

<b>Community Mental Health Partnership of Southeast Michigan/PIHP</b>	<b>Policy Self-Directed Services</b>
<b>Committee/Department:</b> Clinical Performance Team	<b>Local Policy Number (if used)</b>
<b>Implementation Date</b> 11/08/2024	<b>Regional Approval Date</b> 10/25/2024

<b>Reviewed by:</b>	<b>Recommendation Date:</b>
ROC	08/05/2024
<b>CMH Board:</b>	<b>Approval Date:</b>
Lenawee	08/29/2024
Livingston	09/24/2024
Monroe	09/25/2024
Washtenaw	10/25/2024

**I. PURPOSE**

To establish guidelines and standards that ensure consumers/individuals served are provided all opportunities for Self-Directed Services available to them throughout the Community Mental Health Partnership of Southeast Michigan.

**II. REVISION HISTORY**

<b>DATE</b>	<b>MODIFICATION</b>
08/14/2015	Revised to reflect current regional entity practice and compliance with state/federal requirements
07/18/2019	Reviewed for continued compliance and relevance.
12/15/2022	Scheduled review. Updated to comply with 1/31/22 MDHHS Self-Directed Services Technical Requirements
10/25/2024	Renamed from Self Determination, 3-year review

**III. APPLICATION**

<input checked="" type="checkbox"/> CMHPSM PIHP Staff, Board Members, Interns & Volunteers
<input checked="" type="checkbox"/> Regional Partner CMHSP Staff, Board Members, Interns & Volunteers
Service Providers of the CMHPSM and/or Regional CMHSP Partners:
<input checked="" type="checkbox"/> Mental Health / Intellectual or Developmental Disability Service Providers
<input type="checkbox"/> SUD Treatment Providers <input type="checkbox"/> SUD Prevention Providers
<input type="checkbox"/> Other as listed:

**IV. POLICY**

Consumers/individuals served of the Community Mental Health Partnership of Southeast Michigan will be provided every opportunity to have the freedom to define the life that they seek and receive the necessary support in pursuit of that

life. To this aim, each CMHSP shall incorporate Self-Directed Services principles in daily practices that emphasize both participation and the achievement of personal choice and control for consumers/individuals served/families, and, where possible, the use of formal Self-Directed Services/Choice Voucher arrangements.

## V. DEFINITIONS

Agency With Choice Model - A Self-Directed Services/choice voucher arrangement in which a contractual provider/agency maintains and oversees a resource pool of staff from which a consumer/individual served participant can choose to hire for a Self-Directed Services/choice voucher arrangement. In this model the agency is responsible for ensuring staff meet all state and federal provider staff qualifications and training requirements for arrangements. The agency with choice may also act as the role of the fiscal intermediary. Also, with this model, the agency has a contractual arrangement with the CMHSP.

Community Mental Health Partnership Of Southeast Michigan (CMHPSM) - The Regional Entity that serves as the Prepaid Inpatient Health Plan (PIHP) for Lenawee, Livingston, Monroe and Washtenaw for mental health, intellectual/developmental disabilities, and substance use disorder services.

Community Mental Health Services Program (CMHSP) - A program operated under chapter 2 of the Mental Health Code as a county community mental health agency, a community mental health authority, or a community mental health organization.

Direct Employment Model – A Self-Directed Services/choice voucher arrangement in which the consumer/individual served/participant finds and directly hires and contracts with their own staff. In this model it is the participant's responsibility to ensure their staff meet all state and federal provider qualifications. The financial management service provider/fiscal intermediary still maintains payroll responsibilities.

Financial Management Service Provider/Fiscal Intermediary - An independent legal entity that acts as the fiscal agent of the CMHSP for the purpose of assuring fiduciary accountability for the funds comprising the consumer/individual served budget. The purpose of the financial management service provider/fiscal intermediary is to receive funds that make up the consumer/individual served budget and make payments as authorized by the consumer/individual served receiving services to the providers and other parties to whom that person may be obligated.

