

County of Financial Responsibility (COFR) Dispute Resolution Committee - Case 2007-2

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The Committee met in Lansing on January 18, 2007 concerning a dispute between two adjoining county CMHSPs. CMHSP representatives from the two counties participated to explain the case and the rationale for each CMHSP's position.

Issue: Three individuals were living in County A. They and their families consulted with their current residential provider which had homes in both County A and County B. In March 2005 (two consumers) and July 2006, based on the wishes and preferences of the consumers and their families, the consumers moved to an unlicensed residential home in County B. There they receive an average of 17 hours of staffing per week. Their services have continued to be provided by County A until this situation is resolved.

County B contends that the move was instigated and facilitated by County A's CMH through its provider. II C. of the Amendment says that "The choice shall be considered to be the consumer's/guardian's choice when it is not instigated or facilitated by the service manager or provider." Since County A "facilitated" the move, County A should be the COFR.

County A asserts that a residential provider should not be included within the meaning of "service manager or provider" in II C. The moves were not facilitated by anyone providing CMH services to the consumers, only by the staff of their residential provider. The formal person-centered plans do not include these moves. Thus, County A sees this as a straight-forward move from an independent setting in County A to an independent setting in County B, and County B should be the COFR.

Resolution: This is a move from an independent setting in County A to an independent setting in County B. It was based on the choices of the individuals and their families. It was not facilitated by County A CMH because the residential home was not a service manager agent of County A CMH. County B is the COFR.

Contract: The contract should be modified to ensure that persons moving independently can solicit and receive the best advice possible before making their choices. Even a CMH should not be concerned about being accused of "facilitating" a move merely because they provide options about independent-living moves to the individuals and their families. The contract should be modified to ensure only that CMHs do not put "undue pressure" on consumers, such as would result in "dumping" clients in other counties.

Other: This situation occurs relatively frequently between these two counties. The two CMHs agreed to work together to develop a method to handle these cases administratively, rather than through local or state-level dispute resolution.