

COMMUNITY MENTAL HEALTH PARTNERSHIP OF SOUTHEASTERN MICHIGAN	<i>Policy and Procedure</i>		
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I. INTRODUCTION

The Community Mental Health Partnership of Southeast Michigan is committed to the principles that are essential to self-determination. Self-determination incorporates a set of concepts and values that emphasize participation and the achievement of personal choice and control. There is a core belief that the individual must have the freedom not only to define the life that they seek, but also receive the necessary support in pursuit of that life. A strong emphasis should be placed on developing relationships, becoming an active member of the community, participating in things that are of enjoyment and finding meaningful employment.

Person centered planning (PCP) provides the foundation for self-determination. PCP allows the person to express their personal needs, wishes, and goals. The individual should direct this process along with the people they have chosen to support them. From the person-centered plan, the necessary supports and services should be put in place to assist the individual in recognizing their goals and dreams.

Person centered planning along with self-determination should be the driving force on how the system is run. The beliefs and philosophy should be incorporated into the daily practice of the Affiliation. Education of all stakeholders (consumers, families, community members, external providers and CMH staff) is essential for self-determination to thrive.

II. PURPOSE

To provide direction that defines and guides the practice of self-determination, within the Affiliation, in order to assure arrangements that support self-determination are made available as a means for achieving consumer-designed plans.

III. POLICY

The Community Mental Health Partnership of Southeast Michigan will provide adults with developmental disabilities and adults with mental illness opportunities for self-determination. Self-determination incorporates 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.

With encouragement and assistance from natural supports and the local CMHSP, individuals will have a chance to direct their own person centered planning process. It is important that all supports (natural and system) promote a sense of responsibility as well as the importance of having meaningful relationships and citizenship to the individual. As the individual takes more control over their life, they assume a greater responsibility in the choices they make, their confidence increases and they begin to feel more like a contributing member to their community.

Necessary elements of self-determination shall include:

1. Individuals shall be provided with the necessary information and education about the principles of self-determination and the possibilities, models and arrangements involved. Individuals shall have access to the tools and mechanisms supportive of self-determination.

The Affiliation will ensure that the planning and delivery of services are designed to encourage and support individuals to decide and control their own lives. Self-Determination should be part of the daily framework of the affiliation. Self-Determination is not a program; it is daily practice.

2. Person centered planning is the foundation for self-determination and together, both should support the individual's right to decide and control their own life. Issues of health, safety and wellbeing are also central to assuring successful accomplishment of an individual's plan. One must achieve a balance between the individual's preferences and the obligation(s) of the CMHSP. During this process, the individual's strengths and talents are recognized and goals and aspirations are determined by the individual and supported by those the individual is closest to. A plan is then developed that supports the goals that were identified. Activities that promote deep community connections, the opportunity for real work, ways to contribute to one's community, and participation in personally valued experiences must be among the purpose of supports the individual may need. These supports function best when they build upon natural community experiences and opportunities.

3. Consumers can choose to direct their own resources/services in accordance with their PCP. An individualized budget is developed based on the individual's plan and both should be reflective of one another and be flexible in use. Funding should come from a variety of sources. Resources from the individual, natural supports, community and external agencies should be looked at first to see if those resources would be beneficial for the individual to utilize. All outside resources should be exhausted before looking at the resources that the local CMHSP might have. There is also a review process between the individual and the local CMHSP that assesses how much funding is available and whether negotiation is necessary. Plans and individualized budgets should be reviewed on a regular bases to make sure that they remain reflective of one other.

The individual can make changes in their individual budget during the course of the year as long as they stay within the approved budgetary amount and that the change is stated in their individual plan. Funds can only be used for services that Medicaid and the Department of Community Health include in their covered services.

When an individual chooses to use the Choice Voucher, a contractual agreement between the individual and the local CMHSP should be created to show how the funding will be used. This agreement should describe how communication would occur regarding its use. There should be a copy of the individual's plan and budget included in this agreement. The directions and assistance necessary for proper use of the budget shall be provided to the individual, in writing, when the agreement is finalized.

4. Individuals shall have the opportunity to select and purchase supports from a qualified provider panel or be able to enter into an arrangement where they choose their own supports. The individual should have the authority to hire and fire agencies/personnel based on how well they provide services. It is the individual's choice regarding which arrangement works best for them.

