

County of Financial Responsibility (COFR) Dispute Resolution Committee - Case 2008-3

Committee:	Doug Ward	Community Mental Health for Central Michigan
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The Committee met via conference call on September 5, 2008 concerning a dispute between two adjoining county CMHSP's. CMHSP representatives from the two counties participated to explain the case and the rationale for each CMHSP's position.

Issue: An individual moved from Virginia to County A in May, 2007 at the behest of his mother. County A CMHSP began almost immediately to provide him with services. Over the next few months he had a variety of living arrangements and a number of problems. In October, 2007 he was adamant that he wanted to move to a homeless shelter in County B. An employee of County A drove him there to avoid his having to hitchhike. County A continued to provide him with services. He was evicted from a number of living arrangements and refused by others. He has since spent time in both the hospital and the jail. Finally, he refused completely to accept any services from County A, and is only working with County B.

County A contends that the individual has lived independently in County B since October, 2007 since he has accepted placement only in homes that provided 4 hours per day of service. They had looked to gain him employment to fill more of the day, but had not been successful. Since he has accepted only limited services, they say that he is an independent resident of County B; County B should be the COFR.

County B contends that the individual has really been living dependently in County B. Although only four hours per day of services have been provided, the needs are for more than eight hours as shown by the number of problems that have been seen. County A should be the COFR.

Resolution: The individual was brought to Michigan by a family member with the original intent of living in County A. County A became his initial Michigan county of residence. Subsequently he moved into County B. To its credit, County A continued to provide him with services as long as he would work with them.

The COFR agreement says "If a consumer's Level of Care and Intensity of Service required is equivalent to a dependent living setting, the consumer shall be considered to be in dependent care for purposes of the COFR." In this case, the continuing litany of problems indicates that he is not really living independently. The individual's needs for service are more than equivalent to those that would be received in a dependent living setting. He is not capable of making good enough decisions to succeed independently.

The conclusion is that County A is the COFR, even though County B is now providing him with CMH services.

Other: County A had discussed placing the individual in a guardianship. This was dropped when he refused their services. The Committee suggests that this should be pursued again. His track record indicates that his decision-making is so bad that a guardianship is a primary unmet service need.