

The Right Door for Hope, Recovery and Wellness

Chapter Title	Chapter #		Subject #
Clinical	C		320.4
Subject Title Self Determination	Adopted 6/7/04	Last Revised 04/06/17	Reviewed 3/15/05; 4/5/10; 2/3/14; 3/24/15; 04/06/17

PROCEDURE

Application

This procedure shall apply to the programmatic supports and services of The Right Door for Hope, Recovery and Wellness.

Definitions

Self Determination

Self Determination is a set of concepts and values that underscore a core belief that people who require support from the public mental health system as a result of a disability should be able to define what they need in terms of the life they seek, have access to meaningful choices, and have control over their lives in order to build lives in their community (meaningful activities, relationships, and employment.) Services and supports for people are not only person-centered, but person-defined and person-controlled. The four core principles include:

- **Freedom:** the ability for individuals (with assistance from significant others, such as family and/or friends) to plan a life based on acquiring necessary supports in desirable ways, including freedom to choose where and with whom they live, with whom and how to connect in their community, and the opportunity to contribute to their own ways, and the development of a personal lifestyle;
- **Authority:** the assurance for a person with a disability to control a certain sum of dollars in order to purchase their supports & services, with the backing of their significant others as needed; the authority to control resources.
- **Support:** the arranging of resources and personnel, both formal and informal, to assist the individual in living his/her desired life in the community, rich in community associations & contributions; the support to develop a dream and reach toward that dream.
- **Responsibility:** the acceptance of a valued role by the person in the community through employment, affiliations, spiritual development, and caring for others, as well as accountability for spending public dollars in ways that are life-enhancing. This includes the responsibility to use public funds efficiently and to contribute to the community through the expression of responsible citizenship.

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The hallmark of self-determination is assuring a person the opportunity to direct a fixed amount of resources through an individual budget, which is derived from the person-centered planning process.

Individual Plan of Service (IPOS)

An individual plan of service (IPOS) is the support & service plan as developed using a person-centered process. An IPOS is also often referred to as a person-centered plan, or treatment plan.

Individual Budget

An individual budget is 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 person's individual plan of service (IPOS). The individual served uses the funding authorized to acquire, purchase and pay for specialty mental health services and supports in his/her IPOS.

Fiscal Intermediary

A fiscal intermediary is an independent legal entity (organization or individual) that acts as a fiscal agent of The Right Door for Hope, Recovery and Wellness, for the purpose of assuring fiduciary accountability for the funds comprising an individual budget. A fiscal intermediary shall perform its duties as specified in a contract with The Right Door for Hope, Recovery and Wellness. The purpose of the fiscal intermediary is to receive funds making up an individual budget, and make payments as authorized by the individual to providers and other parties to whom the individual using the individual budget may be obligated. A fiscal intermediary may also provide a variety of supportive services that assist the individual in selecting, employing and directing individual and agency providers.

1.0 Self- Determination Promotion

- 1.1 The underlying principles of self-determination, the authority to make meaningful choices and to control ones' own life, shall be promoted throughout the service process in all services provided by ICCMHA.
- 1.2 Every individual with development disabilities and/or individual with mental illness receiving The Right Door for Hope, Recovery and Wellness services shall be afforded the opportunity to participate in self-determination. The Right Door for Hope, Recovery and Wellness shall provide each individual with information about the principles of self-determination and the possibilities, models and arrangements involved, and shall make available the tools and mechanisms

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supportive of self-determination. Information provided shall define the responsibilities of the individual and The Right Door for Hope, Recovery and Wellness when implanting a self-determination arrangement.

- 1.3 The Right Door for Hope, Recovery and Wellness shall require all case management staff to participate in annual self-determination training.

