

March 21, 2023

Kristin Sousa
Medicaid Director
Rhode Island Executive Office of Health and Human Services
3 West Road, Virks Building
Cranston, RI 02920

RE: Corrective Action Plan (CAP) for Rhode Island Comprehensive Section 1115 Demonstration

Dear Ms. Sousa:

The Centers for Medicare & Medicaid Services (CMS) has completed its review of Rhode Island's Home and Community-Based Services (HCBS) Corrective Action Plan (CAP), which was required by the Rhode Island Comprehensive Section 1115(a) Demonstration (Project Number 11-W-00242/1) Special Terms and Conditions (STCs). CMS determined the CAP submitted on February 3, 2023, will ensure the HCBS programs operated under the demonstration are in compliance with HCBS requirements for monthly monitoring and conflict-free case management regulations at 42 CFR sections 441.301(c)(1)(vi) and 441.730(b) by no later than December 31, 2024.

Issue #1: Conflict of Interest

The state is currently in violation of federal conflict of interest (COI) rules, cited above, which require the state to separate service plan development/case management providers from direct service providers, and which require that the state ensure the independence of entities performing evaluations of eligibility, needs assessments, and person-centered plan development.

Issue #2: Case Management – Monthly Monitoring

The state is currently in violation of federal requirements for monthly monitoring, which require the state provide a service at least monthly, or if less frequently provide monthly monitoring of the participant (as documented in the service plan) to assure health and welfare. The state reports that currently there are a number of HCBS participants who are not receiving any case management on a routine basis, or limited case management and then only upon request. The majority of these individuals are non-intellectually/developmentally disabled adults with disabilities who are under age 65.

Any Medicaid program authorizing HCBS, including Rhode Island's Comprehensive Section 1115 Demonstration (11-W-00242/1), must ensure the health and welfare of the individuals served. CMS will continue to provide technical assistance and support to the state regarding the required components of the CAP. We will utilize the monthly HCBS call to assess ongoing progress and to ensure the health and welfare of Medicaid beneficiaries receiving HCBS through the demonstration program.

Your CMS points of contact, Kathleen O'Malley and Karen Walsh, are available to address any questions you may have related to this correspondence. Ms. O'Malley and Ms. Walsh can be reached at Kathleen.OMalley@cms.hhs.gov and Karen.Walsh@cms.hhs.gov.

Sincerely,

Angela Garner
Director
Division of System Reform Demonstrations
State Demonstrations Group

Ryan Shannahan
Deputy Director
Division of Long Term Services & Supports
Disabled & Elderly Health Programs Group

