

## How Self-Determination Works

Note: Words in italics are defined in the Glossary on the last page of the booklet.

*Self-determination* means that you decide what you want to do in your life—such as where you live, how you spend your time, who you spend your time with, and how you earn money—and you control the support you need to get that life. Your support may help you with things like: getting out in the community, working or getting ready for your day.

When you use arrangements that support self-determination:

- you decide who provides your supports and services
- how, when and where that support is provided
- how you use it to enable you to do the things you want to do.

Self-determination is not a program. Self-determination is a set of principles to enable you to live in and be part of your community. All individuals, regardless of whether or not they have a disability, have the civil right to live the way they want to live. Self-determination helps people with disabilities to do just that. The principles of self-determination are:

- **Freedom:** You plan your life with the support that you need.
- **Authority:** You control the money for the support you receive.
- **Support:** You arrange resources and supports —both informal and formal— so you can live in and connect with your community.
- **Responsibility:** You have a valued role in your community and agree to use public dollars wisely.

Arrangements that support self-determination build on the choice and control already available within your mental health agency.

- Everyone who uses public mental health services and supports has the right to choose their providers.
- Everyone uses the *person-centered planning (PCP) process* to decide what supports he or she needs in order to do what you want in his or her life.
- The result of the PCP process is an *Individual Plan of Service*, sometimes called just a “plan,” that lists the services and supports and how much of them is needed.
- Arrangements that support self-determination are also developed through the PCP process.

These arrangements make it possible for you to control the supports and services you get from your mental health agency so you can live the life you want.

### 1. Control Over an Individual Budget

Arrangements that support self-determination give you control over the funding for your services and supports. This funding is called an *individual budget*. When you control your individual budget, you choose when, where and how your services and supports

are provided. No payments are made to your workers or providers without your approval and signature.

### **What Is an Individual Budget?**

An individual budget is the funding needed for the services and supports in your plan from your mental health agency. Your individual budget is developed after or at the same time that your plan is developed through the PCP process and approved by the mental health agency. Your budget must have enough funding for you to buy each service or support in your plan.

### **Can I Use the Funds in My Individual Budget Any Way That I Want?**

No. The dollars contained in your individual budget can only be used for the services and supports in the plan approved by your mental health agency.

### **What Do I Use the Funds in My Individual Budget For?**

You use the funds in your individual budget to pay the professional providers or the workers you choose to provide the services and supports in your plan. You may choose how much you are going to pay someone within rates set by your mental health agency. You sign the timesheets for your workers or invoices from your professional providers to authorize payment to them.

### **How Does the Fiscal Intermediary Support Me With My Individual Budget?**

A *Fiscal Intermediary (FI)* is an agency that handles your individual budget. The FI receives the money in your individual budget from your mental health agency. When it receives a signed timesheet or invoice from you, it makes a payment to your workers or providers of services. The FI also handles all of the legal and tax aspects of being an employer for you.

## **2. Assistance With Using Arrangements that Support Self-Determination**

When you start to use arrangements that support self-determination, your chosen friends, family members, and supports coordinator or case manager (if you have chosen to have one) will help you. They will be there as you plan who you want to hire and when they will work. They will be there as you use these arrangements. They will be there when things are going great and when you have a problem.

### **Can My Friends and Family Help?**

Yes. Ask people you have chosen to be involved in your PCP process or others to be your *allies* and help you handle your responsibilities. When choosing your allies, think about people who you trust and who will respect and honor your feelings and preferences throughout the process. Your allies may include:

- Friends
- Family members
- People you work or go to school with
- People you know from community organizations you are involved in
- Members of your church, mosque or temple
- Staff who have worked with you.

### **Can I Use Arrangements That Support Self-Determination if I Have a Guardian?**

Yes. Depending on the type of guardian you have (plenary or partial) and the powers your guardian has been given by the court, you and your guardian will work together so that you can participate in arrangements that support self-determination.

