

County of Financial Responsibility (COFR) Dispute Resolution Committee - Case 2014-1

Committee:	Doug Ward	Community Mental Health for Central Michigan
	Heather Garcia	Kalamazoo Community Mental Health
	Kendra Binkley	Department of Community Health
	Kathy Zurvalec	CMH for Clinton-Eaton-Ingham

The Committee met on August, 19, 2014 concerning a dispute between two CMHSP's. CMHSP representatives from the two counties participated, one by phone, to explain the case and the rationale for each CMHSP's position.

Issue: In February 2010, at age 15, an individual who had received services from the CMHSP in County A was placed in an out-of-state residential facility by the County A juvenile court. He was not a ward of the court. His parents subsequently relocated to County B. In May 2012, the parents began discharge planning with representatives of the CMHSP in County B, their new county of residence. On June 30, 2012, the individual turned 18. In July 2012, the court approved the discharge and he returned to a residential placement arranged by County B in County C. In April 2014, County B belatedly realized that the individual had turned 18 on June 30, 2012, meaning that he returned to Michigan as an adult, not a child. They then notified County A about a change in COFR.

County B said that they initially accepted the COFR because the individual was a child when the discharge planning process began. As a child, the COFR would be the county where the parents resided at the time of discharge. However, the individual was actually placed back in Michigan in a dependent setting as an adult. Therefore, County B argued that County A should be the COFR because the last place he lived independently was with his parents in County A, as prescribed in Section II-B of the Amendment. Per Section II-H, the COFR would be limited to 30 days prior to notification.

County A maintained that County B made the mistake of not recognizing that his 18<sup>th</sup> birthday had occurred while the discharge planning was taking place. Since nearly two years had elapsed and County B had accepted the COFR, it was too late to change. Under Section II-C of the Amendment, if an individual does not seek services in a new county within 120 days, the prior county is no longer the COFR. County A maintained that a similar guideline should apply to CMHSPs.

Resolution: The individual was discharged as an adult, not a child. The COFR for an adult is the county where he last lived independently. In this case, that was with his parents in County A before his out-of-state placement.

There is no provision in the Amendment for a maximum time period for claiming COFR, except for the 30 day limit. If the 18<sup>th</sup> birthday had been recognized during discharge planning, County A would have been the COFR beginning in 2012. County B's penalty for missing the impact of the birth date was paying for nearly two years of services that might have been charged to County A.

County A is the COFR, effective 30 days prior to notification by County B in 2014.