1. PURPOSE: To establish policies and procedures to ensure that opportunities for self-determination are available for adults with intellectual/developmental disabilities (I/DD) and adults with mental illness. Choice Voucher arrangements are available for children with developmental disabilities and severe emotional disturbance.
2. APPLICATION: All mental health services programs of Community Mental Health for Central Michigan (CMHCM) as well as those under contract with CMHCM for the provision of mental health services and supports.
3. REFERENCE:
4. Act 258, Public Acts of 1974, as amended.
5. Managed Specialty Supports and Services Contract between Michigan Department of Health and Human Services and Community Mental Health for Central Michigan

C. Medical Services Administration Manual, Community Mental Health Services

Programs Chapter III.

1. The Joint Commission Comprehensive Accreditation Manual for Behavioral Health Care.
2. DEFINITIONS:

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| 1. CASE MANAGER | Staff person who works with the person to gain access to and coordinate services, supports and/or treatment that the person wants or needs. |
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| 1. CHOICE VOUCHER ARRANGEMENT | A term describing a set of agreements whereby a the guardian of a child served by CMHCM may be authorized to use an individual budget to directly procure one or more of the services and supports required to accomplish the minor consumer’s Individual Plan of Service (IPOS) . CMHCM will support application of these resources to the costs of services and supports obtained from qualified providers as chosen by the child’s guardian. CMHCM supports the consumer to be a direct employer of personal assistants, the contractor for services/supports with qualified providers, and therefore in a lead role concerning how, where, and by whom needed services and supports are provided. |
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| 1. CONSUMER | For the purposes of this policy, “consumer” means the adult consumer or child of direct services or his/her representative. |
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| 1. CONSUMER REPRESENTATIVE | The consumer may select a representative to enter into the self-determination agreement and for other agreements that may be necessary for the consumer to participate in consumer-directed supports and services arrangements. Where a consumer has a guardian, the role of the guardian shall be as the consumer’s representative, if the guardianship arrangement so requires. A person selected as the representative of the consumer shall not supplant the role of the consumer in the process of person-centered planning, in accordance with the Mental Health Code and the requirements of the contract between CMHCM and MSHN. Where a consumer has been deemed to require a legal guardian, there is an extra obligation on the part of CMHCM and those close to the consumer to assure that it is the consumer’s preferences and dreams that drive the use of self-determination arrangements, and that the wishes of the consumer are primary. It is not the obligation of CMHCM to afford direct control of arrangements to a guardian when the planned or actual use of those arrangements by that guardian is in conflict with the expressed goals and outcomes of the consumer. |

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| 1. FISCAL INTERMEDIARY | An independent legal entity that acts as a fiscal agent under contract with CMHCM or its designated sub-contractor. The purpose of the fiscal intermediary is to receive funds making up a consumer’s individual budget, and make payments as authorized by the consumer to providers and other parties to whom a consumer using the individual budget may be obligated. A fiscal intermediary may provide a variety of supportive services that assist the consumer in selecting, employing and directing individual and agency providers. Examples of entities that might serve in the role of a fiscal intermediary include; bookkeeping or accounting firms; advocacy organizations; a subsidiary of a service provider entity. |
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| 1. GUARDIAN | A person appointed by the court to exercise specific powers over a person who is a minor, is legally incapacitated or has an I/DD. |
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| 1. INDEPENDENT FACILITATOR | The Independent Facilitator is a consumer-selected ally from outside of CMHCM that supports a consumer’s self-determination with the person-centered planning process. The independent Facilitator assists the consumer with multiple aspects of the process including, but not limited to, identifying goals they want to reach, identifying topics they want to discuss at the meeting, as well as where, when and how the meeting will happen. |
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| G. INDIVIDUAL BUDGET | A fixed allocation of public mental health resources denoted in dollar terms. These resources are agreed upon as the necessary cost of specialty mental health services and supports needed to accomplish a consumer’s plan of services/supports. The consumer served uses the funding authorized to acquire, purchase and pay for specialty mental health services and supports in the consumer’s plan. |
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| 1. PERSON-CENTERED PLANNING | A process for planning and supporting the person receiving services that builds upon the person’s capacity to engage in activities that promote community life and honors the person’s preferences, choices, and abilities. The person-centered planning process involves families, friends, and professionals as the person so desires. |
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| 1. QUALIFIED PROVIDER | A provider of services or supports that can demonstrate compliance with the requirements contained in the contract between MSHN and CMHCM, including applicable requirements that accompany specific funding sources, such as Medicaid. Where additional requirements are to apply, they should be derived directly from the consumer’s person-centered planning process, and should be specified in the consumer’s plan, or result from a process developed locally to assure the health and well-being of consumers, conducted with the full input and involvement of local consumers and advocates. |
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| 1. SELF-DETERMINATION | A fundamental human right defined by a set of principles that all people have the freedom to decide how they want to live their lives, where and with whom. To that end, relationships with others should be encouraged to grow and be protected. All individuals have the ability to contribute to their community in a meaningful way. Community membership includes having an opportunity to be employed, to have your own home and be involved in the routines of community life. As individuals gain control over their lives and resources, they will assume greater responsibility for their decisions and actions and should receive the support they need to do so. This support comes in many forms, not always from a paid support system. In fact, the goal of the support system should be to remove barriers. |
| K. SUPPORTS BROKER | An individual who is selected by a consumer, a family member, or a designated personal advocate, to assist with self-directing the services and supports identified in the person-centered plan. A supports broker works for, and under the direction of the person who requires support brokerage services and is supervised by a QIDP/QMHP case manager. |

V. POLICY: The philosophy and practice of self-determination shall be available to all adults with an I/DD and adults with mental illness. Additionally, all children with an I/DD and/or a serious emotional disturbance shall have the option for a choice voucher arrangement made available to them.

