MONTANA DPHHS
Healthy People. Healthy Communities.
Department of Public Health & Human Services

SENIOR & LONG TERM CARE DIVISION
COMMUNITY SERVICES BUREAU

COMMUNITY FIRST CHOICE **Policy Manual**	Section: SERVICE REQUIREMENTS
	Subject: Conflict of Interest

ARM 37.40.1016, 37.40.1125

PURPOSE   This policy outlines the provider agency's responsibility to adhere to conflict of interest standards to ensure that members receive fair and objective services.

PROCEDURE

1. The provider agency must ensure that the Nurse Supervisor and Plan Facilitators meet the following Conflict of Interest Criteria. The person who performs these duties may not:

    a. be related by blood or marriage to the member or to any paid caregiver of the member;

    b. be financially responsible to the member;

    c. have authority to make financial or health-related decisions on behalf of the member;

    d. benefit financially from the provision of assessed need for services;

    e. be employed as a direct-care worker at the provider agency; or,

    f. have majority ownership stake in the provider agency.

2. If the provider agency provides both Community First Choice (CFC) Plan Facilitation and Personal Emergency Response System (PERS) service the provider agency must assure that the Plan Facilitator is administratively separate. Administrative separateness means that the Plan Facilitator is:

    a. able to make independent decisions about the use of any and all available PERS service providers and monitor the quality of service provided;

    b. arrange for PERS service according to the member's needs and choice;

c. under no mandate to use the provider agency's PERS services over another PERS agency; and,

d. is not the same individual as the person who is employed by the provider agency to install, manage and bill for CFC PERS.

   Exceptions to this requirement may be made in situations when there are no other available service providers. The provider agency should contact the Department prior to making this determination.