



## Conflict Free Case Management

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In April 2016, The Resource Exchange (TRE) announced changes to delivery of its services to people with intellectual and developmental disabilities (IDD). Starting in 2017, TRE discontinued engaging directly with vendors and businesses, via business agreements, vendors who provide Medicaid waiver-funded services, except in rare circumstances.

Currently, we are beginning the process of discontinuing bilateral agreements with third party vendors for the delivery of Medicaid waiver services. *Please note that vendors providing Early Childhood Services, State General Fund services, Home/Vehicle Modifications, Assistive Technology, Dental or Vision services exclusively are not being impacted at this time.*

The primary driver of these changes is Colorado's embrace of Conflict Free Case Management (CFCM). A long-simmering policy debate in the State, CFCM requires that TRE discontinue the delivery of direct Medicaid waiver services to anyone to whom TRE provides case management. The issue is outlined in greater detail below.

**Conflict Free Case Management.** For years in the Colorado system of services for people with IDD, there has been debate around organizations like TRE known as Community Centered Boards (CCB) in Colorado Revised Statutes (CRS) providing both case management supports as well as direct services. Colorado CCBs provide case management through contracts with the Colorado Department of Health Care Policy and Financing (HCPF). These services include intake, eligibility determination, referral and ongoing service coordination. CCBs are also, by CRS, able to provide services to the same people to whom they provide case management. However, the Centers for Medicare and Medicaid Services (CMS), or federal Medicaid, has directed Colorado to address the potential conflict that is manifest when the same organization that determines eligibility, makes referrals for services, and provides ongoing service coordination (including working with the person with an IDD and their family to assess the quality of the service they are receiving) is also providing direct service (e.g., residential, vocational, employment and more) to the same person.

Since approximately 2008, TRE has used Vendors for the delivery of a small but important set of the very services that are at the heart of the Conflict Free Case Management issue. To comply with federal requirements from CMS for Conflict Free Case Management, and to respond to Colorado's recently passed legislation to separate case management from services in this specific context, TRE has decided to be proactive and made the decision to discontinue the use of ICs and Vendors for the delivery of services, other than as required by law.

In 2015, Governor Hickenlooper signed House Bill 15-1318 into law, which required HCPF, not later than July 1, 2016, to "develop a plan for the delivery of conflict free case management services that complies with the federal regulations relating to person-centered planning. During the budget process for the 2016-2017 legislative session, [HCPF] shall report to the Joint Budget Committee [of the legislature] on the development of the plan and any statutory changes required to implement the plan."

In July 2016, the State published its Colorado Conflict Free Case Management Implementation Plan (available at: <https://www.colorado.gov/hcpf/conflict-free-case-management>). The Plan outlines four options available to Community Centered Boards (CCB) like TRE for complying with CFCM.

1. Become a case management only agency (TRE has chosen this option)
2. Become a direct service provider only
3. Become a case management agency and direct service provider, but not to/for the same person
4. Discontinue case management and direct services

During the 2017 legislative session, HB 17-1343 was passed (see the information and access to specific bill language [HERE](#)) that codifies the Plan and begins the process of assuring CFCM in Colorado.