

# Aged and Disabled Waiver Conflict-Free Case Management

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WEST VIRGINIA  
Department of  
**Health & Human Resources**  
BUREAU FOR MEDICAL SERVICES

# Conflict of Interest

“Come  
to my  
agency  
# 1”

**NO!**

“Come  
to my  
agency  
# 2”



“I thought  
it was my  
choice”

# Conflict-Free Case Management

## **The new Aged and Disabled Waiver (ADW) Policy Manual:**

- Outlines Center for Medicare and Medicaid (CMS) requirements for conflict-free case management
- Establishes requirements for agency policy
- Establishes requirements for agency reporting
- Establishes consequences for not following policy and breach of ethics

# Conflict-Free Case Management (Cont.)

## **Purpose of training:**

- To understand conflict-free case management
- To understand the Aged and Disabled Waiver person's right to choose
- To understand conflict of interest and conflict of interest statements
- To understand how to prevent conflict of interest
- To understand the purpose for independent case management
- To understand the consequences for a breach in conflict of interest by a case manager or an agency director

# Conflict-Free Case Management (Cont.)

## Think of a case manager as a referee:

- You know and follow the rules
- You do not represent a team (agency)
- Your actions are to benefit the person (not the agency)
- You respect the integrity of the person's choice
- You maintain ethics at all times



# Right Way Versus Wrong Way

**There is a right way and a wrong way to discuss options with an Aged and Disabled Waiver participant.**

Wrong  
Way –  
My  
agency is  
better



Right  
Way – It  
is up to  
you

# Wrong Way to Influence Choice

- “We are losing too many clients.”
- “It’s a loss of money.”
- “It’s easier to have both services at the same agency.”
- “Don’t you want to be with the same agency as me?”
- “They will give you more hours or more miles.”
- “This agency will hire your granddaughter anyway.”
- “You can take any worker with you that you want.”
- “I’m changing agencies, go with me.”
- “It’s not a good agency. They are going under.”
- “They don’t send in substitutes so you won’t have a worker.”
- “It’s better to have all your eggs in one basket.”
- “After what we’ve done for you, you’re leaving?”

# Wrong Way to Influence Choice (Cont.)

- “I can get you an increase in service level and more hours.”
- “I can get you a level D and Personal Care.”
- “You need to do the right thing and stay with us.”
- “Why are you leaving us now?”
- “What is the problem with this agency? Can we fix it?”
- “In Personal Options, you have to write your own paycheck and pay taxes.”
- “In Personal Options, you have to write your own Service Plan.”
- “It’s too hard to do Personal Options.”
- “You don’t want to have to hire your own staff.”
- “We do a better job than Personal Options.”
- “They don’t monitor you in Personal Options.”

# Right Way to Influence Choice

- “Do you know which agency you want?”
- “Do you need assistance with contacting agencies in your area?”
- “Tell me what is important to you about an agency?”
- “Is the location of the agency important to you (same town, close by)?”
- “Do you want me to ask about back-up workers?”
- “Do you want to ask about available workers or specific hours?”
- “Do you have a list of agencies in your county?”
- “Do you need help with the selection forms or sending in the forms?”
- “Do you want me to see when the transfer will be effective?”

**Do not decide for them.**

**Choice is a right granted to all Aged and Disabled participants.**

# Reasons to Prevent Conflict

- Respect the Aged and Disabled Waiver person's right to choose
- Honor the dignity of the Aged and Disabled Waiver person's independence
- Follow the intent of conflict-free case management
- Maintain a separation of case management and personal attendant agencies and services
- Represent the Aged and Disabled person, not the agency
- Practice person-centered planning
- Practice good ethics (licensed social worker/counselor and registered nurse)

# Case Manager

## As a Case Manager:

- You are representing the Aged and Disabled person
- You do not influence their choice
- You do not self-refer to your own agency
- You do not decide for the person
- “You do not allow a competing interest to take action on behalf of the person or influence the person’s right to choose” (ADW policy manual).
- You do not allow your agency to influence your professional ethics while performing your job
- You are accountable as a professional
- Your agency is accountable and responsible
- You and your agency may have consequences for violating the conflict of interest policy

# Self-Referrals are Prohibited

- You cannot refer or influence a referral of an Aged and Disabled Waiver person to your own agency or an agency under the same business umbrella

## Example 1:



# Self-Referrals are Prohibited (Cont.)

- Umbrella agencies may not have the same name
- It is the same agency and would be considered a self referral

## EXAMPLE 2:



# ADW Persons' Right to Choose

**Center for Medicare and Medicaid (CMS) requires that Waiver members have a right to choose**

**The Aged and Disabled Waiver member may choose:**

1. Service Delivery Model (Personal Options or Traditional)
2. If Traditional is chosen, the member has a right to choose:
  - Case management services provider agency
  - Personal attendant services provider agency

## A Personal Options participant may have a Case Manager

### 1. Service Model choice:

- Personal Options participants have chosen Personal Options rather than Traditional Services

### 2. Personal Options budget:

- Within the Personal Options budget, the recipient may choose services. Aged and Disabled Waiver policy requires one service per month.
- The person may choose case management while on Personal Options program

# Personal Options (Cont.)

**Self-direction means the person makes their own decisions (within policy and program guidelines).**

“I decide.”

