

Conflict-Free Access and Planning Workgroup Meeting Notes

Meeting Details

Meeting Name:	Conflict-Free Access and Planning
Meeting Date & Location:	September 28, 2022 @ 8:30a.m. – 10:00a.m. – Teams Meeting
Call in Number:	Teams Meeting
Leader/Facilitator:	Belinda Hawks / Remi Romanowski-Pfeiffer
Next Meeting:	October 26, 2022 @ 8:30a.m. – 10:00a.m.

Key Discussion Points

Review Sequence of Frame

- The workgroup was reminded of the “Inform, Frame, Feedback” approach used to facilitate the decision-support it will provide to the State. The workgroup is in the “Frame” phase.
- All past materials and references to requirements can be found on the State’s website.
- BPHASA will consider portions of the “Frame” and “Feedback” phases concurrently with the workgroup.
- The activities in “Frame” include:
 - Define Problem: The group completed in the May meeting
 - Define Criteria: This was the focus of the June and July meetings. Listening sessions and the workgroup priority survey will capture which criteria are important to workgroup members and people served/their families.
 - Develop Options: The State is considering
 - Evaluate Options

Review Definitions of Options, Criteria, and Prioritization

- Options are the approaches to address Conflict-Free Access and Planning that will be considered by the State. Options still need to be developed. The State has not chosen an option.
- Criteria are areas that may be impacted by Conflict-Free Access and Planning, positively or negatively. Criteria can be considered the “rubric” that each option is graded. Criteria may have several sub-criteria.
- Each Option will be evaluated using the Criteria to develop feedback for the State. Each option will have pros and cons.
- Families that were discussed in previous CFA&P Meetings were broad constructs for discussion and are not specific enough to be considered “Options.” Options will need to be more specific and detailed.
- Workgroup Member Question: Is the workgroup going to develop options or have input on them once they are developed?
 - The State is still defining who is involved in Option Development and Evaluation.
- Prioritization

- Survey: A workgroup survey will be provided to members the week of 10/3/2022 and will be open for two weeks for all workgroup members.
- Listening Sessions: The DD Council, Michigan Developmental Disabilities Institute, and the Arc Michigan are planning two listening sessions for mid-October. One daytime and one evening time. Listening sessions will be for people served in the system and their family members. Advocates will provide fliers by 10/3. Workgroup members were invited to distribute fliers to people served and their families. MDHHS Leadership was invited to listening sessions and several senior leadership will be attending.

Discuss “How” and Implementation Feedback Form Items

- The group reviewed a set of “How” and Implementation Items and their corresponding responses from MDHHS. Several other items were documented, but do not yet have responses. The workgroup will be provided with a complete list on 10/3/22.
- “How” and Implementation Items reviewed in the meeting are documented in the meeting presentation. Conversations are captured in notes.
- Belinda noted that although there is no formal citation related to Michigan’s approach to conflict, CMS has been more focused on compliance with conflict-free access and planning in 1915(c) and 1115 Medicaid Waiver Applications. Future renewals will be more stringent. The State has previously pointed to contract language related to HCBS Rule and Medicaid Provider Manual, which have broad references to conflict.
- Belinda noted MDHHS’ legal team is reviewing and fully interpreting questions and clarifications raised by this group about the legal precedent.
- Member question: If CMS did not have any concerns, why would the system need to change instead of focusing on strengthening the existing practices and procedures?
 - Belinda responded clarifying that the framework and foundation of conflict-mitigation needs to be more specific. It is fully expected that CMS will be more stringent in the next renewals in 2024 for both 1915(c) and 1115 Medicaid Waivers.
- Member question: What has the legal team noted about the Stark’s Law?
 - Belinda responded that previous inquiries about the Stark’s Law have been forwarded to the MDHHS legal team, but there is not yet a full summary of their findings. There are additional meetings scheduled with them in the coming weeks.
- Member question and comment: Increasing the use of independent facilitation should include definition of roles and responsibilities of the independent facilitator. Sometimes in planning processes that include independent facilitators, people ask for or expect a high volume of a service that might not be medically necessary. The concept is fantastic, but the technical training and understanding of roles is not clear.
 - Belinda responded that the State is looking at how to make independent facilitation more consistent across the state.
 - Josh reminded the group that previous surveys on use of independent facilitation indicated there was varied use of the resource. Additionally, procedural mitigation are likely not going to pass CMS’ waiver renewal review.
- Member question: Does the State expect managed care delegations to be the focus of conflict-free discussions? A lot of functions are delegated by PIHPs in different ways across the state

including eligibility screening, utilization management, and those types of managed care functions.

- Belinda responded that the State is considering how contracts will be impacted by models adopted for CFA&P.
- Member comment: Utilization management functions vary between waivers. Waiver approaches vary in their planning method, like SED waiver and its approach to wraparound.
 - Remi responded that part of the State's process will include understanding what is currently in place for each of the waivers. Belinda added that the State is also looking specifically at Wraparound services and the expectation in place for those services that integrate planning into the service, like ACT.
- Member question: Why would the State want to respond to CFA&P if it isn't completely sure CMS will be asking about it in waiver renewals?
 - Belinda responded that this question is on the minds of many in the workgroup and beyond. People are asking, "How much change is enough or is change needed at all?" That is at the heart of this effort. If the best model was clear, we would have already implemented it. This group is here to talk through your perspectives of the work and help move in the direction we need to be in by the March deadline.
- Member question: How is CCBHC considered?
 - Remi responded that CCBHC is included in criteria that every option will consider. Belinda added that the State's CCBHC team has been consulted and has been meeting with CMS to inform the decision-making process.

Next Meeting

- Next CFA&P Workgroup meeting is October 26th.
- Workgroup members are welcome to reach out to Josh, Remi, Belinda, and Dana with any questions.