2.0 Self-Determination Implementation & Core Elements

- 2.1 An individual shall voluntarily choose whether or not to participate in a self-determination arrangement.
- 2.2 Self-determination arrangements shall be driven by the person-centered planning process by which individual choices are made regarding the types of supports & services needed and desired, who will be providing those services, and how paid providers will be paid, which results in an IPOS and an individual budget. The individual and a designated representative from The Right Door for Hope, Recovery and Wellness shall sign a Self-Determination agreement, indicating the individual's choice to participate, and each party's responsibilities for implementing the self-determination arrangement.
- 2.3 Issues of wellness and well-being must be addressed and resolved in the person-centered planning process, balancing individual preferences and opportunities for self-determination with The Right Door for Hope, Recovery and Wellness obligations under federal and state law and applicable Medicaid Waiver regulations. Resolutions should be guided by the preferences and needs, and implemented in ways that maintain the greatest opportunity for control and direction.
- 2.4 Inherent conflicts of interest may arise between an individual's choices and the current methods of planning, managing and delivering specialty mental health services & supports. The Right Door for Hope, Recovery, and Wellness shall seek to minimize or eliminate either potential or actual conflicts of interest between itself and its provider systems, and the processes and outcomes sought by the individual.
- 2.5 Self-determination arrangements must be developed and operated within the requirements of the contracts between The Right Door for Hope, Recovery and Wellness and the PIHP and the Michigan Department of Community Health and in accordance with federal and state law. All requirements for documentation of services, financial accountability for Medicaid funds, and PIHP/The Right Door

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for Hope, Recovery and Wellness monitoring shall apply to services & supports provided under a self-determination arrangement.

- 2.6 Arrangements that support self-determination involve mental health specialty services and supports, and therefore the investigative authority of the Recipient Rights Office applies.

3.0 Individual Budgets

- 3.1 The individual budget is developed as part of the person-centered planning process, and is based on the individual plan of service (IPOS). The individual budget shall be in effect for a specified time, and since it is based on the IPOS, the budget must be reconsidered at any time there is reconsideration and amendment to the IPOS.
- 3.2 The individual budget represents the expected or estimate costs of a concrete approach to accomplishing the person's IPOS.
- 3.3 The amount of the individual budget shall be formally agreed by both the person and The Right Door for Hope, Recovery and Wellness before it may be authorized for use by the person. The Right Door for Hope, Recovery and Wellness requires that the budget be approved by both the Program Manager and the Chief Financial Officer.
- 3.4 A copy of the individual budget must be provided to the person prior to the onset of a self-determination arrangement.
- 3.5 Mental Health funds included in the individual budget are the assets and responsibility of ICCMHA, and must be used consistent with statutory and regulatory requirements. Authority over their direction is delegated to the individual for the purpose of achieving goals & outcomes in the IPOS. Limitations associated with this delegation shall be explained to the individual as part of the IPOS & budget planning process. Funds allocated for specialty mental health services may not be used to purchase services that are not specialty mental health services.
- 3.6 An agreement shall be made in writing between The Right Door for Hope, Recovery and Wellness and the individual outlining the responsibilities and authorities of each party in applying the individual budget. The directions and assistance necessary for the individual to properly apply the budget shall be provided to the individual in writing when the agreement is finalized.

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- 3.7 Adjustments in the application of funds in an individual budget shall be based on the authorized services in the IPOS.
- 3.8 If a person desires to exercise flexibility in a manner not identified in the IPOS, then the individual may request their IPOS to be reviewed, utilizing the person-centered planning process, for possible amendment to the plan and budget.
- 3.9 All individuals with authorized budgets shall receive monthly budget status reports. The monthly report shall be reviewed and any changes are to be reflected in the individual plan of services and in the individual budget as appropriate and authorized.

4.0 Fiscal Intermediaries

- 4.1 The Right Door for Hope, Recovery and Wellness shall maintain on contract one or more qualified third-party entities that may function as fiscal intermediaries to perform employer agent functions and/or provide other support management functions.
- 4.2 Fiscal intermediary functions shall include: payroll agent for direct support personnel employed by the individual (or chosen representative) including acting as the employment agent for IRS & other public entities requiring payroll withholding & employee insurance premiums; agent for purchase-of-service agreements; provision of monthly budget reports; provision of accounting of The Right Door for Hope, Recovery and Wellness funds transferred to it; and other supportive services as noted under contract with The Right Door for Hope, Recovery and Wellness.
- 4.3 The Right Door for Hope, Recovery, and Wellness shall assure that fiscal intermediaries are oriented to and supportive of self-determination principles, able to work with a range of personal styles and characteristics, are free from relationships that may create conflicts of interest with providing services to the individual, and are capable of meeting and maintaining compliance with all state and federal requirements associated with their functions.
- 4.4 Typically funds comprising the individual budget are lodged with the fiscal intermediary, with appropriate direction by the individual to pay individual-selected providers. In this case, the portion of funds in the individual budget would not be lodged with the fiscal intermediary, but instead would remain with the The Right Door for Hope, Recovery and Wellness.

