

**AGENCY DIRECTOR CONFLICT FREE CASE MANAGEMENT ATTESTATION**

Center for Medicare and Medicaid (CMS), under 42 CFR 431.301(c)(1)(vi), requires states to operate Conflict Free Case Management.

Attestation/Conflict of Interest Exception Application for Home and Community Based Waiver Services by agency owner/administrator of the following:

- The agency has administrative separation of supervision of case management and Home and Community Based (HCB) services.
- The attached organization chart shows two separate supervisors, one for case management and one for HCB services.
- Case management members are offered choice for HCB services between and among available service providers.
- Case management members are not limited to HCB services provided only by this agency.
- Case management members are given choice of case managers within the agency.
- Disputes between case management and HCB services units are resolved.
- Members are free to choose or deny HCB services without influence from the internal agency case manager and HCB service staff.
- Members choose how, when, and where to receive their approved HCB services.
- Members are free to communicate grievance(s) regarding case management and/or HCB services delivered by the agency.
- The grievance/complaint procedure is clear and understood by members and legal representatives.
- Grievances/complaints are resolved in a timely

**Definition:** Individuals or entities providing Case Management Services (those who develop a person-centered Service Plan) cannot be:

- Related by blood or marriage to the individual or a paid caregiver.
- Financially responsible for the individual.
- Empowered to make health-related decisions.
- Individuals who would benefit financially from service provision
- Providers of State Plan HCBS.

I understand that failure to comply with Conflict Free Case Management requirements may result in adverse action.

**CFCM Agency Name:** \_\_\_\_\_

**CFCM Director Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_