


CHAPTER: 4	SECTION: 40	SUBJECT: INDIVIDUAL CARE TO CONSUMERS
TITLE: SELF DETERMINATION		
EFFECTIVE DATE: 6-7-05	REVISED DATE: 8/16/05, 11/07/2006, 08/09/07, 4/7/10, 2/27/12, 2/19/13, 4/11/14, 9/1/16	
ISSUED AND APPROVED BY:  EXECUTIVE DIRECTOR		

INTRODUCTION

Self-Determination is based on the belief that one has the freedom to define one's life, make meaningful choices regarding one's life, and have the chance to direct the medically necessary services and supports needed to pursue that life. The option of Self-Determination will be offered at least annually during the person centered planning process, and can be requested by the participant at any time.

Person Centered Planning (PCP) is a central element of Self-Determination. PCP is the crucial medium for expressing and transmitting personal needs, wishes, goals and aspirations. As the PCP process unfolds, the appropriate mix of paid/non-paid services and supports to assist the individual in realizing/achieving these personally-defined goals and aspirations are identified. The principles of Self-Determination recognize the rights of people supported by the mental health system to have a life with freedom and to access and direct needed supports that assist in the pursuit of their life, with responsible citizenship.

Self-Determination uses an individual budgeting process to achieve a self-determined life. An Individual Service Budget (ISB) allows an individual to control financial resources devoted to him/her, to purchase medically necessary supports and services. Development of an ISB shall be done in conjunction with development of an IPOS, using a Person Centered Planning process.

Arrangements that support Self-Determination shall be made available to each individual for whom an agreement on a plan of authorized specialty mental health services and supports, along with an acceptable individual budget, has been reached.

I. PURPOSE: To assure arrangements that support Self-Determination are available as a means for achieving individual plans of service and supports.

II. APPLICATION: To all Community Mental Health of Ottawa County (CMHOC) operated and contracted programs as specified by contract.

III. DEFINITIONS:

Self-Determination - A philosophy that incorporates a set of concepts and values that emphasize participation and achievement of personal control for individuals served through the public mental health system.

Choice Voucher System – A set of methods for setting up contracts and payment mechanisms that support the accomplishment of Self-Determination by participants that are under the age of eighteen.

Individual Service Budget - A sum of money allotted for the purchase of Self-Determined services identified in the Individual Plan of Service (IPOS).

Fiscal Intermediary - A fiscal intermediary is an independent legal entity that acts as the fiscal agent of CMHOC for the purpose of assuring financial accountability for the funds in the participants' individual budgets. The fiscal intermediary receives the funds comprising the person's individual budget; makes payments as authorized by the employer to providers of services, supports or equipment; acts as support for the employer when the individual directly employs workers; and minimizes and eliminates conflicts of interest.

Qualified Provider – A provider who meets the Michigan PIHP/ CMHSP Provider Qualifications per Medicaid Service and HCPCS/CPT Codes and be at least 18 years of age; able to prevent transmission of communicable disease; able to communicate expressively and receptively in order to follow individual plan requirements and beneficiary-specific emergency procedures, and report on activities performed; and in good standing with the law (i.e., not a fugitive from justice, a convicted felon or illegal alien). Licensed professionals must act within the scope of practice defined by their licenses. "Supervision" is defined by the Occupational Regulations Section of the Michigan Public Health Code at MCL§333.16109 and, as appropriate, in the administrative rules that govern licensed, certified and registered professionals.

IV. POLICY:

It is the policy of CMHOC to offer self-determination to consumers as a means for achieving his or her individual plan of service and support.

V. PROCEDURE:

1. Inform participants of the options

The option of Self-Determination, possibilities, models and arrangements involved, will be explained and offered at least annually during the Person Centered Planning process.

Supports Coordinators/Case Managers (SC/CM) can access a Self Determination packet, including forms, by contacting the Self Determination Coordinator.

