

SUBJECT Self-Determination and Choice Voucher		CHAPTER 05	SECTION 03	SUBJECT 01
CHAPTER Clinical Practice Guidelines		SECTION Care Delivery		
WRITTEN BY AFP Recovery Committee	REVIEWED BY		AUTHORIZED BY PIHP Board	

I. APPLICATION:

- PIHP Board
 CMH Providers
 SUD Providers
 PIHP Staff
 CMH Subcontractors

II. POLICY STATEMENT:

It shall be the policy of the Region 10 PIHP to assure that Self Determination arrangements are available to all adult individuals with a mental illness and/or intellectual/developmental disability who are eligible for public mental health services. Self-determination is the value that people served by the public mental health system must be supported to have a meaningful life in the community. The components of a meaningful life include: work or volunteer activities that are chosen by and meaningful to person, reciprocal relationships with other people in the community, and daily activities that are chosen by the individual and support the individual to connect with others and contribute to his or her community.

With arrangements that support self-determination, individuals have control over an individual budget for their mental health services and supports to live the lives they want in the community. The goals of arrangements that support self-determination, on an individual basis, are to dissolve the isolation of people with disabilities, reduce segregation, promote participation in community life and realize full citizenship rights.

Choice Voucher is what Self Determination is called for children. The Choice Voucher for Children provides a concrete set of methods that gives families of children receiving services and supports from the Children’s Waiver, the Habilitation Supports Waiver and other children receiving mental health specialty services and supports meaningful authority to choose and directly hire providers of authorized services and supports.

III. DEFINITIONS:

- A. **Fiscal Intermediary:** An individual or agency responsible for providing the following services to the individual: invoice payment, budget tracking, assuring and maintaining entitlements, accounts receivable, accounts payable, general ledger. A fiscal intermediary may also provide a variety of supportive services that assist the individual in selecting, employing and directing individual and agency providers. The fiscal intermediary will also provide required financial and data reports to the CMH.
- B. **Individual Budget:** Costs of services and supports identified in the IPOS that the individual has authority over and that are used to support arrangements of Self Determination. These resources

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are agreed upon as the necessary cost of specialty mental health services and supports needed to accomplish a person’s plan of services/supports.

- C. **Designated Representative:** A person whom the individual selects to act and make decisions on his/her behalf, or a person who is legally designated to sign documents and assist in decision making. This person could be a parent, guardian, power of attorney, or other significant party who advocates for the individual.
 - D. **Individual:** A person who receives services from a CMH. References to “individual” in this procedure always mean, “Individual and/or their Designated Representative.”
 - E. **Person Centered Planning:** A process for planning and supporting the individual receiving services that builds upon his or her capacity to engage in activities that promote community life and honor the individual’s preferences, choices, and abilities. The process involves friends, family, and professionals as the individual desires.
 - F. **Qualified Provider:** An individual worker, a specialty practitioner, professional, agency or vendor that is:
 - At least 18 years of age.
 - Able to prevent transmission of any communicable disease from self to others in the environment in which they are providing supports.
 - Able to communicate expressively and receptively in order to follow individual plan requirements and beneficiary-specific emergency procedures, and report on activities performed.
 - In good standing with the law according to the MDCH/PIHP contract (i.e., not a fugitive from justice, a convicted felon, or an illegal alien).
 - G. **Specialty Mental Health Services:** Includes any service/support that can legitimately be provided using funds authorized by the CMHSP in the individual budget.
 - H. **Support Circle:** The persons the individual identifies to participate in their person-centered plan. Often includes family members, friends, neighbors, and professionals.
 - I. **Primary Caseholder:** A person selected by the individual to provide the following: assessment, assistance with support plan development, linking and coordination, reassessment and follow-up and ongoing monitoring of supports and services.
- IV. **STANDARDS:**
- A. Participation in the Self-Determination payment system shall be a voluntary option made available to all adult recipients, unless the cost ratio of paying a Fiscal Intermediary to the actual cost of services makes it too costly and inefficient.
 - B. Individuals shall responsibly control the resources allotted in an individual budget toward accomplishing the goals/objectives in their plan.

