

COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEAST MICHIGAN/PIHP	Policy Self-Determination
Department: Clinical Services Author:	Local Policy Number (if used)
Regional Operations Committee Approval Date 8/26/2019	Implementation Date 9/16/2019

I. PURPOSE

To establish guidelines and standards that ensure consumers are provided all opportunities for self-determination available to them throughout the Community Mental Health Partnership of Southeast Michigan.

II. REVISION HISTORY

DATE	REV. NO.	MODIFICATION
8/14/2015	1	Revised to reflect current regional entity practice and compliance with state/federal requirements
7/18/2019	2	Reviewed for continued compliance and relevance.

III. APPLICATION

This policy applies to all consumers, guardians, and families served in the CMHPSM region. This policy also applies to all CMHPSM staff, and all providers in a contractual relationship with CMHSPs, in the region and/or the CMHPSM.

IV. POLICY

Consumers of the Community Mental Health Partnership of Southeast Michigan will be provided every opportunity to have the freedom to define the life that they seek and receive the necessary support in pursuit of that life. To this aim, each CMHSP shall incorporate self-determination principles in both daily practices that emphasize participation and the achievement of personal choice and control for consumers/families, and where possible, the use of formal Self Determination/Choice Voucher arrangements.

V. DEFINITIONS

Agency With Choice Model - a self-determination/choice voucher arrangement in which a contractual provider/agency maintains and oversees a resource pool of staff from which a consumer/participant can choose to hire for a self-determination/choice voucher arrangement. In this model the agency is responsible to ensure staff meet all state and federal provider staff qualifications and training requirements for arrangements. The agency with choice may also act as the role of the fiscal intermediary. Also with this model, the agency has a contractual arrangement with the CMHSP.

Community Mental Health Partnership Of Southeast Michigan (CMHPSM) - the Regional Entity that serves as the PIHP for Lenawee, Livingston, Monroe and Washtenaw for mental health, intellectual/developmental disabilities, and substance use disorder services

Community Mental Health Services Program (CMHSP) - A program operated under chapter 2 of the Mental Health Code as a county community mental health agency, a community mental health authority, or a community mental health organization.

Direct Employment Model – a self-determination/choice voucher arrangement in which the consumer/participant finds and directly hires and contracts with his/her own staff. In this model it is the participants' responsibility to ensure their staff meet all state and federal provider qualifications. The fiscal intermediary still maintains payroll responsibilities.

Fiscal Intermediary - an independent legal entity that acts as the fiscal agent of the CMHSP for the purpose of assuring fiduciary accountability for the funds comprising the consumer budget. The purpose of the fiscal intermediary is to receive funds that make up the consumer budget and make payments as authorized by the consumer receiving services to the providers and other parties to whom a that person may be obligated.

Individual Budget - a fixed allocation of public mental health resources as well as other resources MDHHS Home Help dollars, the consumer's resources, Section 8, etc.). These resources are negotiated during the person-centered planning process, developed into an individualized budget and approved by the local CMHSP. The consumer using a Self-Determination/Choice Voucher arrangement uses the funding authorized to acquire, purchase and pay for specialty mental health services and supports that support accomplishment of the consumer's plan.

Participant – the individual named on agreements who is considered the employer of record. The participant is responsible for hiring, overseeing, and firing staff who provide services to the consumer, signing off on timesheets, ensuring staff meet all Medicaid provider requirements, and maintaining all other employer-related aspects of Self-Determination/Choice Voucher agreements, policies, and procedures. The participant can be the consumer (if one does not have a legal guardian), the legal guardian/parent of minor, or other capable adult chosen by the consumer/guardian.

Regional Entity - The entity established under section 204b of the Michigan Mental Health Code to provide specialty services and supports for people with mental health, developmental disabilities, and substance use disorder needs.

Self-Determination/Choice Voucher Arrangement(s) - the system that supports the use of direct consumer-provider contracting by which participants (consumer, guardian/parent of minor, or other capable adult) choose to be the legal employer of record to hire/manage staff that provide the services and supports identified in the consumers individualized plan of service (IPOS). The system

includes a set of written agreements/requirements, the use of a fiscal intermediary, and an individual budget, to ensure all service and payment Medicaid regulations are maintained/followed. The term Self-Determination arrangement is used for adult consumers. The term Choice Voucher is used for children/families.

Self-Determination - a set of concepts and values that emphasize a belief that someone with a disability should be able to define the life that they want, make meaningful choices that impact that life and have control over that life. Self-determination also involves the importance of system-change to assure that services and supports are not only person-centered, but person-defined and person-controlled. This set of concepts and values shall provide a basis for which the local CMHSP delivers their services.

Self-determination is based on four principles. These principles are:

1. Freedom: The ability for the consumer, with assistance from those closest to them (friends, family, community, provider support), to plan the life that they choose. This includes the freedom to choose where and with whom they live with, how they connect and contribute to their community, and the development of a personal lifestyle.
2. Authority: Consumers have the power to make decisions and truly control their lives. This includes authority over financial resources, as well as authority to determine what supports are needed, how they will be implemented and by whom. People have control of hiring and evaluating those who will provide support
3. Support: The arranging of resources and personnel, both formal and informal, to assist the person in living his/her desired life in the community, rich in community associations and contributions. It is the support to develop a life dream and reach toward that life dream.
4. Responsibility: Consumers, as they take greater control and authority over their lives and resources, assume greater responsibility for their decisions and actions. They are also responsible to contribute from all financial resources at their disposal. This includes the responsibility to use public funds efficiently and to contribute to the community through the expression of responsible citizenship.