An individual shall have access to methods that provide alternatives to current arrangements of choice, control and personnel decisions necessary to provide direct support. These may include:

- a. Acting as the employer of record of personnel;
- b. Access to a provider entity that can serve as employer of record for personnel selected by the individual;
- c. CMHSP contractual language with provider entities that assures consumer selection of personnel, and removal or reassignment of personnel who fail to meet consumer preferences;
- d. Use of CMHSP-employed direct support personnel, as selected and retained by the individual.

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

5. Fiscal Intermediaries may be provided if an individual chooses to manage their own supports. It is the fiscal intermediary's responsibility to assist the individual with the paperwork and payments that are required as part of managing their own supports. These responsibilities may include:
 - a. Payroll agent for direct support personnel employed by the individual (or chosen representative), including acting as an employer agent for IRS and other public authorities
 - b. Payment agent for the individual's designated services and consultant agreements with providers of service and supports.
 - c. Provide financial status reports (not less than monthly) concerning the individual budget to both the CMHSP and the consumer. Reports made to the individual should be user friendly and in a format that they understand.
 - d. Account for the funds transferred and used to finance the costs of the individualized budget.
 - e. Assuring timely invoicing, service activity and cost reporting to the CMHSP.
 - f. Other supportive services that strengthen the role of the individual as an employer, or assist with the use of other agreements directly involving the consumer in the process.

The CMHSP will assure that the fiscal intermediary is knowledgeable and supportive of the principles of self-determination and are able to work with a range of consumer styles and characteristics.

The fiscal intermediary shall be free from other relationships involving the CMHSP or the individual that would have the effect of creating a conflict of interest for the fiscal intermediary. An example of this is that the fiscal intermediary cannot provide other services to the individual (i.e. provider supports) on top of fiscal intermediary duties.

The CMHSP shall collaborate with and guide the fiscal intermediary and all individual to assure compliance with various state and federal requirements.

IV. DEFINITIONS

Self-Determination

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

Freedom: The ability for the individual, 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.

Authority: Individuals 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 is needed, how they will be implemented and by whom. People have control of hiring and evaluating those who will provide support

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.

Responsibility: Individuals, 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.

Confirmation: Individuals should play an important leadership role in a newly-designed system.

Individual

An individual means the adult who is directly receiving specialty mental health services and supports, and/or his/her selected representative. That is, the individual may select a representative to enter into the self-determination agreement and for other agreements that may be necessary for the individual to participate in consumer-directed supports and service arrangements. Where the individual has a legal guardian, the role of the guardian in self-determination shall be consistent with the guardianship arrangement established by the court. A person selected as the representative of the consumer shall not supplant the role of the individual in the process of person-centered planning, in accordance with the Mental Health Code and the requirements of the contract between the CMHSP and the Department of Community Health. Where the individual has been deemed to require a legal guardian, there is an extra obligation on the part of the CMHSP and those close to the individual to assure that the individual's preferences and dreams that drive the use of self-determination arrangements and the best interests of the individual are primary. 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 individual.

Individual Budget

An individual budget is a fixed allocation of public mental health resources as well as other resources (FIA Home Help dollars, the individual's resources, Section 8, etc.). These resources are negotiated during the person-centered plan process, developed into an individualized budget and approved by the local CMHSP. The individual served uses the funding authorized to acquire, purchase and pay for specialty mental health services and supports that support accomplishment of the individual's plan.

Natural Supports

Natural supports can include family, friends, and/or community connections that support and/or provide assistance to the individual. They have the individual's best interest at heart. Natural supports are those supports not connected to the CMHSP or service providers under contract with the CMHSP.

Choice Voucher System

The Choice Voucher System is the designation for a set of arrangements that facilitate and support accomplishing self-determination, through the use of an individual budget, a fiscal intermediary, and direct consumer-provider contracting.

Plan

A plan means the person's Individual Plan of Service and/or Supports, as developed using a person-centered planning process.

Fiscal Intermediary

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

CMHSP

CMHSP means the local Community Mental Health Service Provider that makes up one of the entities of the Community Mental Health Partnership of Southeast Michigan.

V. EXHIBITS

VI. REFERENCES

Michigan Department of Community Health, "Self-Determination Policy and Practice Guideline".

Self-Determination Principles adapted from Ellen Cummings, New

Hampshire.