### **How Can My Supports Coordinator or Case Manager Assist Me?**

Your supports coordinator or case manager is responsible for working with you to develop your plan and your individual budget. He or she can give you information about arrangements that support self-determination. He or she must monitor your arrangements to make sure everything is going well and assist you when you need help. Any time you have a problem, let your supports coordinator or case manager know right away.

Under a new federal rule, you can also choose not to have a supports coordinator. If you choose not to have a supports coordinator, someone at your mental health agency will be responsible for obtaining authorization for your services and supports and your individual budget. You can also get information and help from the Customer Services Department at your mental health agency.

### **3. Using Arrangements That Support Self-Determination**

Using arrangements that support self-determination is a process. Throughout the process you will learn many things and become better and better at handling the tasks involved. When you start, you might have lots of questions. That is good. Ask for support from your allies and supports coordinator or case manager or from others already controlling their individual budgets.

### **How Do Arrangements That Support Self-Determination Work?**

Through the PCP process, you can pick the best way for you to obtain the services and supports in your plan. You may know who you want to hire to be your worker or you may choose how you will find workers.

### **What Is the Self-Determination Agreement?**

Your mental health agency has the responsibility to make sure that Medicaid and other public funds are used the way they should be used. When you use arrangements that support self-determination, your mental health agency agrees to share that responsibility with you. You manage your individual budget, but your supports coordinator or case manager will check in with you to make sure that your needs are being met. You and your mental health agency have a written agreement called a Self-Determination Agreement. The agreement describes your rights and responsibilities. Before you sign it, review it with your allies so that you understand it and agree to it. If you don't agree with something in the agreement, talk to your supports coordinator or case manager about it.

### **What Happens If My Worker Doesn't Show Up?**

For the times that your worker is sick or wants to go on vacation, you need a plan for who will support you while he or she is gone. This plan is called a back-up plan. It ensures that you get the support you need if your worker is not there. Your back-up plan is developed through the PCP process. You can have an agency provide back-up or have a list of friends and family members willing to support you when your worker is not there.

### **What Is Agency With Choice?**

*Agency with Choice* (AWC) is another way to use arrangements that support self-determination if you don't want to directly hire workers. In this model, the AWC provider is the co-employer (with you) of your workers. The AWC provider handles many of the legal and tax employer duties, but you are the managing employer. You find, hire, supervise and, if necessary, fire your worker(s). The AWC provider can support you with your role as managing employer, if you choose.

### **How Do Individuals Use Arrangements That Support Self-Determination?**

By using arrangements that support self-determination, individuals with developmental disabilities or serious mental illness are better able to achieve their dreams and goals. With the support of their workers, they pursue their interests; many times these interests turn into businesses or paying opportunities. They meet and make friends with common interests. With control over funding comes the power to build the lives they want in the community, just like anyone else.

## **4. Hiring Workers**

Like many other people, you may choose arrangements that support self-determination so that you can directly employ workers. As an employer, you can hire people you like, set their work hours and choose how your services and supports are provided. You can have your worker work more hours one day and less during hours another day if that meets your needs. You have more day-to-day control over your life.

### **Can I Hire My Own Workers?**

Yes, if you directly employ workers, you will have an Employment Agreement with each of your workers. To ensure that Medicaid requirements are met, each of your workers must sign a Medicaid Provider Agreement with your mental health agency.

### **How Do I Hire Workers?**

You may choose any worker who meets the Medicaid provider qualifications for the service or support he or she is providing. You may hire friends or family members or recruit workers through word of mouth, ads, the Internet, or other means. You cannot hire your legal guardian or a relative who has legal responsibility for you (such as your spouse).

### **How Do I Manage My Workers?**

You set the hours and job duties (consistent with the duties for your workers in your plan). You sign the timesheet so your worker(s) gets paid. You must let your worker know if you are unhappy with the work and what needs to change. For more information about directly employing workers, read the book *Hiring and Managing Personal Assistants*, produced by The Arc Michigan. ([http://www.arcmi.org/pdf/HiringManaging\\_ARC\\_MI\\_test.pdf](http://www.arcmi.org/pdf/HiringManaging_ARC_MI_test.pdf))

### **How Do My Workers Get Paid?**

When you directly employ workers, the Fiscal Intermediary (FI) serves as your employer agent. The FI pays your workers and withholds and pays taxes and unemployment insurance. While the FI performs these duties for you, as employer you still have responsibility to make sure that the FI does its job right.

