Report on
El Paso Local Service Area Planning Pilot Project

Rider 60, House Bill 1
78th Texas Legislature

Texas Department of State Health Services
El Paso Local Service Area Planning Pilot Project
Implementation of Rider 60

Background

Pursuant to Rider 60 of House Bill 1, 78th Texas Legislature, the Texas Department of Mental Health and Mental Retardation (TDMHMR) developed and implemented a pilot project beginning in fiscal year 2004 that involved negotiating a performance agreement based on priorities identified by the stakeholders in the community and expressed in a local service plan. El Paso MHMR (EPMHMR) (formerly El Paso Community Mental Health and Mental Retardation Center) was identified as the site to participate in this pilot project. This report summarizes the collaborative efforts of El Paso MHMR and the Texas Department of Mental Health and Mental Retardation to develop and implement the rider as mandated.

Criteria for Evaluation

TDMHMR and El Paso MHMR’s ability to meet the legislative intent of Rider 60 is reflected in the following evaluation criteria.

Were the local service plans submitted to the department reflective of community stakeholder input?

A local service plan must be reflective of the local community MHMR center’s efforts to engage and incorporate the feedback from diverse audiences including consumers, family members, constituency groups, the general public, and city, county, and state officials. El Paso MHMR’s local planning process was thorough and included the following input:

- Discussions with Probate Judge Max Higgs.
- Discussions with each member of the El Paso City Council.
- A meeting with each member of the El Paso County Commissioners’ Court.
- Planning session with local city law enforcement representatives.
- Planning session with local county law enforcement representatives.
- A meeting with representatives from each member of the local legislative delegation.
- Weekly meetings with El Paso Psychiatric Center executive staff.
- An EPMHMR Board Planning Retreat.
- A Rider 60 overview and feedback session with members of the National Alliance for the Mentally Ill (NAMI) of El Paso.
- A Rider 60 overview and planning session with representatives from Citadel, Telecare, Wood Care Centers, Avante, Monty Munoz, and other private providers with an interest in EPMHMR services.
- Rider 60 planning and feedback session with EPMHMR Planning Advisory Committee (PAC) Members.
Community input sources included:

- 3 Community Education Forums in English
- 3 Community Education Forums in Spanish
- Quarterly Public / Private Partnership Coalition meetings for network diversification planning.
- 175 surveys sent out to community stakeholders.

Based on input of local community leaders, EPMHMR staff and board members focused the pilot on:

- Implementation of a 501a organization (managed competition)
- Expanding consumer choice of providers
- Education of local stakeholders

**Did the department and local authority negotiate a performance agreement based upon prioritized service needs in the local service plan?**

On October 31, 2003, El Paso MHMR submitted a concept proposal to TDMHMR that provided some direction of Rider 60 implementation based upon the local planning process. On December 6, 2003, TDMHMR reviewed the proposal and offered recommendations regarding further development. On January 6, 2004, El Paso submitted a formal proposal regarding Rider 60 implementation and a request for incorporation of strategies into the FY04 Performance Contract. The major components of the proposal included development of a Behavioral Health Organization focused on consumer choice, exemption of HB2292 requirements around “Provider of Last Resort,” and operations of the El Paso Psychiatric Center. Representatives of El Paso MHMR and TDMHMR met on January 14, 2004, to discuss in depth the proposal and begin negotiations surrounding the FY04 Performance contract (see Attachment I).

**Was the FY04 performance agreement between the department and the local authority inclusive of strategies to address prioritize service needs identified in the local service plan?**

The FY04 Performance Contract between El Paso MHMR and TDMHMR was amended on April 4, 2004 to reflect the strategies agreed upon through negotiation. This Performance Contract Amendment was implemented in the 3rd and 4th quarter of FY04 (see Attachment II).

**Effectiveness of the Pilot Project**

**Achievements**
Successful implementation of Rider 60 in the El Paso MHMR service area is evidenced by the following:

December 31, 2004
• EPMHMR was granted authority to forego the statewide requirement regarding issuance of RFI under HB2292 (Provider of Last Resort provision) until March 2005 based upon the local plan to diversify the provider network by September 2004. El Paso MHMR expanded the network of private providers. Five private providers are now enrolled with El Paso MHMR to provide rehabilitative services for adults, children and adolescents.

• Educating the Probate Court and other City/County Officials on various service delivery issues has increased the focus on local accountability and has greatly contributed to the willingness of local officials and sponsoring agencies to discuss allocation of additional funds to meet unmet needs in the service area. Additionally, there has been a 50% reduction in probate court volume in the past 18 months.

• Authorized the use of video conferencing which resulted in the following:
  
  o Reduction of Licensed Professionals of the Healing Arts (LPHA) staff allocated to this administrative function from 5 FTE’s to 2 FTE’s.
  o Three LPHA FTE’s transferred to children’s services to provide counseling at no additional expense to “bottom line”.

