

HEALTHWEST

PROCEDURE

No. 06-020

Prepared by:

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Approved by:

Subject: Self-Determination

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I. PURPOSE:

Provide procedures to define and guide the practice of self-determination within CMHS of Muskegon County.

To expand the provision of innovative and individualized options for individuals who choose to participate in arrangements that support self-determination, leading to improved outcomes and increased quality of life.

II. APPLICATION:

All CMHS supports coordinators, qualified providers, and administrative staff.

III. DEFINITIONS:

Self-Determination: Based on the four principles of Freedom, Authority, Support, and Responsibility, Self-Determination involves direct control over the resources allotted for supports and services allowing the person served, with support from chosen allies, to achieve a measure of personal authority in controlling and directing provider arrangements so that services match personal preference and best achieve desired goals as defined in the plan of service. Authority over the use of an individual budget is central for the individual to achieve efficient and best value outcomes on their own personal terms.

Person-Centered-Planning (PCP): A process for planning and supporting the individual receiving services that builds upon the individual's capacity to engage in activities that promote community life and honor the individual's preferences, choices, and abilities. The person-centered-planning process involves families, friends, and professionals as the individual desires or requires.

Specialty Mental Health Services: Any support/service that can be provided using funds authorized by the CMHSP in the individual budget. It includes medically necessary supports and services that promote community inclusion, independence, and productivity; including alternative services and supports as well as Medicaid-covered services and supports.

Individual Budget: A fixed allocation of public mental health resources agreed upon as the necessary cost of specialty mental health services and supports needed to accomplish a

individual's plan of service/supports. The individual served uses the funding authorized to acquire, purchase, and pay for specialty mental health services and supports that support the accomplishment of their plan.

Self-Determination Committee: A committee appointed by the Quality Council to oversee the planning and implementation of methods to assure self-determination. The purpose of the committee is to lead systems change by developing strategies/procedures that foster self-determination and self-directed services and supports.

Fiscal Intermediary: An independent legal entity that acts as a fiscal agent of CMHS for the purpose of assuring fiduciary accountability for the funds comprising an individual's budget. The fiscal intermediary is hired by the individual for the execution of the self-determination plan of service.

Administrative Analyst: A representative from CMHS Finance Department who works with the supports coordinator and fiscal intermediary to ensure the timely processing, collection and entry of data related to self-determination billing, reports, and other financial and budgetary items.

Qualified Provider: An individual worker, specialty practitioner, professional, agency or vendor that is a provider of specialty mental health services or supports that can demonstrate compliance with the requirements contained in the contract between MDCH and CMHSP and the Medicaid Provider Manual.

Natural Supports: Unpaid assistance provided to the individual by people in his/her network (i.e., family, friends, neighbors, community volunteers) who are willing and able to provide such assistance.

IV. PROCEDURE:

1. Literature/Complete Information regarding self-determination and direct control options for individuals will be made available to all individuals receiving services. This includes workable options for individuals to use to have authority over the resources allotted for their specialty mental health services and supports arrangements.
2. Self-determination arrangements should be those that fit best with the individual's goals and preferences, flowing from the Person-Centered-Planning process. They also must be arrangements that are easily navigated by the individual receiving services (or, as applicable, his/her chosen representative). The spirit of self determination is expressed in a range of options that provide greater control and direction for an individual receiving services. Options for self direction and self-determination include, but are not limited to:
 - Selecting CMHS primary workers or network providers
 - Completing a Wellness and Recovery Action Plans (WRAPs) and/or Crisis Plans
 - Completing an Advanced Psychiatric Directive
 - Using an External/Independent PCP Facilitator
 - Using a contracted provider agency for therapy instead of a CMHS employed therapist
 - Using a service broker or fiscal intermediary

- Utilizing a predetermined individual budget to purchase alternative services/supports to achieve identified goals
 - Directly hiring and employing a provider, such as CLS or Respite worker (includes choice voucher)
3. The supports coordinator shall explain self-determination to individuals at the time of each preplanning meeting and document acceptance or declination on the individual's pre-planning form (C067). The Supports Coordinator shall follow the following process for individuals who chose to explore Self-determined arrangements:
 - a. If the individual is new to the agency and/or has no prior expense history for the service/supports targeted for self-determination, the supports coordinator will contact the Access Center. The Access Center will formulate a proforma budget based on other individuals who received similar services in frequency, scope, and duration as those required by the plan.
 - b. The supports coordinator will generate a budget identifying the last 12 months of expenses for the specific services/supports targeted for self-determination. This will be used as a starting point for the individual budget and documented on the pre-planning form (C067).
 - c. The supports coordinator shall provide information and guidance, answer questions and explore options for self-determination. Written materials and the emphasis on direct control over targeted resources should be emphasized.
 4. During the person-centered planning meeting, self-determination options will be explored, discussed, and agreed upon. The PCP process shall be facilitated so that final decisions are those that best support the individual, and best build their personal sense of control and direction over their life. Authorization of self-determination arrangements must come out of agreement in the PCP process. The budget will be finalized once the Individual Plan of Service is completed.
 5. The supports coordinator will record time spent working on self-determination plans in the usual fashion and complete an individual plan of service in accordance with policy 20-035.
 6. When an individual chooses to participate in a self-determination activity, the supports coordinator and PCP participants will, based on medical necessity, determine the frequency, scope and duration of services needed to address goals and objectives of the plan.
 7. The individual can explore internal and external services/supports and is not obligated to utilize current CMHSP-employed direct support personnel or current CMHSP-operated or contracted program/service. This should include exploration and identification of natural supports, community resources, and other services. The supports coordinator will, when requested, actively assist individuals with prudently selecting qualified providers, and support the individual with successfully using resources allotted in an individual budget.
 8. When requested, the supports coordinator will offer the individual a choice of fiscal intermediaries from the network provider list. The cost of the fiscal intermediary is part of the individual's total budget. It is not expected that each and every person who is