1. Participation in a Self-Determination/Choice Voucher (SD/CV) Arrangement shall be voluntary for each individual.
2. A formal written agreement between CMHCM and the consumer or guardian shall be made that delineates the responsibility and the authority of both parties in the application of the SD/CV Arrangement budget, including how communication will occur about its use. The agreement shall reference the consumer’s IPOS and the SD/CV Arrangement budget.
3. Consumers shall have the authority to select, control, and direct their own services and support arrangements through the management of the resources included in their SD/CV Arrangement budget.
4. Mental Health funds included in an individual budget are the property and responsibility of CMHCM. Authority over their direction is delegated to the consumer or guardian, for the purpose of achieving the goals and outcomes contained in the consumer’s IPOS.
5. CMHCM will assure that full and complete information about the philosophy of self-determination and the manner in which it may be practiced and applied is provided to each consumer and/or guardian. This includes specific examples of alternatives that a consumer may use to control and direct an individual budget, such as a self-determination arrangement, the use of a FI, and the obligations associated with managing and individual budget properly and successfully.
6. SD/CV Arrangements shall not serve as a method for CMHCM to reduce its supports to the consumer, or to avoid the provision of needed services and supports.
7. CMHCM will actively support and facilitate a consumer’s application of the principles of self-determination in the accomplishment of his/her IPOS through a person-centered planning process, which could be facilitated by an independent facilitator.
8. PROCEDURE:
9. Arrangements that support self-determination shall be made available to each person for whom an agreement on an IPOS along with an acceptable individual has been reached.
10. Development of an individual budget shall be done in conjunction with the development of a plan of services/support, using a person-centered planning process.
11. The SD/DV Arrangement budget represents the expected costs of consumer’s services.
12. The amount of the SD/CV Arrangement budget shall be formally agreed to by both the consumer or guardian and CMHCM before it may be authorized for use by the consumer. A copy of the individual budget must be provided to the consumer.
13. Proper use of the SD/CV Arrangement is of mutual concern to CMHCM and the consumer or guardian, and will be guided by the following:
14. Mental Health funds included in an individual budget are the property and responsibility of CMHCM. Authority over their direction is delegated to the consumer or guardian, for the purpose of achieving the goals and outcomes contained in the consumer’s IPOS.
15. A formal written agreement between CMHCM and the consumer shall be made that delineates the responsibility and the authority of both parties in the application of the individual budget, including how communication will occur about its use. The agreement shall include a copy of the consumer’s plan and individual budget.
16. A SD/CV Arrangement budget, once authorized, shall accompany the consumer’s IPOS. It shall be in effect for a defined period of time, typically one year. Since the budget is based upon the consumer’s plan of services/support, when the plan needs to change, the budget may need to be changed as well.
17. A SD/CV Arrangement budget will be flexible using the following guidelines:
18. The consumer or guardian may adjust within the approved budget between line items as he or she deems necessary to accomplish his/her plan.
19. When a consumer makes adjustments in the application of funds in an individual budget, these shall be communicated to CMHCM.
20. A formal written agreement between CMHCM and the consumer shall be made that delineates the responsibility and the authority of both parties in the application of the individual budget, including how communication will occur about its use. The agreement shall include a copy of the consumer’s plan and individual budget.
21. A formal written agreement between CMHCM and the consumer shall be made that delineates the responsibility and the authority of both parties in the application of the SD/CV Arrangement budget, including how communication will occur about its use. The agreement shall reference the consumer’s IPOS and the SD/CV Arrangement budget.
22. Either party - CMHCM or the consumer - may terminate a SD/CV Agreement CMHCM may terminate an agreement for failure to comply with Medicaid documentation requirements; failure to stay within the authorized funding in the SD/CV Arrangement budget; inability to hire and retain qualified providers; and conflict between individual and providers that results in an inability to implement the IPOS. Prior to CMHCM terminating an agreement the individual shall be informed in writing of the issues that have led to the termination and provide an opportunity for the problem to be resolved. Typically, this will be conducted using a person-centered planning process, with termination being the option of choice if other mutually agreeable solutions cannot be found. The local process for dispute resolution may be used to address and resolve these issues.
23. Termination of an SD/CV Arrangement agreement by CMHCM is not a Medicaid Fair Hearings issue. Only a change, reduction or termination of Medicaid services can be appealed through the Medicaid Fair Hearings Process, not the use of arrangements that support self-determination to obtain those services.
24. Discontinuation of a SD/CV Agreement shall not, by itself, change the consumer’s IPOS, nor eliminate the obligation of CMHCM to assure services/supports required in the plan.

Approved: 4/27/10

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