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A Proposal Governing The
County's
Responsibilities In Host County
Contracting

Developed by
Social Services Division
Mental Retardation Division

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PURPOSE

The purpose of this paper is to propose methods to be used by counties in the development and implementation of the client service plan for purchased services when the county of service is other than the county of financial responsibility.

AUTHORIZATION

The Commissioner of Public Welfare is required to develop a biennial social service plan which should include a statement of methods used to ensure intergovernmental coordination of state and local planning and delivery of community social services (M.S. 256E.04). In addition, the Commissioner of Public Welfare should supervise the community social service administered by the counties through standard-setting and technical assistance (M.S. 256E.05, Subd. 1).

BACKGROUND

M.S. 256E.08, Subd. 1, describes the duties of county boards for the administration, planning and funding of community social services. This section as amended by the Laws of Minnesota, 1981, Chapter 355 gives specific authority and responsibility to county boards for certain groups of persons.

"The authority and responsibilities of county boards for social services for groups of persons identified in section 256E.03, subdivision 2, shall include contracting for or directly providing: (1) an assessment of the needs of each person applying for services which estimates the nature and extent of the problem to be addressed and identifies the means available to meet the person's needs for services; (2) protection for safety, health or well-being by providing services directed at the goal of attaining the highest level of independent functioning appropriate to the individual preferably without removing those persons from their homes; (3) a means of facilitating access of physically handicapped or impaired persons to services appropriate to their needs." (M.S. 256E.08, Subd. 1.)

Therefore, county boards are responsible to provide (directly or through contracts) the above functions for certain groups of persons regardless of which county the client may reside. County planning for all clients (which the county is responsible) should be included in the county's biennial community social service plan.

In addition, the Community Social Services Act also defines the county of financial responsibility for social services.

"Except for detoxification services, the county responsible for payment for community social services is the county in which the recipient of services resides at the time of application. The county of financial responsibility does not change as a result of referral or approval of referral for services to another county by the county of financial responsibility. Minors are considered as residing in the county in which their parents or guardians reside. When a minor reaches the age of 18, the county

of financial responsibility is the county in which the minor resides. If a person continues in residential care or treatment after reaching the age of 18, the county which initiated the treatment is the county of financial responsibility. When there is a dispute as to the county of financial responsibility, the county providing or arranging for services shall pay for them pending final determination of the county of residence. Disputes concerning the county of financial responsibility shall be settled in the manner prescribed in section 256D.18, subdivision 4. When the county board providing the care or service is not the county of the minor's legal residence, it has a claim for recovery of costs upon the county where the minor has residence. The county of financial responsibility for detoxification services is the county where the client is when the need for services is identified." (M.S. 256E.08, Subd, 7)

12 MCAR 2.185 (Rule 185) define the county board's responsibilities for case management and planning for mentally retarded persons. Case management is defined as the direct services to the client which include diagnosis, assessment of client needs, development, implementation and evaluation of an individual service plan, and payment for services. When a county board decides to serve their client outside its county boundaries, the following provision is applicable:

"When the local social service agency places a client in a private residential facility located outside of that county, formal arrangements, noted in the individual service plan, must be made with the host county social service agency to carry out certain services. Primary responsibility, however, remains with the agency of social service responsibility, as specified in M.S. 256E.08, Subd. 7." (Rule 185C.3.f.)

The above provision reinforces the county of financial responsibility has the ultimate responsibility to provide case management (or assure that it is provided) for its' clients whether the client resides in the home county or a host county.

12 MCAR 2,160 is the rule governing the administration of community social services. The provisions relating to host county contracting are found in H.10.c.

"(1) The local social services agency of the county in which an approved provider is located shall negotiate and administer host county purchase of service contracts on behalf of any other local social services agency wishing to purchase services, provided, however, that if a local social services agency (host county) does not want to comply with this provision because it is being required to administer (for another local social services agency) a host county purchase of service contract 1) with a provider who has not complied with the conditions of past or present contracts, or 2) with a provider whose previous contract with the host county was terminated for failure to provide adequate service, the host county local social services agency may refuse to enter into such a contract.