deemed to be “in” a self-determination arrangement would choose to be directly employing support staff and using a fiscal intermediary.

9. A written self determination agreement between CMHS of Muskegon County and the individual using Self-determined arrangements must be completed prior to beginning services. The agreement will include roles of responsibilities of the individual receiving services, CMHS of Muskegon County, and the service provider/support. The primary worker is responsible for assuring the completion of this agreement.
10. In order to assure equity among individuals, the CMHS of Muskegon County supports coordinator will be involved in the preplanning and person-centered-planning process and will retain responsibility for providing supports coordination services to individuals receiving services. The individual receiving services has the right to select a different supports coordinator at any time. When self-determined services are delivered in another county, or upon the individual's choosing, and it is impractical to retain CMHS of Muskegon County supports coordination services, the service may be contracted out and equity will be managed through the service selection guidelines and Access utilization review protocols.
11. If the potential self-determined service requires a valid professional license, registration, or certification and the chosen provider is not credentialed or contracted through CMHS of Muskegon County, the supports coordinator will contact the CMHS contract specialist to inform them of the need to obtain credentials and establish a contract.
12. Contract specialist will be responsible to assure that the proper training; credentialing and/or licensure documentation for all providers is collected and verified. Contract specialist will provide written notice to the supports coordinator when all credentials have been obtained and the provider is approved as a qualified provider of Medicaid services.
13. Minimum training of any self-determined service provider will be provided in accordance with agency requirements. Other training may be required depending on the nature of the services/supports being provided. All required training must be completed before service provision begins.
14. The supports coordinator will contact the Access Center to obtain service authorization, when indicated. Access may then authorize the appropriate number of services for the entire period as a “package” or as individual units of service.
15. For arrangements using a fiscal intermediary: After the self-determination services and supports are authorized, the administrative analyst will make contact with the fiscal intermediary for the initialization and acceptance of the individual and fiscal intermediary relationship.
 - a. The administrative analyst may adjust the actual cash flow of the budgeted distribution to meet the flow of costs related to the services provided. Distribution will be accounted for by the generally accepted accounting principles for prepaid expenses.
 - b. The fiscal intermediary will provide to the administrative analyst an electronic HIPAA compliant transmission of the encounters and their costs for the

preceding period within three business days following the end of each month. The fiscal intermediary will provide a reconciliation of all costs and service units provided to the administrative analyst on a quarterly basis.

14. Central to accountability, as with all services and supports identified in the individual plan of service, the supports coordinator will monitor the delivery of self-determined services/supports. Monitoring shall include assuring that: Medicaid rules are followed, people are safe, funds are used appropriately, and IPOS is followed. CMHS of Muskegon County reserves the right to end a self-directed arrangement.
15. Either the individual receiving services or CMHS of Muskegon County may terminate the agreement and the self-determination arrangement. Prior to CMHS taking this action, however, and unless the individual's health and welfare are at imminent risk of harm, the person-centered planning process must be used to raise concerns, achieve joint understanding, and pose alternatives for resolution of the problem situation.
16. CMHS of Muskegon County will not afford self determination arrangements that would lead to a significant potential for harm to an individual. The primary worker will consult with the supervisor and/or self-determination committee, when necessary.
 - A. Approval of a particular set of arrangements should result from sufficient consideration to achieve a consensus, via the PCP process.
 - B. Authorized self-determination arrangements must comply with the Michigan Mental Health Code, Medicaid requirements, and all applicable federal and state regulatory requirements.
 - C. Although an individual may possess the legal status to be the employer, CMHS of Muskegon County may be unwilling to authorize the individual to use public funds to underwrite the costs of the employment relationship. Reasons include:
 - i. Concerns about personal capacity and an accompanying lack of support from others sufficient to succeed in that endeavor.
 - ii. Evidence that the individual receiving services would be put at significant risk by taking this route.
 - iii. Certainty that the individual receiving services or his representative is not going to follow the agreements that would be necessary with CMHS, or between the individual receiving services and their support staff.

The individual receiving services must be informed on any of the above reasons.
17. The self-determination committee will collaborate with applicable quality improvement committees and workgroups to monitor knowledge and satisfaction specific to self-determination.
18. Ongoing training shall be provided to staff.