

December 22, 2022

Executive Office on Health and Human Services
3 West Road
Cranston, RI 02920

DD Network Comments Re: Conflict Free Case Management Strategic Plan

Thank you for the opportunity to comment on the proposed strategic plan for implementing the Centers for Medicare and Medicaid Services' (CMS) required conflict free case management (CFCM). As Rhode Island's federally funded DD Network, we hereby submit our joint comments.

The federal requirements to provide CFCM have been in effect since 2014. Over the last eight years, the state made significant progress in understanding person-centered thinking and self-determination. Because we are now close to implementation, we would like to ensure that any process is firmly aligned with these ideals. We look forward to providing an opportunity for people to direct their own lives and funds through self-determination.

The draft plan proposes a system that is unnecessarily restrictive and bureaucratic. The person-centered experience is a human craft, and the people involved bring a mix of unique experiences to it. As such, it cannot be an administrative category with check box requirements. The more systematic the process, the less person centered it is. The intent of CMS was to allow people to explore outside of "the system;" this process, however, keeps them in it. For example, the proposed strategic plan indicates that EOHHS will establish criteria which an individual must meet before they can change facilitator agencies. Such a process is antithetical to person centered thinking and self-determination.

In Rhode Island, we had this experience with CEDARR Centers. The intent was to allow access to needed services for families. The end experience however was the opposite, as families found an additional bureaucratic gatekeeper that, in reality, impedes services.

Our focus must always be on the person who is receiving long term supports and services; ensuring that their access to and experience with any system is easy and workable. We need to remove administrative barriers and allow for creativity and flexibility.

We also recognize that there are some administrative requirements, including those imposed by the CMS rules. While we have some suggestions, such as having the state case workers input the data instead of requiring the facilitators to be trained on it or easing the training restrictions, we

think it would be best to convene a group to map out and address the CMS requirements in the least restrictive and bureaucratic way possible. This group should include people who receive services, facilitators, family members, advocates, and providers. We are attaching what we believe to be the entirety of the CMS requirements to this letter. As the state is required to have conflict free case management in place for individuals with I/DD by July 1, 2023, time is of the essence to convene this group.

Building bureaucracy seems to be easier than dismantling bureaucracy. Starting with the least restrictive process will allow for the real, gritty, human based, person centered process that we envision. As we collect data through time, we can see if there is a need to add administrative process to improve quality outcomes – but these must be data based and not arbitrary.

We use the term facilitator as the person guiding the process, but other people utilize different terms. We should also ensure that all terms, roles, and responsibilities are fully understood by all involved. Only then (and with understanding of funding) can we have a framework for process, caseloads, and capacity. To that end, the final state plan must include:

- Detail regarding the types of partnerships conflict free case management facilitators can establish with other organizations, to ensure the very conflicts the system seeks to eliminate do not recur.
- Realistic expectations regarding caseloads that consider not only the number of participants each facilitator works with, but how often that facilitator will be available to each individual based on their caseload.

If you have any questions, please feel free to contact Kevin Nerney at 401-737-1238, kevinnerney@riddc.org.

Respectfully,

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