Enclosure

RI EOHHS
CMS Corrective Action Plan: Implementation of CFCM
Updated: 3/10/2023

Color/Bold = Milestone

Ref. #	Objective	Action Steps	Deliverables	Start Date	Target Completion Date	Responsible Party	Status Updates	Date Completed or latest update	CMS Only	CMS Acceptance	EOHHS Notes
1	Create a CFCM strategic plan	Post a draft CFCM Strategic Plan	CFCM Strategic Plan		11/30/2022	RI EOHHS	Complete	11/30/2022			
2		Post stakeholder feedback and State responses	Stakeholder feedback summary		02/10/2023	RI EOHHS	Complete	02/20/2023			
3		Post an updated CFCM strategic plan	CFCM Strategic Plan		02/28/2023	RI EOHHS	Complete	03/02/2023			Responding to comments on most recent draft
4	Conduct stakeholder engagement	Provide fact sheets and other stakeholder materials to support implementation	Various stakeholder materials	01/01/2023	ongoing	RI EOHHS	In Process				Review of fact sheets underway
5		Update the State's website regarding CFCM activities and upcoming webinars		01/01/2023	ongoing	RI EOHHS	In Process	03/02/2023			Done on an ongoing basis
6		Conduct small group sessions with stakeholders to support implementation		01/01/2023	ongoing	RI EOHHS	In Process				Five meetings thus far. Will do more as needed and upon request
7		Stakeholders will have additional input opportunities as identified throughout this document		01/01/2023	ongoing	RI EOHHS	In Process	02/27/2023			
8	Issue an RFI to potential CFCM vendors	Analyze existing data to determine where Medicaid HCBS participants are receiving services across the state. This analysis will be included in the State's RFI.		01/23/2023	02/27/2023	RI EOHHS	Complete	03/06/2023 02/27/2023			
9		Develop and post an RFI to CFCM vendors	RFI	02/02/2023	02/28/2023	RI EOHHS	In Process				RFI sent over to purchasing on 2/21. Posting pending
10		Conduct stakeholder engagement	Stakeholder presentation	03/01/2023	ongoing	RI EOHHS	In Process				
11	Create a Participant Transition Plan	Assess RFI responses and update the State's CFCM Strategic Plan (as needed)		depends on posting date	depends on posting date	RI EOHHS	Not Started				Delayed due to delays in posting of RFI
12		Develop and post a draft Participant Transition Plan	Draft Participant Transition Plan	03/01/2023	04/15/2023	RI EOHHS	In Process				Delayed due to delays in posting of RFI
13		Conduct stakeholder engagement	Stakeholder presentation	04/18/2023	05/10/2023	RI EOHHS	Not Started				May be delayed pending RFI posting date
14		Post the final Participant Transition Plan	Final Participant Transition Plan		05/20/2023	RI EOHHS	Not Started				May be delayed pending RFI posting date
15	Assess whether RI's SPA or 1115 waiver require changes	Assess whether RI's SPA or 1115 waiver require changes		None anticipated. Further conversation with CMS required.		RI EOHHS	Not Started				
16		Update RI's SPA or 1115 waiver (if changes are necessary)				RI EOHHS	Not Started				
17		Public comment (if changes are necessary)				RI EOHHS	Not Started				
18		Finalize waiver or SPA (if changes are necessary)				RI EOHHS	Not Started				
19	Align existing State specific materials (e.g., certification standards, manuals, rules and regulations)	CMS review and approval (if changes are necessary)				CMS	Not Started				
20		Identify all existing State specific materials that require updates	Listing of state specific materials that require updates	01/01/2023	02/28/2023	RI EOHHS	Complete				
21		Update State specific materials	State specific materials	02/28/2023	04/28/2023	RI EOHHS	In Process				
22		Post updated rules and regulations	Rules and regulations		07/01/2023	RI EOHHS	Not Started				
23	Automate CFCM process	Public comment		07/10/2023	08/01/2023	RI EOHHS	Not Started				
24		Adopt rules and regulations		10/01/2023	10/25/2023	RI EOHHS	Not Started				
25		Full alignment of State rules and regulations	Rules and regulations		11/01/2023	RI EOHHS	Not Started				
26		Base configuration of CFCM in WCMS		08/07/2022	05/01/2023	RI EOHHS	In Process				
27	Phased-in testing period for select populations	Test the WCMS for CFCM components		05/01/2023	06/30/2023	WellSky	In Process				
28		WCMS is live and ready to support CFCM only and on a limited basis (IDD consent decree)			07/01/2023	WellSky	Not Started				
29		WCMS interfaces with eligibility and MMIS		12/01/2022	09/14/2023	RI EOHHS	In Process				
30		Configure ancillary functions in CFCM		12/01/2022	09/14/2023	RI EOHHS	In Process				
31	Implement testing period for select I/DD participants	Identify case managers and select populations		02/01/2023	04/01/2023	RI EOHHS	In Process				Delay due to
32		Deliver training to case managers that will support the testing period	WCMS training materials	05/01/2023	06/30/2023	WellSky	Not Started				
33		Communicate to participants that will be part of the testing period		04/01/2023	06/30/2023	RI EOHHS	Not Started				
34		Implement testing period for select I/DD participants		07/01/2023	12/31/2023	RI EOHHS	Not Started				
35	WCMS full functionality	WCMS fully configured with interfaces and ancillary functionality			10/25/2023	WellSky	Not Started				
36		WCMS testing		10/26/2023	12/01/2023	WellSky	Not Started				
37		WCMS training		11/30/2023	12/20/2023	WellSky	Not Started				
38		WCMS full launch		12/02/2023	12/20/2023	WellSky	Not Started				
39	Develop a payment methodology and rate for CFCM	Develop a draft CFCM reimbursement rate		11/30/2022	11/30/2022	RI EOHHS	Complete	11/30/2022			
40		Identify a procedure code to support CFCM billing and work with the MMIS vendor		01/01/2023	05/01/2023	RI EOHHS	In Process				Date pushed backed due to unwinding activities
41		Update the CFCM reimbursement rate as needed based on changes to the FY2024 budget		07/03/2023	07/31/2023	RI EOHHS	Not Started				
42		Conduct stakeholder engagement to review the State's CFCM reimbursement rate	Stakeholder presentation	07/03/2023	07/31/2023	RI EOHHS	Not Started				
43	Obtain funding to support CFCM services for FY2024	Post the final CFCM reimbursement rate		08/01/2023	08/31/2023	RI EOHHS	Not Started				
44		Update the Provider Reference Manual for HCBS	Provider Reference Manual for HCBS	08/01/2023	08/31/2023	RI EOHHS	Not Started				
45		Provide high-level budget estimates/impact		12/31/2022	12/31/2022	RI EOHHS	Complete	12/31/2022			
46		Submit budget estimates for the Governor's proposed FY2024 budget		12/31/2022	12/31/2022	RI EOHHS	Complete	12/31/2022			
	Contract/certification with CFCM vendors	Respond to written or oral testimony in GA hearings		12/31/2022	07/01/2023	RI EOHHS	In Process				Hearing 3/2. No comments. Next hearing is 3/10.
47		General Assembly passes final FY2024 budget		06/01/2023	06/30/2023	General Assembly	Not Started				
48		Develop certification standards for CFCM vendors (this will be part of the State's RFP)	Certification standards for CFCM	04/10/2023	04/10/2023	RI EOHHS	Not Started				
49		Public comment for certification standards		04/10/2023	04/28/2023	RI EOHHS	Not Started				
50	Provide training CFCM vendors and others	Develop and issue an RFP for 1 or more vendors to provide CFCM statewide	RFP	04/10/2023	04/28/2023	RI EOHHS	Not Started				Dates changed due to delays in
51		RFP open		05/15/2023	06/15/2023	RI EOHHS	Not Started				Dates changed due to delays in posting of RFI
52		RFP responses review and contracts awarded		06/01/2023	08/01/2023	RI EOHHS	Not Started				
53		Develop CFCM training materials	Training materials	05/01/2023	07/01/2023	RI EOHHS	Not Started				

54	vendors and other entities	Deliver training to HCBS providers, CFCM vendors, and MCOs		07/01/2023	12/31/2023	RI EOHHS	Not Started			
55	Contract/certification with CFCM vendors	Communicate to eligible Medicaid HCBS participants regarding conflict-free case manager transitions. This will adhere to the State's Participant Transition Plan.	Communication materials	10/01/2023	12/31/2024	RI EOHHS	Not Started			
56		Transition all eligible Medicaid HCBS participants into CFCM according to the Participant Transition Plan		01/01/2024	12/31/2024	RI EOHHS	Not Started			