

Policy 13.4

POLICY TITLE:	OUT OF STATE PLACEMENTS	POLICY # 13.4	REVIEW DATES	
Topic Area:	SERVICE DELIVERY	ISSUED BY: Chief Executive Officer APPROVED BY: Board of Directors	5/5/23	
Applies to:	Lakeshore Regional Entity, Member CMHSPs and Network Providers			
Developed and Maintained by:	CEO and Designee			
Supersedes:	N/A			
		Effective Date: May 19, 2022	Revised Date:	

I. PURPOSE

This policy is established to provide guidelines for the placement of LRE Adult recipients outside of the state of Michigan into a community based residential dependent living setting, in accordance with the Michigan Mental Health Code and the State of Michigan Administrative Rules. Persons under the age of 18 shall not be placed out of the state of Michigan for residential care.

II. POLICY

It is the intent of Lakeshore Regional Entity (LRE) to comply with Michigan Mental Health Code and Michigan Administrative Rules regarding the placement of individuals outside of the state of Michigan.

Community Mental Health Service Programs (CMHSPs) shall notify LRE of their intent to place a Medicaid eligible adult out of state and keep them apprised of the status of the placement approval from the Michigan Department of Health and Human Services (MDHHS).

Determination of Need

Only voluntary placements shall be considered for out-of-state residential services. The Provider will be the CMHSP, and act in accordance with State requirements for such placements.

The CMHSP must make a determination in the placement of an individual outside of the state of Michigan that the placement is clinically appropriate. All efforts should first be made to serve the needs of individuals within the state of Michigan.

If an out of state placement is being considered, the CMHSP shall notify LRE of its intentions and detail the history of the individual and services that have been provided, and clinical determination that needed services are not available within the state for that individual. LRE shall submit to the State of Michigan a treatment summary, current assessment and PCP summary, discharge plan and monitoring of placement plan.

Placement shall not occur until the MDHHS approves the out of state placement in writing.

The CMHSP shall meet the requirements of the Mental Health Code and the Michigan Administrative Rules in seeking provision of out of state services.

These requirements include, but may not be limited to:

- 1) The CMHSP may contract as provided under this section with a public or private agency located in a state bordering Michigan to secure services under this act for an individual who receives services through the county program.
- 2) The CMHSP may contract as provided under this section with a public or private agency located in a state bordering Michigan to provide services under this act in an approved treatment facility in this state for an individual who is a resident of the bordering state, except that such services may not be provided for an individual who is involved in criminal proceedings.
- 3) An individual does not establish legal residence in the state where the receiving agency is located while the individual is receiving services pursuant to a contract executed under this section.
- 4) If an individual receiving treatment on a voluntary basis pursuant to a contract executed under this section requests discharge, the receiving agency shall immediately notify the CMHSP and shall return the individual to the sending state as directed by the CMHSP within 48 hours after the request, excluding Saturdays, Sundays, and legal holidays, unless other arrangements are made with the CMHSP.
- 5) An individual may be transferred between facilities of the receiving state if transfers are permitted by the contract executed under this section providing for the individual's care.
- 6) Each contract executed for out of state residential services shall contain all of the following:
 - a) Establish the responsibility for payment for each service to be provided under the contract. Charges shall not be more or less than the actual cost of providing the service.
 - b) Establish the responsibility for the transportation of individuals to and from the residential facility.
 - c) Provide reports by the receiving agency to the CMHSP on the condition of each individual covered by the contract.
 - d) Provide for arbitration of disputes arising out of the contract that cannot be settled through discussion between the contracting parties and specify how the arbitrators will be chosen.
 - e) Include provisions ensuring the nondiscriminatory treatment, as required by law, of employees, individuals receiving services, and applicants for employment and services.
 - f) Establish the responsibility for providing legal representation for an employee of a contracting party in legal proceedings initiated by an individual receiving treatment pursuant to the contract.

- g) Include provisions concerning the length of the contract and the means by which the contract can be terminated.
- h) Establish the right of the CMHSP and the State of Michigan to inspect, at all reasonable times, the records of the Provider and its treatment facilities to determine if appropriate standards of care are met for individuals receiving services under the contract.
- i) Require each individual who seeks treatment on a voluntary basis to agree in writing to be returned to the state of Michigan upon making a request for discharge
- j) Specify the circumstances under which an individual will be permitted a home visit or granted a pass to leave the facility, or both.

III. APPLICABILITY AND RESPONSIBILITY

This policy applies to LRE, member CMHSPs and Network Providers.

IV. MONITORING AND REVIEW

This policy will be reviewed by the CEO and designee, on an annual basis.

V. DEFINITIONS

N/A

VI. RELATED POLICIES AND PROCEDURES

- A. LRE Service Delivery Policies and Procedures
- B. LRE Provider Network Management Policies and Procedures

VII. REFERENCES/LEGAL AUTHORITY

- A. MDHHS Medicaid Specialty Supports and Services Contract
- B. Michigan Mental Health Code Section 330.1919
- C. MI Administrative Code R 330.1701 - 1703

VIII. CHANGE LOG

Date of Change	Description of Change	Responsible Party
5/19/22	New	Provider CEO and Designee