Individual Budget - A fixed allocation of public mental health resources as well as other resources MDHHS Home Help dollars, the consumer/individual's resources, Section 8, etc.). These resources are negotiated during the person-centered planning process, developed into an individualized budget and approved by the local CMHSP. The consumer/individual served using a Self-Directed Services/Choice Voucher arrangement uses the funding authorized to acquire, purchase, and pay for specialty mental health services and supports that support accomplishment of the consumer/individual's plan.

Participant – The individual named on agreements who is considered the employer of record. The participant is responsible for hiring, overseeing, and firing staff who provide services to the consumer/individual served, signing off on timesheets, ensuring staff meet all Medicaid provider requirements, and maintaining all other employer-related aspects of Self-Directed Services/Choice Voucher agreements, policies, and procedures. The participant can be the consumer/individual served (if one does not have a legal guardian), the legal guardian/parent of minor, or another capable adult chosen by the consumer/individual served/guardian.

Regional Entity - The entity established under section 204b of the Michigan Mental Health Code to provide specialty services and supports for people with mental health, developmental disabilities, and substance use disorder needs.

Self-Directed Services/Choice Voucher Arrangement(s) - The system that supports the use of direct consumer/individual served-provider contracting by which participants (consumer/individual served, guardian/parent of minor, or other capable adult) choose to be the legal employer of record to hire/manage staff that provide the services and supports identified in the consumer/individual's individualized plan of service (IPOS). The system includes a set of written agreements/requirements, the use of a financial management service provider/fiscal intermediary, and an individual budget to ensure all service and payment Medicaid regulations are maintained/followed. The term Self-Directed Services is used for adult consumers/individuals served. The term Choice Voucher is used for children/families.

Self-Determination - 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.

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

1. Freedom: The ability for the consumer/individual served, 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, how they connect and contribute to their community, and the development of a personal lifestyle.
2. Authority: Consumers/individuals served 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 are needed, how they will be implemented, and by whom. People have control of hiring and evaluating those who will provide support.
3. Support: The arranging of resources and personnel, both formal and informal, to assist the person in living their 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.
4. Responsibility: Consumers/individuals served, 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.

5. Confirmation: Having a role in redesigning the service system.

## **VI. STANDARDS**

- A. The CMHPSM and CMHSPs will ensure that the planning and delivery of services are designed to encourage and support consumers/individuals served to make their own choices and control their own lives, with Self-Directed Services as part of the daily framework.
- B. Each CMHSP is responsible for managing the Self-Directed Services/Choice Voucher arrangements they develop with consumers/individuals served/families. This includes:
  - Ensuring their staff are trained in self-determination principles and Self-Directed Services/Choice Voucher arrangement practices.
  - Providing clear orientation/education to consumers/individuals served and families on the CMHSP expectations in using a formal arrangement and their role in keeping all state and federal requirements. (See CMHPSM SDA/CV User Manual).
  - Ensuring proper agreements are used.
  - Ensuring financial management service providers/Fiscal Intermediaries developed an individual budget that is completed in conjunction with the individual plan of services (IPOS).
  - Ensuring the use of a financial management service provider/fiscal intermediary.
  - Ensuring Self-Directed Services/Choice Voucher arrangements meet state/MDHHS contract requirements and Medicaid regulations.
  - Providing oversight/monitoring to ensure that services are being provided through the arrangement as written in the consumer/individual's IPOS and that all state/federal requirements are being met for service provision.
  - Having documented conditions by which a consumer/individual's Self-Directed Services/Choice Voucher arrangement would be withdrawn/terminated.
  - Assuring the CMHSP has a contract with at least one financial management service provider/fiscal intermediary (FMSP/FI), and the FMSP/FI(s) is knowledgeable and supportive of the principles of Self-Directed Services, is able to work with a range of consumer/individual served styles and characteristics and is free from other relationships involving the CMHSP or the consumer/individual served that would have the effect of creating a conflict of interest.
  - Having a mechanism that provides oversight and monitoring in ensuring compliance with Self-Directed Services/choice voucher arrangements.
- C. All consumers/individuals served/families/legal representatives shall be provided with the necessary information and education about the principles of Self-Directed Services and the possibilities, models, and arrangements involved. All consumers/individuals served/families/legal representatives shall

have access to the tools and mechanisms supportive of Self-Directed Services.

