

County of Financial Responsibility (COFR) Dispute Resolution Committee - Case 2009-1

Committee:	Doug Ward	Community Mental Health for Central Michigan
	Chuck Kopinski	West Michigan Community Mental Health
	Mark Kielhorn	Department of Community Health

The Committee met in person and via conference call on July 1, 2009 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 lived as a homeless person in County A over several years and received services from the CMHSP in County A. There is an indication that he lived in County B, as well. In 2008 County A law enforcement placed him in a hospital in County B for evaluation. After he was found competent to stand trial, he was returned to County A for trial and incarceration. When he was released from the jail on August 29, 2008, County A police transported him to the Mission in County B because he had been banned from the Mission in County A. Subsequently he began exhibiting problems and has been hospitalized several times.

County B asserts that he was a long-time resident in County A, had received services from County A CMHSP, and was taken to County B without making an informed choice. He only ended up in County B because he was banned from the Mission in County A and the County A police officers "felt sorry for him." County B asserts that the individual has received several services from County A, including ACT, and is essentially in a dependent setting. Because he did not make a choice to move to County B and has not been living "independently" in County B, he is the COFR responsibility of County A.

County A states that the individual had talked with their jail liaison and was informed about housing options for him in County A other than the Mission. Because he was released early, however, they did not realize he had been released until called by County B CMHSP on September 8, 2008 for a list of medications and did not have a plan ready for him. Also, while served in County A, he was never in dependent care. Because he was living independently both before and after his incarceration, and he had housing options available to him in County A, he made the choice to live in County B. As a result, they assert that the COFR should be County B.

Resolution: The COFR amendment says "Consumers have the right to choose where they live, unless restricted by court order." Further it adds, "The choice shall be considered to be the consumers's/guardian's choice when it is not instigated or facilitated by a service manager or provider." The individual had housing options in County A if he had taken advantage of them. The CMHSP did not instigate or facilitate the move to County B, so the decision to move to County B is deemed to be the consumer's choice. His living arrangements in County B, exclusive of hospitalization, do not meet the criteria for dependent living. Thus, the person has been living independently both before and after the move and he made the choice to move to County B. County B is the COFR.

Other: There was a communication problem between the jail and the CMHSP in County A. Even though interviewed by the CMH jail liaison, the person was released for 10 days before County A CMHSP knew. There should have been a discharge plan ready for him and the CMHSP should have been notified upon release, rather than leaving it as a police problem.