

County of Financial Responsibility (COFR) Dispute Resolution Committee - Case 2015-3

Committee:	Doug Ward	Community Mental Health for Central Michigan
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The Committee met on May 12, 2015 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 with his parents in County A until his parents died, the second in early 2011. He then lived with neighbors, again in an independent setting, until June 2011 when the neighbors requested additional money. Instead, the guardian (his cousin) decided to move the individual to a "semi-independent" placement near the cousin's home in County B. After two days, this placement organization decided that he needed a higher level of services than they could provide and he moved to a dependent placement, also in County B.

County B argued that County A is the COFR because this was a move from independent in County A to dependent in County B. Services were requested from County B within 120 days of the move into County B – the "120 day rule."

County A maintained that this was a voluntary move from independent in County A to independent in County B so County B should be the COFR

Resolution: County A is the COFR. This was a move from independent in County A to dependent in County B and the "120 day rule" in II-C applies. This determination is based on the longer-term dependent placement in County B. There was no clear indication of the level of services in the short-term "semi-independent" setting and the individual stayed there only two days.

The Committee recommended that the two CMHSP's work out an arrangement to pass the long-term COFR responsibility to County B after two years.

Contract: The following contract considerations were raised in the Committee's discussions and do not refer to deliberate actions by either of the parties in these particular disputes.

Under the current contract amendment, an individual can move initially to an independent placement in a new county to establish the COFR responsibility, then move to a dependent placement. There is no definition of what constitutes an independent setting. This opens the system up to possible gaming. The amendment should specify a minimum time requirement to establish independent living in the new county.

CMHSP's are scrambling to decrease expenses, especially as regards General Fund. This may cause reopening older COFR arrangements because the people now feel that the cost could be borne by another CMHSP. The Contract and Financial Issues Committee should discuss whether to include a "statute of limitations" clause in the amendment. This could prevent wasted time spent on old moves between counties, especially since the people with direct knowledge of the situation may have moved or forgotten key details.