

OFFICIAL POLICY

DEPARTMENT OF DEVELOPMENTAL SERVICES



POLICY TITLE: Conflict of Interest Free Case Management
POLICY NUMBER: 2023-01
DATE ISSUED: November 21, 2023
EFFECTIVE DATE: November 21, 2023
COMMISSIONER'S SIGNATURE: Jane F. Ryder, Commissioner
Jane F. Ryder

CONFLICT OF INTEREST FREE CASE MANAGEMENT POLICY OF DDS:

It is the policy of the Department of Developmental Services (DDS) to deliver case management and person-centered planning to all individuals supported by the DDS free of conflicts of interest. This policy provides conflict of interest protections and a clear and accessible alternative dispute resolution process for individuals in furtherance of this policy.

The assessment and coordination of services shall be separate and distinct from the delivery of services, to limit any conscious or unconscious bias a service coordinator may have in making referrals, and ultimately to promote the individual's choice and independence through the Individualized Support Planning (ISP) process set forth at 115 CMR 6.00. Given that the Commonwealth is the only willing and qualified provider of Targeted Case Management for adults with Intellectual and Developmental Disabilities in Massachusetts, certain protections have been put in place through this policy to ensure that case management is delivered without conflict, particularly in situations where an individual has been referred or determined appropriate for services from a state-operated provider. No employee of the Commonwealth shall receive a benefit, monetary or otherwise, for referring an individual to receive supports through a state-operated provider.

When making a referral for a service, DDS shall make every effort to offer several providers so that the individual may choose the provider from whom they want to receive services. Referrals may include state-operated services and private provider operated services. In circumstances where the only appropriate and available service provider identified for an individual through person-centered planning is state-operated, the individual shall receive a written disclosure informing the individual that the provider is operated by the Commonwealth and that the individual may access a dispute resolution process to obtain independent review of available and willing providers and any potential for conflict of interest through a DDS Central Office Dispute Resolution Team.

The Dispute Resolution Team (DRT) shall consist of a minimum of four Senior Managers selected by the Commissioner (or appointee), including representatives from the Office of Human Rights, the Bureau of Program Integrity and the Office of the General Counsel. The DRT shall specifically not include a representative of Field Operations. An individual shall have 30 days from the date of the referral or receipt of the written disclosure (whichever is later) to request a review by the DRT by sending an email to DDS-CM-DRT@mass.gov. The DRT shall respond to the individual within 30 days of the request. The dispute resolution process set forth herein is separate, distinct and in addition to an individual's rights to appeal the ISP as outlined in 115 CMR 6.30, *et. seq.* A decision of the DRT shall be the final and conclusive determination and is not subject to appeal. DDS Policy #2023-01 shall be distributed to DDS Staff in accordance with DDS Policy #2023-02.