(2) All local social services agencies shall abide by the terms of the host county contract.

(3) The host county shall assume responsibility for monitoring and evaluation of the contract.

(4) The host county shall make available, on the request of other local social services agencies, copies of the host county contract.

(5) The following exceptions apply:

(a) The host county need not enter a contract unless there is at least one other local agency wishing to purchase from the provider; and

(b) Each local social services agency within the area served by a community mental health board authorized by M.S. §245,61-245,69 may contract directly with the board; however, if a local social services agency outside of the geographic area served by the board wishes to purchase services, the host county policy applies.

d. Technical assistance - The local social services agency shall provide technical assistance and information to potential providers, draft contracts for purposes of negotiation, and assist providers in matters of record keeping, statistical reporting, and determination of rates of payment."

The Social Services Manual IV-4330 further elaborated the roles of the host county in service contracting:

"The financially responsible county shall make payment for social services in the individual services plan developed by the county of service regardless of whether or not the services are in the CASP Plan of the financially responsible county."

Therefore, in accordance with the provisions of Rule 160, a county board of financial responsibility is "bound" financially to the host county vendor contract and the individual service plan developed by the host county.

On April 16, 1981, Issue in the Laura Lindstrom Appeal (Docket 406), the Commissioner of Public Welfare stated the Rule 160, when considered within the context of the Community Social Services Act, does not supersede the authority of the County Board to limit the provision of a service when faced with serious fiscal constraint. On December 10, 1981, the Ninth Judicial District Court affirmed the Commissioner's decision.

The result of the above decision indicated a clear policy change needed to take place. The lack of standard contracting practices among counties has resulted in: (1) service vendors disagreeing with various county expectations as services are proposed to be modified or reduced by counties of responsibility; (2) host counties finding themselves unable to plan for services within their county; and (3) service providers controlling local service continuums by admitting clients without county board authorization and threatening to discharge clients if services are cutback or modified.

BW/acn

COUNTY OR HUMAN SERVICE BOARD'S RESPONSIBILITIES FOR MENTALLY
RETARDED PERSONS

RESPONSIBILITY	AUTHORITY
1. Case Management	
A. Case Finding	M.S. 252A.14 Rule 185
B. Diagnosis	M.S. 252A.02-04 Rule 185
C. Assessment of Need	M.S. 252A.02-04 Rule 185 M.S. 256E.08 Rule 160G
D. Develop. ind. Service Plans	M.S. 252A.15 M.S. 253A.16 Rule 185 M.S. 256E.08 Rule 160G
E. Arrange/provide service needed	H.S. 252A.15 M.S. 253A Rule 185 H.S. 256E.08
F. Evaluation of Ind. Service plan	H.S. 252A.16 Rule 185 Rule 160G
G. Annual Report on Wards	H.S. 252A.16
11. Planning	
A. Develop & submit CSSA plan biennially	H.S. 256E
1. Ensure opportunity for Involvement of LSSA, DD, SH, service providers advocacy	M.S. 245.68 Rule 185 H.S. 256E.08
2. Take lead in planning and development of services not available	H.S. 245-68 Rule 185
3. Identify services available in area for its MR population, .	H.S. 245.68 Rule 185 H.S. 256E.08
4. Identify in priority need order service not available to its MR population	M.S. 245-66 Rule 185
5. Provide and arrange for service within CSSA grant	H.S. 252A.01 H.S. 252A.15 Rule 185 H.S. 256E.08
B. Submit a letter of recommendations regarding new or changing MR services	H.S. 252.28 Rule 185
111. Evaluation	
A. Evaluation of each county social service program on basis of measurable program objectives	M.S. 256E
8. Annual report on the effectiveness of each CSSA program in the county	M.S. 256E.11
IV. Payment for Services	M.S. 252.21 M.S. 256.61 M.S. 256E.09 Rule 185