

County of Financial Responsibility (COFR) Dispute Resolution Committee - Case 2013-2

Committee:	Doug Ward	Community Mental Health for Central Michigan
	Chuck Kopinski	West Michigan Community Mental Health
	Kendra Binkley	Department of Community Health
	Kathy Zurvalec	CMH for Clinton-Eaton-Ingham

The Committee met on September 5, 2013 concerning a dispute between two county CMHSPs. CMHSP representatives from the two counties participated to explain the case and the rationale for each CMHSP's position.

Issue: In August, 2012, the CMHSP in County A placed a child from County A in a residential care facility in County B. In May, 2013 the parents moved from County A to County B. In June, 2013 the child was discharged to his family under a person-centered plan developed by the CMHSP in County B. By August the service level had stabilized 8.3 hours per day after being initially higher.

County A contended that when the child was discharged from the facility in June, the COFR moved to County B, the new residence of the parents, per the paragraph under II B of the COFR Amendment which reads:

“In the case of a voluntary placement of a child by parents into a 24-hour dependent care facility funded by a CMHSP, the COFR is the residence of the parent. . . . If the parent(s) move during the placement, upon the child's discharge, the COFR is the county in which the parent with legal and physical custody resides.”

County B argued that the child was not discharged from dependent care and living independently. They referenced the paragraph under II D which says that:

“If the consumer's Level of Care and Intensity of Service required is equivalent to a dependent living setting, the consumer shall be considered in dependent care for the purposes of COFR.”

Since the individual is still in dependent care, County B contended that County A is still the COFR. They referenced a prior Dispute Resolution (2011-1) which came to this conclusion.

In rebuttal, County A argued that II D did not apply since a child cannot “live independently” under any circumstances, and that II B should stand on its own.

Resolution: The question here again was whether “discharge,” as used in II B, was intended to be limited to the 24-hour facility or referred more generally to the level of care. Also whether, for a child, independent living includes living with the child's family.

The general rule is that “the financially responsible CMHSP is the one that served them in the county where they last lived independently.” Paragraph II D, which applies to “persons” not “adults,” defines dependent care to include “provision of eight or more hours of specialized services.” Independence is based on level of service, not living arrangements. Since this person remained in dependent care after he left the 24-hour facility, County A is still the COFR because it was the last place where he lived independently with his parents.

Other: The CMHSP in County A should be involved in the person-centered planning for the individual since it is paying for the services. Also, the two CMHSPs should discuss whether this COFR responsibility should pass to the new county of residence after a reasonable time period.