“Here’s  
what you  
need to  
do.”

**A case manager will not decide for the person. The person will decide whether they want to transfer back to Traditional Services.**

**Center for Medicare and Medicaid Services (CMS) asks states to verify that the state provides conflict-free case management.**

West Virginia verifies by the following:

- Enrollment and continuing certification for case management agencies
- Aged and Disabled Waiver policy requires providers to have a conflict of interest policy
- Aged and Disabled Waiver policy requires an agency process for reporting conflict of interest complaints
- Aged and Disabled Waiver policy requires conflict-free case management training and annual conflict of interest statements
- Aged and Disabled Waiver policy stipulates consequences for breach of conflict of interest

# Conflict of Interest Statement

## Who?

- All Aged and Disabled Waiver case managers must sign a conflict of interest statement
- Agency directors must sign a conflict of interest statement

## Why?

- The statement outlines conflict-free case management, conflict of interest and process for reporting complaints
- Holds accountable for acts that create a conflict of interest and consequences for breach of conflict of interest

## When?

- Required annually for all case managers and directors

# Conflict of Interest Statement (Cont.)

## Ideas for a conflict of interest statement:

- Define the conflicts of interest (situations, personal or competitive gain, etc.)
- State an expected code of conduct (expected duties and behaviors, including “off hours”)
- Require a disclosure of potential conflicts (personal or financial interests, personal relationships that may impact the person’s ability to remain impartial)
- List the steps to be taken to address any conflicts of interest (protective steps such as refraining from making a decision or activities that would create a conflict or more restrictive solutions)

# Conflict of Interest Statement (Cont.)

- Include rules or prohibitions of acceptance of gifts, loans or money
- Require a signature and date from all parties verifying that they read and understood it and disclosed all conflicts of interest
- Describe the process for reporting complaints or incidents of conflict of interest
- Describe consequences



# Conflict of Interest Breach



A conflict of interest breach occurs when the case manager has influenced a person's decision to choose agencies or service models and/or made the decision for the person.



# Consequences

**Any case manager that self-refers to his/her agency or influences an Aged and Disabled Waiver person's right to choose:**

- Must not bill case management for the month it occurred
- Will be referred to their professional licensing board for a violation of ethics
- Failure of a provider agency to abide by the conflict of interest policy will result in the loss of provider certification, and all current people being served will be transferred to another agency

**ETHICS VIOLATION IS A SERIOUS ACT!**

# Post Test

**Reminder:** On the next two slides, you will take the Conflict-free case management post test.

**Conflict-Free Case Management Certificate:** Please make sure that you have an agency representative or employer to verify the post test and sign your Training Certificate on the last slide. Keep a copy of your conflict-free case management Training Certificate in your personnel file. Review and sign (with an agency or employer verification) a conflict of interest statement and place in personnel file.

# Post Test (Cont.)

1. You are accountable as a professional and responsible to maintain professional ethics at all times. **True or False?**
2. You must not self-refer to your own agency or an agency under the same business umbrella. **True or False?**
3. Case managers and agency directors will never sign a conflict of interest statement. **True or False?**
4. You represent the Aged and Disabled Waiver person, not the agency and honor the dignity of the Aged and Disabled Waiver person's right to choose. **True or False?**
5. An agency policy for conflict of interest and process for reporting is required by Aged and Disabled Waiver policy manual. **True or False?**

# Post Test (Cont.)

6. Consequences for not following the conflict of interest policy include no Case Management billing for month it occurred, report to licensing board as an ethics violation, loss of provider certification and transfer of all Aged and Disabled Waiver participants to another agency. **True or False?**
7. Personal Options participants who have a case manager will self-direct and make their own decisions regarding choice of providers and Service Delivery Model. **True or False?**
8. This is acceptable to say to a recipient: “They will give you more hours and miles at my agency.” **True or False?**
9. This is acceptable to say: “After what we have done for you, you are leaving?” **True or False?**
10. This is acceptable to say: “You have to write your own paycheck and pay taxes in Personal Options.” **True or False?**

# Training Certificate

## AGED AND DISABLED WAIVER TRAINING CERTIFICATE

**Name of the Training:** Conflict Free Case Management

**Date of Training Webinar:**

**Name of the Employee (Worker):**

Congratulations. You have successfully completed the Aged and Disabled Waiver Conflict Free Case Management training webinar and passed the post test.

**Training/Post Test Verification Signature(Agency/Employer):**

**Date:**

**Worker/Employee Signature:**

**Date:**