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5.0 Provider Management of Selected Personnel

5.1 The Right Door for Hope, Recovery and Wellness staff shall actively assist individuals with prudently selecting qualified providers and otherwise support them with successfully using resources allocated in their individual budget. This includes educating and supporting the individual regarding their role & responsibilities as the employer, which includes:

- development of a job description for the position/service for which they are seeking provider;
- interview and make the decision to hire the provider;
- remaining within the authorized services of the IPOS and the individual budget when arranging for services;
- verifying provider timesheets;
- monitoring completion of provider training;
- monitoring that services are occurring at a frequency and duration as authorized in the IPOS;
- monitoring & verifying that documentation of services is being completed as required;
- monitoring that services are provided;
- reporting to the provider and The Right Door for Hope, Recovery and Wellness to resolve conflicts or problems with services or service provision; and,
- terminating the provider if they do not meet the requirements or expectations required of the position.

5.2 All prospective providers must meet general qualification requirements for the services they will be providing, and must meet state and federal employment laws and regulations. Background Checks of prospective providers shall be completed prior to employment. Findings on Background Checks shall be reviewed by The Right Door for Hope, Recovery, and Wellness Case Management Program Manager only as necessary in determining the relevancy and potential impact on the individual's performance in the position for which they may be hired. The impact of such information will be determined by the Program Manager, which consultation with the CEO as the Program Manager deems necessary, and shall consider such factors as the nature of the position for which the provider is being considered, or is employed; the potential for risk to consumers, employees, or the organization; the type of offense committed; length of time since the offense; relevant regulations under Medicaid, licensing bodies, and accreditors; the length of time of employment (for currently employed providers); and other

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information or employment arrangements which may have a bearing on employment suitability. The decision of the Program Manager shall be documented and provided to the fiscal agent for filing in the provider's personnel records. The Right Door for Hope, Recovery and Wellness staff and the fiscal agent shall assure that the individual/ employer is notified when a prospective provider is found to be ineligible for hire.

- 5.3 The chosen provider and the designated representative from The Right Door for Hope, Recovery and Wellness shall enter into a written Provider Agreement which outlines the responsibility of the provider to follow the requirements of providing services as paid by State and Federal funding.
- 5.4 The chosen provider and the individual shall enter into a written Employment Agreement defining the responsibilities of the provider, the job description, the rate of pay, and other requirements of the provider and the individual.
- 5.5 The rate of pay of the provider shall be determined by the individual and as authorized by The Right Door for Hope, Recovery and Wellness. The Right Door for Hope, Recovery and Wellness shall maintain a range of pay rates for individually-hired personnel, and shall be based on the level of needs of the individual. The Right Door for Hope, Recovery and Wellness shall maintain a process for review and approval of exceptions that may fall outside of the standard ranges. The range of rates shall be reviewed at least annually by The Right Door for Hope, Recovery and Wellness.
- 5.6 All agreements (Self-Determination, Provider, and Employment Agreements), and review and approval of the IPOS and the individual budget shall be obtained prior to the start of services.
- 5.7 All required trainings must be completed by the provider before the start of service, or as otherwise required in this procedure. The individual and the fiscal agent are responsible for ensuring that trainings are completed as required. Documentation of staff training must be kept on file with the fiscal agent.