## **5. Ways to Make Changes and Solve Problems**

Just like everyone, people who use arrangements that support self-determination often need to make changes in their lives or solve problems that come up. There will be times that you need to make changes to your plan or arrangements because your goals or needs change or something is not working out. When that happens, let your supports coordinator or case manager and allies know. They can help you make the changes you want. Everyone needs assistance when there is a change or a problem.

### **How Can I Make Changes?**

Making changes to your plan is easier when you are in charge. You can find a new worker if the worker you have is not meeting your needs or is no longer available. You may be able to make small changes in your individual budget without involving your supports coordinator or case manager. You and your supports coordinator or case manager may be able to make some changes over the phone. For many changes, you may be able to work with your supports coordinator or case manager to make the change. Bigger changes are best made using the PCP process. You can have a PCP meeting any time you need.

### **How Can I Solve Problems?**

The PCP process is the best way to make changes because you and your allies come together to talk about the issue(s). Together, you may be able to find a solution to your problem. You may need extra support, training, or other assistance. Or you may find another way to obtain the services or supports you need either for a short period of time or long-term. If your health or welfare is at risk (for example, you are not receiving the services in your plan), your mental health agency may end the Self-Determination Agreement and choose to provide your services and supports through traditional methods.

### **What If I Cannot Solve a Problem Through the PCP Process?**

If you are unable to find a solution to a problem through the PCP process, be sure to let your supports coordinator or case manager or the Customer Service Department know. Every mental health agency has local dispute resolution and mediation processes to

help you resolve a dispute about self-determination. You also have the right to appeal any actions the mental health agency plans to take to change, reduce or terminate your Medicaid services through the Medicaid Fair Hearings Process.

**What is the Medicaid Fair Hearings Process?**

A Medicaid Fair Hearing is conducted by the state Administrative Law Judge (ALJ) who reviews an action taken by your mental health agency (the change regarding Medicaid services in your plan). You have the right to choose someone to represent you at the hearing. To obtain a hearing you must make a written request within 90 days of your notice of the action. If you make the request within 12 days of the notice before the action takes effect, your services and supports will remain in place until the hearing. However, if you do not succeed in the hearing, your mental health agency can charge you for the cost of the services and supports provided during that time.

## **Glossary –Words Used in this Booklet and What They Mean**

**Arrangements that Support Self-Determination:** The way that you choose to use your individual budget to obtain the services and supports in your plan.

**Agency with Choice (AWC) Provider:** An agency that shares employer duties with you, allowing you to recruit, hire and manage workers.

**Allies:** Friends, family members and others who you choose to assist you to develop and implement arrangements that support self-determination.

**Mental Health Agency:** The mental health agency that approves your plan and individual budget and pays for your supports and services.

**Case Manager:** Someone who works for your mental health agency and helps you develop and monitor your plan and individual budget.

**Fiscal Intermediary (FI):** An independent agency that manages the funds in your individual budget, makes payments to providers of services when you authorize it to do so and gives you support and assistance as needed.

**Individual Budget:** The funding approved by your mental health agency to buy the services and supports in your plan.

**Individual Plan of Services (Plan):** The list of services and supports that is approved and funded by your mental health agency.

**Medicaid:** A federal government program that pays for the services and supports in your plan.

**Person-Centered Planning (PCP) Process:** The way that you come together with your allies and supports coordinator to identify what you want to do in your life, what services and supports you need to accomplish what you want to do and how you will use arrangements that support self-determination.

**Self-Determination:** Arrangements where you control the individual budget for your plan. You choose who supports you, when they support you, and how that support is provided.

**Supports Coordinator:** Someone who works for your mental health agency and helps you develop and monitor your plan and individual budget.