VI. STANDARDS

- A. The CMHPSM and CMHSPs will ensure that the planning and delivery of services are designed to encourage and support consumers to make their own choices and control their own lives, with self-determination as part of the daily framework.
- B. Each CMHSP is responsible for managing the Self-Determination/Choice Voucher arrangements they develop with consumers/families. This includes:
 - Ensuring their staff are trained in self-determination principles and practices
 - Providing clear orientation/education to consumers and families on the CMHSP expectations in using a formal arrangement and their role in keeping all state and federal requirements. (See CMHPSM SDA/CV User Manual)

- Ensuring proper agreements are used
 - Ensuring Fiscal Intermediaries developed an individual budget that is completed in conjunction with the individual plan of services (IPOS)
 - Ensuring the use of a fiscal intermediary
 - Ensuring Self-Determination/Choice Voucher arrangements meet state/MDCH contract requirements and Medicaid regulations
 - Providing oversight/monitoring to ensure that services are being provided through the arrangement as written in the consumer's IPOS and that all state/federal requirements are being met for service provision
 - Having documented conditions by which a consumer's Self-Determination/Choice Voucher arrangement would be withdrawn/terminated
 - Assuring the CMHSP has a contract with at least one fiscal intermediary (FI), and the FI(s) are knowledgeable and supportive of the principles of self-determination, are able to work with a range of consumer styles and characteristics, and are free from other relationships involving the CMHSP or the consumer that would have the effect of creating a conflict of interest.
 - Having a mechanism that provides oversight and monitoring in ensuring compliance with self-determination/choice voucher arrangements.
- C. All consumers/families/legal representatives shall be provided with the necessary information and education about the principles of self-determination and the possibilities, models and arrangements involved. All consumers/families/legal representatives shall have access to the tools and mechanisms supportive of self-determination.
- D. Consumers/families/legal representatives will be informed all self-determination opportunities available to them as part of the pre-planning stage of person centered planning. Documentation of the pre-planning process will include what aspects of self-determination were offered to the consumer and whether the consumer wishes to pursue those options.
- E. Consumers who have Medicaid will be informed of their opportunities to have formal self-determination/choice voucher arrangements, Documentation of the pre-planning process will include what aspects of self-determination were offered to the consumer and whether the consumer wishes to pursue those options.
- a. Adults with intellectual /developmental disabilities and adults with mental illness who have Medicaid will be offered opportunities for formal Self-Determination arrangements as part of the person-centered planning process.
 - b. Families of minor children on the Children's Waiver Program (CWP), Serious Emotional Disturbances Waiver (SEDW) and the Habilitation Supports Waiver (HSW) will be offered the option of formal Choice Voucher arrangements as part of the person-centered planning process.
 - c. Each local CMHSP may elect to provide the option of choice voucher arrangements to other families of minor children who have Medicaid

and are not enrolled in the waiver programs. If this option is provided the CMHSP shall ensure all aspects of this policy are applied.

- F. Consumers/legal representatives who express a desire for a self-determination/choice voucher arrangement, but are not yet ready to manage their own arrangement nor find a willing and able participant, will be provided with as many alternative ways as possible to make choices based on self-determination principles. This includes:
- Using the person-centered planning process to develop goals/steps toward removing any barriers and providing any needed services/supports towards having a self-determination/choice voucher arrangement
 - Access to a provider entity that can serve as employer of record for personnel selected by the consumer
 - Consumer choice of staff with contractual providers
 - Consumer choice of CMHSP-employed direct staff and support personnel where possible
 - Consumer choice in all/any other aspects of their life wherever possible
- G. A consumer may select a representative to act as the participant/employer of record to enter into Self-Determination arrangements in order for the consumer to participate in consumer-directed supports and service arrangements.
- H. A person selected as the participant for the consumer shall not supplant the role of the consumer in the process of person-centered planning,
- I. Where the consumer has a legal guardian as their participant, the role of the guardian in self-determination shall be consistent with the guardianship arrangement established by the court.
- J. Where the consumer has been deemed to require a legal guardian, the CMHSP shall assure that the consumer's preferences and dreams that drive the use of self-determination arrangements and the best interests of the consumer are primary.
- K. A CMHSP shall have the discretion to limit or restrict the use of self-determination arrangements by a guardian when the planned or actual use of those arrangements by the guardian is in conflict with the expressed goals and outcomes of the consumer and/or Medicaid regulation.
- L. CMHSPs shall ensure that an individual budget is used with formal Self-Determination and Choice Voucher arrangements. The individual budget will be incorporated into the person-centered planning process, and comply with all state requirements related to individual budgets for Self-Determination/Choice Voucher Arrangements and funding of CMH covered services.
- M. CMHSP contractual language with provider entities shall assure consumer

selection of personnel, and removal or reassignment of personnel who fail to meet consumer preferences.

- N. All personnel selected by the consumer, whether she or he is acting as employer of record or not, shall meet applicable provider requirements for direct support personnel.

VII. EXHIBITS

Self-Determination/Choice Voucher CMHPSM Staff Training Manual

VIII. REFERENCES

MDHHS PIHP Contract

MDHHS CMHSP Contract

MDHHS Self-Determination Technical Advisory

MDHHS Self-Determination Policy & Practice Guideline