Required trainings include:

- Recipient Rights – initially within 30 days of hire, and annually thereafter;
- Infection Control/Preventing Disease Transmission – initially within 30 days of hire, and annually thereafter;
- CPR/First Aid – obtain certifications initially within 30 days of hire, and thereafter remain current in certifications;

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- Training on the individual's IPOS – prior to start of service, and thereafter as changes occur to the IPOS;
- Training on any specialized supports or equipment of the individual – prior to start of service, and thereafter as identified in the IPOS; and
- Any other training as required by, and to support, the individual, and/or as included in the Employment Agreement, and/or as identified in the individual's IPOS.

5.8 The fiscal agent shall notify the provider, The Right Door for Hope, Recovery and Wellness and the individual/employer when a provider is delinquent in completing required trainings. The individual shall follow up with the provider to request they become current in their trainings. The Right Door for Hope, Recovery and Wellness staff is responsible for actively following up and supporting the individual in managing this responsibility.

5.9 In the event that a provider remains delinquent with trainings after 3 notifications from the individual/employer and the fiscal agent, the individual, with support as needed from their The Right Door for Hope, Recovery and Wellness staff, shall notify the provider, in writing, that they are suspended from providing further services until such time that the provider becomes current with all required trainings. The Right Door for Hope, Recovery and Wellness staff is responsible for actively following up and supporting the individual in managing this responsibility.

6.0 Terminating a Self-Determination Agreement/Arrangement

6.1 Either party – the individual or the The Right Door for Hope, Recovery and Wellness – may terminate the self-determination agreement, and therefore, the self-determination arrangement.

6.2 The individual may terminate the agreement for any reason he/she may have.

6.3 The The Right Door for Hope, Recovery and Wellness shall provide supports and interventions as outlined in this procedure to assist the individual in successfully implementing their self-determination arrangement. The Right Door for Hope, Recovery and Wellness may terminate the self-determination, but only after those supports and interventions have been adequately provided. Some reasons for The Right Door for Hope, Recovery and Wellness to terminate the agreement may include;

- Failure of the individual to stay within the authorized funding in the individual budget;

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- Failure of the individual to comply with Medicaid documentation requirements;
 - Inability to hire & retain qualified providers;
 - Conflict between the individual and providers that result in the inability to implement the IPOS.
- 6.4 Prior to The Right Door for Hope, Recovery and Wellness termination a self-determination agreement, and unless it is not feasible, The Right Door for Hope, Recovery and Wellness shall inform the individual, in writing, of the issuers that have led to the consideration of a discontinuation (or alteration of the agreement), and provide an opportunity for problem resolution.
- 6.5 Problem resolution is typically conducted using the person-centered planning process, with termination being the option of choice if other mutually-acceptable solutions cannot be found. In any instance of The Right Door for Hope, Recovery and Wellness termination or alteration of a self-determination agreement, the local processes for dispute resolution may be used to address the resolve the issues.
- 6.6 In any instance of The Right Door for Hope, Recovery and Wellness discontinuation or alteration of a self-determination agreement, the individual must be provided, in writing, and explanation of applicable appeal & grievance and dispute resolution processes, and (where appropriate) appropriate notices. Termination of a self-determination agreement by The Right Door for Hope, Recovery and Wellness is not a Medicaid Fair Hearings issue. Only a change, reduction, or termination of Medicaid services can be appealed through the Fair Hearings Process, not the use of arrangements that support self-determination to obtain those services.
- 6.7 Discontinuation of a self-determination agreement, by itself, shall neither change the individual’s IPOS, nor eliminate the obligations of The Right Door for Hope, Recovery and Wellness to assure specialty mental health services & supports required in the IPOS.

References

- MDCH/CMHSP Managed Mental Health Specialty Supports & Services Contract, Section “Access Assurance,” and Attachments: “Michigan Recovery Council Recovery Policy & Practice Advisory”
- “MDCH Mental Health & Substance Abuse Administration Person-Centered Planning Policy & Practice Guideline”

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- “MDCH Behavioral Health & Developmental Disabilities Self-Determination Policy & Practice Guideline.”

MDCH/PIHP Managed Mental Health Specialty Supports & Services Contract,
Attachment:

- “Self-Determination Practice & Fiscal Intermediary Guideline.”

Robert S. Lathers, Chief Executive Director	Date		