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- C. **Self-Determination:** Self-determination is the belief that individuals who require support from the public mental health system 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. This involves a system change to assure that services and supports for individuals are not only person-centered, but person-defined and person-controlled.

Self-determination is not a type of service, but an approach to structuring the way supports and services are made available to individuals who need them.

A central element of self-determination is assuring the individual served the opportunity to direct a fixed amount of resources, based on the person-centered planning process, to purchase chosen services and supports. Through this process the person gains the power to make meaningful decisions in how they live their life.

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

1. **FREEDOM:** The ability for individuals, with assistance from significant others (e.g., chosen family and/or friends) to plan a life based on necessary supports in desirable ways, rather than purchasing a program. This includes the freedom to choose where and with whom one lives, whom (and how) to connect to in one's community, the opportunity to contribute in one's own way, and the development of a personal lifestyle.
2. **SUPPORT:** The arranging of resources and personnel, both formal and informal, to assist the person to live 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 dream.
3. **AUTHORITY:** The assurance for a person with a disability to control a certain sum of dollars in order to purchase supports with the backing of significant others, as needed. It is the authority to control resources.
4. **RESPONSIBILITY:** The acceptance of a valued role 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. Individuals will have confirmation of the important leadership role that self-advocates must hold in the newly redesigned system.

V. **PROCEDURES:**

A. **Role and Responsibilities of the Primary Caseholder**

1. As part of pre-planning activities, educates individuals about the option of pursuing self-determined living arrangements and how to participate. If during these educational efforts individuals express an interest in pursuing a self-determined arrangement (or at any time

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subsequently in the process), the primary caseholder should contact their supervisor for assistance.

2. Arranges the person-centered planning meeting and further clarifies the individual's interest in pursuing a self-determined arrangement, the individual's needs/goals/resources, and need for mental health services. If pursuit of a self-determined arrangement is desired by the individual, how these various services and supports will be put in place within the desired self-determined arrangement should be spelled out in the Individual Plan of Service (IPOS).
3. Initially identifies the current actual costs of mental health services and supports.
4. Completes individual budget with the individual. The budget consists of costs of service and supports identified in the IPOS that the individual has authority over, and that are used to support arrangements of self-determination. Fees and rates paid to providers are negotiated by the person receiving services within the boundaries of the individual budget, based on MDCH's Self Determination Policy and Practice Guidelines.
5. Assures authorization of services as indicated in the IPOS by amount, scope, and duration. Requests authorization to the fiscal intermediary chosen when the individual is directly purchasing services via the Purchase of Service Agreement or Employment Agreement. In electronic medical record under admissions and assignments, opens individual to the chosen fiscal intermediary.
6. Submits individual budget to supervisor for review.
7. If requested by the individual, a separate budget related to personal income, entitlements, Home Help, etc., can be completed.
8. If costs exceed individual authorization, individual's personal income, or resources, primary caseholder should seek problem resolution with the individual through the person-centered planning process.
9. If costs still exceed the budget after renegotiation with the individual, the supervisor may be consulted; informs individual of applicable appeal, grievance, and dispute resolution processes available.
10. Assures ongoing monitoring of the use of budgets and has actual knowledge of the budget. Reviews monthly budget summary with the individual and provides a copy to them, and submits a copy to electronic medical record.
11. If budget is out of line, budget should be addressed with the individual and his or her support circle. If funds are shifted to bring the budget in line, primary caseholder should review those shifts with the fiscal intermediary to assure appropriate use of the shifted funds. The supervisor may be a resource here to assist the primary caseholder.

