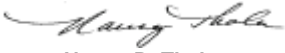
	<b>MENTAL RETARDATION BULLETIN</b> COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE	
	<b>SUBJECT</b>  Revision of Definition of Conflict Free Providers for Targeted Service Management	<b>BY</b>   <b>Nancy R. Thaler</b> Deputy Secretary for Mental Retardation
<b>NUMBER:</b>	00-02-06	
<b>ISSUE DATE:</b>	April 12, 2002	
<b>EFFECTIVE DATE:</b>	Immediately	

**SCOPE:**

County Mental Health/Mental Retardation Program Administrators  
 Targeted Service Management Program Directors  
 Base Service Unit Directors

**PURPOSE:**

The purpose of this bulletin is to define conflict free Targeted Service Management (TSM) agencies and to provide procedures for County Programs to follow if there is a question concerning implementation of this policy. This new Conflict of Interest policy represents a revision of the previous definition of conflict free providers issued in the TSM Technical Assistance Packet (OMR Bulletin # 00-94-15) and has been developed to ensure the TSM agencies allow an individual's choice in a competitive provider environment and objectively monitor services.

**BACKGROUND:**

Since 1993, when the OMR introduced TSM as a service for people with mental retardation throughout Pennsylvania, County Programs have followed established guidelines defining eligible TSM service providers (OMR Bulletin # 00-94-15 issued April 20, 1994) when providing TSM services directly or contracting for TSM with private providers. With the advent of TSM becoming the supports coordination model for individuals receiving services under the Consolidated waiver effective July 1, 2001, it became imperative for OMR to review the 1994 Conflict of Interest policy and make appropriate changes in the definition of conflict free providers to ensure that an environment is created which promotes individual choice and ensures effective monitoring of each individual's health, safety, and quality of services.

**POLICY:**

The following represents the OMR's Conflict of Interest policy:

TSM support coordination services may only be provided by a conflict free entity. An entity, for purposes of this policy, is an independent, separate, or self-contained agency. To be conflict free, an entity cannot provide direct MR services to individuals with mental retardation.

The following are direct services:

All licensed and unlicensed Mental Retardation residential services provided to individuals with mental retardation

All Mental Retardation non-residential services provided to individuals with mental retardation, except Family Support Services (FSS), Early Intervention Services, or services involving Representative Payee Services and Payment Agent Services.

All services, provided under OMR's Consolidated and Person/Family Directed Supports (P/FDS) Medicaid waivers, to individuals with mental retardation

All services related to Health Care Quality Units (HCQUs) and Independent Monitoring Teams (IMTs)

**Any new TSM supports coordination entity operational on or after the effective date of this bulletin must be conflict free.**

**All TSM supports coordination entities operational prior to the effective date of this bulletin must be in compliance with the above policy to be determined conflict free, effective July 1, 2005.**

All individuals will be able to choose among any enrolled Medical Assistance TSM provider within or outside the county as long as that provider is available to provide services to the person. In a situation where a county program has only one enrolled TSM provider, the individual can request a specific supports coordinator; however, the request does not guarantee that the supports coordinator will be available to provide the services.

### **Interim Procedure(s):**

The following interim procedures have been established if there are questions pertaining to whether a conflict exists for a TSM provider regarding a service:

**The interim procedures are for currently existing TSM support coordination entities operating prior to the effective date of this bulletin and will become obsolete effective July 1, 2005.**

Questions about whether a TSM provider is conflicted or whether a service meets the definition of a conflicted service, should be submitted to the OMR for guidance. A county must submit a description of the arrangement or the services to the Office of Mental Retardation through the appropriate Regional Office for review.

County Programs that provide, either directly or through contract, both services and support coordination shall submit a proposal to the Office of Mental Retardation through the appropriate OMR Regional Office that will describe the administrative procedures which will ensure that supports coordinators are free to identify problems in an individual's services and that individuals have access to a choice of qualified providers and conflict free support coordination services while they work to meet the July 1, 2005 deadline to transfer service provision responsibility to another entity.

### **Application:**

The TSM Provider Handbook (revised April 2001) should be updated to reflect this information.

Please make the following changes to Section VI - Technical Assistance Section:

Remove page III-6 revised April 2001 and add attached pages III-6 and III-6A updated March 2002

Remove page III-10 revised April 2001 and add attached page III-10 updated March 2002

**This Bulletin should be included in Appendix C of the Provider Handbook.**

### **Attachments**

- TSM Provider Handbook Section VI-Technical Assistance Section III-page 6 and page 6A
- TSM Provider Handbook Section VI-Technical Assistance Section III-page 10

**COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:**

Appropriate Regional Mental Retardation Program Managers