meet the capacity¹ for the number of recipients in the census area

¹ for the purposes of this analysis, Capacity is defined as 25 individual recipients to one care coordinator
FAQs on Exceptions to CFCC, Updated May 15, 2019

- 2) Number of Conflict-Free care coordinators certified by waiver type could not meet the capacity for the number of recipients in the census area
- 3) Criteria is no longer valid, per CMS clarification
- 4) There are no current individuals in service or providers serving the census area

Will exceptions be permanently granted? No. Exceptions are not meant to be permanent; as capacity for conflict-free care coordination is developed, SDS expects that the number of census areas approved for an exception will diminish.

Can an agency apply for an exception if the census area is not on the SDS exception list? Will an application for an exception be reviewed if not from a census area on the exceptions list?

No. Applications from HCB service providers in census areas not on the exception list will not be reviewed.

What about agency attestation of Conflict of Interest?

Every care coordination agency attests to conflict-free status as part of the certification or recertification process, by completing the Attestation of Conflict-Free Status (Cert-46).

Can conflict-free care coordinators start to provide care coordination services in census areas where an agency has an exception?

Yes, capacity can be expanded in a census area by conflict-free care coordinators entering the market and providing care coordination services during the three year exception period.

Will recipients have time to transition if a census area no longer meets criteria for an exception?

SDS will determine every third year following April, 2016, which census areas will require exceptions to conflict-free care coordination. If a census area has developed capacity to the extent that it will not be on the exceptions list for the coming three year period, recipients will need to transition to conflict-free care coordination during the July-September period.

Do agencies currently providing HCB or grant services have to stop providing grant case management?

No, at this time the conflict-free requirement only pertains to Medicaid waiver care coordination. If an agency provides HCB services (waiver, grant or PCA), the agency can still continue to provide case management with grant funds.

Do agencies currently providing Care Coordination services have to stop providing grant case management?

No, they may continue to provide grant case management.

Can an individual care coordinator apply for an exception to being conflict-free?

No. Individual care coordinators, no matter what agency/agencies they work for, must be conflict-free per [7 AAC 130.240. Care coordination services \(g\)\(h\)](#). Only agencies currently certified to provide both HCB and care coordination in the eligible census areas were able to apply for the conflict-free exception for the current 3 year duration.

I am an independent care coordination agency with only one care coordinator – me. Do I have to fill out the form?

Yes. All agencies certified to provide care coordination need to fill out the form regardless of how many care coordinators are with the agency.

Do agencies need to submit all the documents for certification listed on the CERT-06 form?

No – unless your agency is in the current certification or recertification process.

Is this form required?

Yes. It is not optional.

My agency wants to offer care coordination in more service areas. Do I fill out CERT-06 to declare areas where I have clients NOW only, or where I intend to offer care coordination?

Fill out CERT-06 to show both where you have clients now and where you intend to serve clients.

If I get an inquiry from a client who lives in an area that I have not yet declared that I serve, what do I do?

If you are willing to expand services to that census area, complete CERT-06 and submit to SDS Certification. Please include all census areas you are currently serve and are willing to serve in your declaration (both new and current service areas).

Can care coordinators working for my conflict-free agency provide back-up care coordination to care coordinators working at an agency with an approved conflict-free exception?

Yes.

Can care coordinators working for an agency with an approved conflict-free exception provide back-up to care coordinators working for a conflict-free agency?

Yes.

Can an agency which also provides other HCBW services offer TEFRA care coordination?

Yes. TEFRA care coordination is different than HCBW care coordination. It requires separate training. TEFRA care coordination is a regular Medicaid service. TEFRA serves only children up to age 19 who have significant disabilities and/or medical conditions. TEFRA does not refer to or include any services that are like the HCBW.

Can a recipient with the HCB Waiver get their care coordination through grant funding?

No.

Can an agency that provides other HCBW services also offer care coordination through grant funding?

No. Grants fund only case management, not care coordination. To provide case management, the agency must be a current approved grantee with SDS, and the agency's approved grant structure must include case management.

Can a care coordinator work for more than one agency?

Yes, as long as the agencies they work for are conflict-free or have an approved conflict-free exception. The conflict-free exception was only available to currently certified HCBW agencies working in the eligible census areas. Each care coordinator regardless of the agency they work for must be conflict-free per 7 AAC 130.240 (g) and (h).