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12. If after reviewing a budget that is out of line it is determined that a shift in funds will not resolve it, a revision to the budget is necessary and will be based on the person-centered planning process. The primary caseholder may consult their supervisor.
13. Monitors and evaluates the individual's perception of their satisfaction with supports and services, providers/employees, extent of self-determination in their life, etc.
14. Assures the execution and completion of the Self-Determination Agreement, the Employment Agreement and /or the Purchase of Service Agreement, and the 42 CFR 431.107 Agreement with the individual.
15. Once all required signatures are obtained, the primary caseholder should distribute originals and copies of these documents as follows:
 - a. Self-Determination Agreement
 - Original: Electronic Case Record
 - Copies: Individual/Guardian
 - b. Employment Agreement
 - Original: Fiscal Intermediary
 - Copies: Employee
 - c. Purchase of Service Agreement
 - Original: Individual/Guardian
 - Copies: Fiscal Intermediary, Provider
 - d. 42 CFR 431.107 Agreement
 - Original: Contract Manager
 - Copies: Fiscal Intermediary
 - e. Individual Budget
 - Original: Individual
 - Copies: Electronic record; Fiscal Intermediary
16. Assures the renewal of the Self-Determination Agreement as part of the annual planning process, and other agreements as changes occur.
17. Peer support staff may assist in many of these functions (e.g., education of individuals on options of self-determination, assisting in the budgeting process, completing agreements, and the review of monthly summaries).

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B. Role and Responsibilities of CMH Supervisor

1. Available to primary caseholders and the individuals they serve for assistance at any point within the self-determination process.
2. Assists primary caseholder in initially identifying the current actual costs of an individual's supports and services.
3. Reviews the IPOS and individual budget based on reasonableness, consistency with the philosophy of Self-Determination, and compliance to Medicaid Standards.
4. Assists primary caseholder in the completion of the individual budget if needed.
5. If needed, assists in the person centered planning process with the individual if the costs exceed authorization, individual's personal income, or resources.
6. If needed, assists primary caseholder in the execution and completion of the Self-Determination Agreement, Employment and/or Purchase of Service Agreement, and 42 CFR 431.107 Agreement.
7. Forwards 42 CFR 431.107 Agreement to the CMH Contract Manager.
8. Coordinates and leads the Self-Determination Advancement Team as applicable.

C. Roles and Responsibilities of the CMH Contract Manager

1. Assists primary caseholder in identifying the current actual costs and of supports and services for the individuals by maintaining and updating individual budget template.
2. Assures execution and completion of the Financial Administration Agreement with the fiscal intermediary.
3. Obtains appropriate PIHP signature on all 42 CFR 431.107 Agreements.
4. When the individual chooses not to use a fiscal intermediary and chooses a contracted provider, the Contract Manager will provide a monthly budget report to the primary caseholder.
5. Member of the Self-Determination Advancement Team.

D. Role and Responsibilities of the Fiscal Intermediary

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1. Performs functions as stated on the Financial Administration Agreement, including providing monthly reports to the primary caseholder about budget status for ongoing monitoring purposes.
2. Notifies primary caseholder if budget is out of line, as defined by a line-item per-entry deviation within the individual budget, per the contract with the fiscal intermediary.
3. Ensures all staff hired through a Self-Determination receive the following trainings within the first thirty days of hire and annually thereafter:
 - Recipient Rights
 - CPR
 - First Aid
 - Medication Administration, if applicable
 - TB test

TERMINATION OF SELF-DETERMINATION AGREEMENTS:

- A. Role and Responsibilities of the primary caseholder:
 1. Coordinates a face-to-face meeting through the person-centered planning process to identify concerns that lead to consideration of termination.
 2. If other mutually agreeable solutions cannot be found, terminates early the goal related to the self-determination agreement using the addendum process.
 3. If all person-centered planning attempts are unsuccessful, provides a Notice of Self-Determination Agreement Termination. The notice will indicate if the termination is voluntary or involuntary.
 - a. Termination Notice
 - Original: Individual/guardian
 - Copies: Electronic Case Record, Fiscal Intermediary
 4. Explanation of applicable appeal, grievance, and dispute resolution processes will be provided in the Notice of Self-Determination Termination. Appropriate notice, which includes all appeal and grievance mechanisms, shall be given if any services are affected.

TRAINING AND DISSEMINATION:

Supervisors are to review this policy and procedures with all personnel.

VI. EXHIBITS: N/A