

County of Financial Responsibility (COFR) Dispute Resolution Committee - Case 2005-4

Committee:	Mark Kielhorn	Department of Community Health
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The Committee met on October 23, 2005 concerning a dispute between two 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 in a supported living arrangement in County A from 1988 to 2004 where he received community living supports and prevocational services. Prior to this he was living at a State facility in a third county, which was presumably his home county. Care in County A was funded through Habilitation Supports waiver monies, supplemented by other County A funds.

In 2004, the person's family approached County A with the request that the individual move to a facility in County B, close to his family. After a series of discussions over several months involving the family, County A, and County B, the individual was moved to County B on November 1, 2004. The Habilitation Supports waiver slot (monies) moved with the individual to County B, but County A was told that they would get their waiver slot back when County B had a vacant waiver slot. Therefore, over the long term, the whole cost is in question.

County B asserts that County A is the COFR, stating that the COFR amendment is clear that "when a consumer moves from a dependent setting in County A to a dependent setting in County B, the county of responsibility is the originating county."

County A contests this, stating that "a county is not the COFR when a move to a different county is requested and initiated entirely by the family and not the CMHSP." They also point out that wording of the COFR General Rule is that the COFR is the county where the consumer "last lived independently", not the "originating county" as stated above by County B. In this case there is no evidence that the consumer or his family ever resided independently in County A.

Resolution: The COFR Attachment (II C) states: "When an individual, who is living dependently, chooses to relocate from County A to County B into a dependent living situation, the COFR shall remain the county in which he/she last lived independently." It also says that "The choice shall be considered to be the consumer's/guardian's choice when it is not instigated or facilitated by a service manager or provider."

County A is the COFR. First, the fact that the move was requested by the family does not eliminate County A's COFR responsibility – it is still the individual's choice per the above. Second, the purpose of the amendment is to determine whether COFR remains with the original county or moves to the new one. County A accepted the initial transfer in 1988 and has been the COFR for 16 years. County A remains the COFR for this individual.

Contract: The wording in the amendment should clarify that, in a situation where the COFR is clearly defined, the key is not where the person last lived independently, but whether the COFR remains with the current county or moves.

Other: The question of cost of service was raised in the discussions. The costs being charged back from County B to County A are substantially higher than County A had been incurring. The parties agreed to examine this more closely to determine why there was this difference. It was noted that County A, as the COFR, is now buying services from the provider(s) in County B. If the costs for the expected services are deemed to be too high, County A has the right to purchase the services from another provider, even if that were to involve a move back to County A. Such a move would undoubtedly be contested by the individual's family. A less onerous solution would be to negotiate a "307 transfer" of General Fund from County A to County B, which would transfer the responsibilities for this person to County B, along with a permanent adjustment to its allocation.