2. Development of the budget.

Employers involved in Self-Determination shall have the authority to select, control and direct their own specialty mental health services and supports arrangements by responsibly controlling the resources allotted in an individual budget, towards accomplishing the goals and objectives in their IPOS.

The Supports Coordinator/Case Manager (SC/CM) will facilitate the ISB development process. The development of the ISB, with the FI, will include a review of the way money is being spent (reviewing all income and expenses and whether the individual has funds available for services and supports and to pay for activities and expenses that are not CMHOC related). Specific areas of discussion will include who pays the bills, personnel management, and how the individual will receive needed services and supports (amount, scope and duration.) The SC/CM will support the employer/consumer as needed, including supporting delivering of services and supports in appropriate amount, scope, and duration.

The budget is finalized when the PCP is signed and finalized. The budget may be amended during the planning year using the PCP process.

3. Using a fiscal intermediary.

If selected by the participant/family and/or guardian, the SC/CM assists the consumer, family, and his/her advocates selecting a Fiscal Intermediary (FI) and collaborates with the Self-Determination Specialist for CMHOC who can;

1. Provide education to the consumer and family,
2. Assist to assure that procedures are followed and all forms, training, and checks are completed prior to service provision, and
3. Assure appropriate data entry into the electronic fiscal system.

4. Becoming the employer of record – rights and responsibilities

A discussion of possibilities for informal support must start with this legal fact: All individuals, regardless of their abilities and disabilities, are presumed competent under state law unless there is a legal determination otherwise. That legal determination may be in the form of a guardian under the Mental Health Code for a person with a developmental disability or a guardian or conservator under the Estates and Protected Individuals Act for a person with a mental illness. The guardian must act on behalf of the individual per the legal guardian arrangement. In regards to Self-Determination this includes: assuring employee training is complete & current; following through on rules and regulations of employment; assuring that timecards, progress notes are accurate & timely; as well as reviewing the budget & hours to assure both are within limits as identified in the person centered plan.

5. Employees

All employees must be qualified providers per Medicaid guidelines, remain current on designated training, and adhere to CMHOC treatment processes and Program Specific Self-Determination Guidelines.

The participant and/or family/guardian must assure that the ISB is utilized to purchase only medically necessary services, which are authorized in the IPOS, and are delivered by qualified providers. Services must be documented with sufficient detail to allow reconstruction of what transpired for each service billed, must be signed and dated by the provider. If a CLS 15 minute unit is billed, a start and stop time must be identified for that particular service. If CLS days are billed, then each day of service must be documented. They must also assure that invoices of

services provided are submitted in accurately, in a timely manner, and are within authorized services and amounts.

The Self-Determination specialist for CMHOC and /or FI will meet with the participant and/or family/guardian to review requirements.

6. Monitoring of services

Service provision must be documented on the designated progress note, and submitted to the Fiscal Intermediary on a mutually identified basis. Monitoring of the services and expenditures are to be done by the FI, SC/CM, Fiscal Services staff and the employer to assure compliance IPOS and budgetary parameters.

7. Termination of the Self Determination Agreement

Either party, CMHOC or the employer/consumer may terminate a Self-Determination agreement, and therefore, the Self-Determination arrangement. Prior to CMHOC terminating an agreement the participant will be informed of the issues that have led to consideration of a discontinuation or alteration decision, in writing, and provide an opportunity for problem resolution.

VI. REFERENCE

The Michigan Department of Health and Human Services Standards for Mental Health Services, and MDHHS Administrative Rules

Self- Determination Practice and Policy Guideline, October 1st, 2012, Mental Health and Substance Abuse Administration, MDHHS

Choice Voucher System Self-Determination Technical Advisory, Version 2.0, September 2008, Mental Health and Substance Abuse Administration, MDHHS

MICHIGAN PIHP/CMHSP PROVIDER QUALIFICATIONS PER MEDICAID SERVICE & HCPCS/CPT CODES, MDHHS

Self Determination Policy, Lakeshore Regional Entity