- D. Consumers/individuals served/families/legal representatives will be informed of all Self-Directed Services opportunities available to them as part of the pre-planning stage of person-centered planning. Documentation of the pre-planning process will include what aspects of Self-Directed Services were offered to the consumer/individual served and whether the consumer/individual served wishes to pursue those options.
- E. Consumers/individuals served who have Medicaid will be informed of their opportunities to have formal Self-Directed Services/choice voucher arrangements. Documentation of the pre-planning process will include what aspects of Self-Directed Services were offered to the consumer/individual served and whether the consumer/individual served wishes to pursue those options.
- a. Adults with intellectual/developmental disabilities and adults with mental illness who have Medicaid will be offered opportunities for formal Self-Directed Services arrangements as part of the person-centered planning process.
  - b. Families of minor children on the Children's Waiver Program (CWP), Serious Emotional Disturbances Waiver (SEDW), and the Habilitation Supports Waiver (HSW) will be offered the option of formal Choice Voucher arrangements as part of the person-centered planning process.
  - c. Each local CMHSP may elect to provide the option of choice voucher arrangements to other families of minor children who have Medicaid and are not enrolled in the waiver programs. If this option is provided the CMHSP shall ensure all aspects of this policy are applied.
- F. Consumers/individuals served/legal representatives who express a desire for a Self-Directed Services/choice voucher arrangement but are not yet ready to manage their own arrangement nor find a willing and able participant, will be provided with as many alternative ways as possible to make choices based on Self-Directed Services principles. This includes:
- Using the person-centered planning process to develop goals/steps toward removing any barriers and providing any needed services/supports towards having a Self-Directed Services/choice voucher arrangement.
  - Access to a provider entity that can serve as employer of record for personnel selected by the consumer/individual served.
  - Consumer/individual served choice of staff with contractual providers.
  - Consumer/individual served choice of CMHSP-employed direct staff and support personnel where possible.
  - Consumer/individual served choice in all/any other aspects of their life wherever possible.
- G. A consumer/individual served may select a representative to act as the participant/employer of record to enter into Self-Directed Services

arrangements in order for the consumer/individual served to participate in consumer/individual served-directed supports and service arrangements.

- H. A person selected as the participant for the consumer/individual served shall not supplant the role of the consumer/individual served in the process of person-centered planning.
- I. Where the consumer/individual served has a legal guardian as their participant, the role of the guardian in Self-Directed Services shall be consistent with the guardianship arrangement established by the court.
- J. Where the consumer/individual served has been deemed to require a legal guardian, the CMHSP shall ensure that the consumer/individual's preferences and dreams that drive the use of Self-Directed Services arrangements and the best interests of the consumer/individual served are primary.
- K. A CMHSP shall have the discretion to limit or restrict the use of Self-Directed Services 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 consumer/individual served and/or Medicaid regulation.
- L. CMHSPs shall ensure that an individual budget is used with formal Self-Directed Services and Choice Voucher arrangements. The individual budget will be incorporated into the person-centered planning process and comply with all state requirements related to individual budgets for Self-Directed Services/Choice Voucher Arrangements and funding of CMH covered services.
- M. CMHSP contractual language with provider entities shall ensure consumer/individual served selection of personnel, and removal or reassignment of personnel who fail to meet consumer/individual served preferences.
- N. All personnel selected by the consumer/individual served, whether the individual is acting as employer of record or not, shall meet applicable provider requirements for direct support personnel.

## **VII. EXHIBITS**

Self-Directed Services Technical Requirements found here:

<https://www.michigan.gov/mdhhs/keep-mi-healthy/mentalhealth/mentalhealth/practiceguidelines>

## **VIII. REFERENCES**

- A. MDHHS PIHP Contract
- B. MDHHS CMHSP Contract
- C. MDHHS Medicaid Provider Manual