

RELATIVE PROVIDER CONFLICT OF INTEREST CHECKLIST

July 2011

After July 1, 2011, providers and employees of providers or self-directed employees shall disclose if they provide services to a related waiver participant and shall comply with certain safeguards and requirements as outlined by the Division. The following questions will help you determine if your relationship with a waiver participant gives you a conflict of interest that requires further action. This form does not need to be turned in to the Division.

Answer yes or no, then read the answer below in regard to addressing the conflict of interest.

1. Are you a relative (i.e. sibling, aunt, uncle, parent, guardian, grandparent, step-family member, child age 18+ of a waiver participant, or a cousin) providing waiver services to a participant, either as a certified provider, an employee of a certified provider, or as a self-directed employee?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, then you must fill out the RELATIVE DISCLOSURE AND SAFEGUARD ACKNOWLEDGEMENT FORM in conjunction with the participant's case manager. The Case Manager submits the form to the Division, who will keep it on file with your provider organization and/or the participant's file. If No, you do not need to do anything new.	
2. Are you a Case Manager related to a waiver participant on your caseload?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, then you cannot provide other services or employ people to provide other services to the participant on the plan of care. The Relative Disclosure Form must be filled out. Also, parents/stepparents cannot receive reimbursement for providing case management. If No, you do not need to do anything new.	
3. Does the Participant have a relative as a case manager and a relative as a provider of another service on the plan (i.e. the case manager is the participant's sister and the respite provider is the participant's grandma)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, then the participant must address the conflict of interest by changing one of the related providers to a provider who is not related. If no, the participant does not need to do anything new.	
4. Does the case manager, who is related to the participant, provide other services to the participant on the plan?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, then the participant must address the conflict of interest by changing a service to another provider, so the person's case manager and the other service provider(s) on the plan are not both the participant's relation. The Relative Disclosure Form would need to be submitted. If no, the participant does not need to do anything new.	
5. Does the participant have a relative providing services on the plan as an employee of a provider and have a case manager employed by the same provider?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, then the participant does not need to do anything new as long as the case manager is not related. If the case manager is related, then see the "yes" answer in #4. If no, the participant does not need to do anything new.	
6. Does the participant have on their plan an unrelated case manager and an unrelated provider, who are related to each other (i.e. the case manager is the sister of the respite provider)?	<input type="checkbox"/> YES <input type="checkbox"/> NO

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<p>If yes, then the providers are allowed to stay “as is” at this time and no changes to the plan are required. The Relative Disclosure Form is not needed. The providers are not related to the participant, so the new changes regarding relative providers and the safeguards do not apply.</p> <p>If no, then either there is no provider with a conflict of interest and the participant does not need to do anything.</p> <p style="text-align: center;">Or</p> <p>If no, and the case manager and provider are related to the participant, the conflict must be addressed as stated in #3.</p>	
<p>7. Does the participant have other service providers on the plan who are related to each other, unrelated to the participant, and not providing case management (i.e. A respite provider is on the plan and his aunt is a day habilitation provider on the same plan)?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>If yes, then providers are allowed to stay “as is” at this time and no changes are required on the plan. They are not related to the participant, so the new changes regarding relative providers and the safeguards do not apply.</p> <p>If no, see the “no” answers in #5.</p>	
<p>8. Does the participant have multiple relative providers on his or her plan, through both traditional services and self-directed services?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>If yes, then the providers are allowed to stay “as is” at this time and no changes are required on the plan. The Relative Disclosure form must be submitted. However, the case manager must not be related to the participant or employed by one of the related providers on the plan, or a transition is needed. See the answer in #3.</p> <p>If no, the participant does not need to do anything new.</p>	
<p>9. Does a parent, who is self-directing through the Fiscal Employer Agent model - Public Partnerships LLC (PPL) and operating as an Employer of Record (EOR), want to provide reimbursable services to their child participant who is under age 18?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>If yes, this is not allowed. The parent could provide services if they became a certified provider and an LLC or corporation, became an employee of a certified provider, or became an employee of an Agency with Choice, see question/answers in #9.</p> <p>Participants age 18 and over self-directing through the Fiscal Employer Agent (PPL) may hire a parent, as long as the parent is not his/her Employer of Record (EOR). The EOR must be the adult participant or an unrelated person. The participant also could not opt out of Support Brokerage.</p> <p>If no, the parent does not need to do anything new.</p>	
<p>10. Does a parent of a Child DD Waiver participant under age 18, who is self directing through the Agency with Choice model and operating as a managing employer, want to hire themselves to provide services to their child participant as an employee of the Agency with Choice?</p>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p>If yes, then the parent could provide personal care only to their child, by either becoming a certified Medicaid Waiver provider or becoming employed by the Agency with Choice or a traditional provider. The parent then could <u>not</u> be the managing employer. The managing employer would have to be either the adult participant or an unrelated person. The participant also could not opt out of Support Brokerage.</p> <p>If no, the parent does not need to do anything new.</p>	
<p>For questions on your specific situation, please contact Jamie Staunton or another waiver manager at the Behavioral Health Division – Developmental Disabilities at 307.777.7115.</p>	