• The operations of Sun City Behavioral Health Care (Sun City), a 501(a) subsidiary of EPMHMR, were revamped in January of 2004. One of the main goals of Sun City was to develop a network that provided the customers with extensive choice in behavioral health care and to ensure that these services are delivered in the most effective and efficient manner. Sun City was able to assemble a network of over 130 behavioral health providers in a period of 6 months. The network is comprised of providers located in various zip codes to ensure convenience of access. The development of this Network has given the community many choices for behavioral health services and when customers have choice, quality of care is improved.

• On September 1, 2004, the Board of Directors for EPMHMR committed to a contract with Sun City Behavioral Health to provide transition services to EPMHMR consumers no longer qualifying for services due to Resiliency and Disease Management mandates.

Conclusion

Since the completion of the 78th Legislative Session, the mental health and mental retardation service delivery system has undergone a myriad of critical changes that will affect future service delivery. These changes have included state-level consolidation of mental health and mental retardation services into separate agencies, implementation of Resiliency and Disease Management, and implementation of the Texas Home Living Waiver Program. Amid these significant system changes, El Paso MHMR has worked collaboratively with local community stakeholders as well as state officials to ensure that
the legislative intent of Rider 60 was met. The experiences and achievements gained during successful implementation of this rider shall continue to influence local service area planning activities and state level contracting practices.

For additional information, please contact Roderick Swan, Contracts Management Unit Branch Manager, Community Mental Health & Substance Abuse Section, at 512/206-5815 or by emailing roderick.swan@dshs.state.tx.us.
Attachment I

Rider 60 Meeting Summary
Meeting Summary

Departmental Staff Present
Gerry McKimmey, Deputy Commissioner for Community Programs
Sue Lummus, Director, Program Statistics and Planning
Mike Maples, Assistant Director, Behavioral Health Services
Mary Skillman, Long Term Services and Supports
David Rollins, Long Term Services and Supports
Lorri Haden, Legal Services
Kenny Dudley, Director, State Mental Health Facilities
Graham Baker, Governmental Affairs

El Paso Community MHMR Center Staff Present
Gary Larcenaire, Chief Executive Officer
Jean Robert Joseph-Vanderpool, M.D.

Overview of Rider 60 Implementation
Gary Larcenaire provided an overview of El Paso Community MHMR Center’s planning activities related to Rider 60 legislation. He outlined the efforts to gather input from city and county officials, local law enforcement, consumer and family members, and other community stakeholders. These planning activities are ongoing in relation to the development of a Performance Monitoring Committee that will include input from a Performance Planning Committee.

Mental Retardation Clarification
It was recognized that planning regarding the delivery of mental retardation services has not been highlighted in the Rider 60 proposal, but that there has been some planning efforts involving the MRPAC regarding the development of authorization and utilization management processes which would mirror that of a traditional behavioral health organization. There is a current initiative in the El Paso service area to create a BHO involving El Paso First, Sun City, and the El Paso Community MHMR Center, however the authorization of mental retardation services, including HCS waiver services, is not currently part of the scope of services managed by such an entity. El Paso Community MHMR Center would like to continue exercising its option as a provider among a network of providers in the provision of mental retardation services.

Operation of El Paso Psychiatric Center
There was discussion of the proposal request to allow for “sharing of any surplus in Hospital funds” and to “restructure operation of the El Paso Psychiatric Center (EPPC) to be fully integrated with El Paso Community MHMR Center”. TDMHMR does not have a mechanism by which a community MHMR center can utilize dollars allocated through
the State Mental Health Facility Trust Fund for the implementation of community programs when Trust Funds are underutilized in a particular service area. This is due to the fact that resources are utilized throughout the state in order to maintain indigent care capacity and provide specialty services where necessary. Included in the discussion was the feasibility of the EPPC being transferred from State Operated back to local community control.

In order to satisfy the intent of current legislative mandates regarding the contracting of services to private providers in the community, the possibility of Thomason Medical Center taking over management of EPPC was discussed at length. Although Thomason has previously been reluctant to take over the operations of the EPPC, TDMHMR feels this would be the most viable alternative if the community wants to reclaim this facility.

In response to the Rider 60 proposal, TDMHMR has two specific recommendations regarding the operation of the EPPC:
1. The El Paso Community Center staff and the El Paso Legislative Delegation should revisit the issue of having the EPPC back under local control and operation.
2. If the decision is made that the EPPC be returned to local control, TDMHMR would request a letter from the El Paso Legislative Delegation that reflects (based upon community planning and input) the operation of the EPPC should be transferred back:
   a.) Under the operation of the El Paso Community MHMR Center or
   b.) Under the operation of Thomason Medical Center

Upon receiving such a request, TDMHMR would have to determine what action could be taken in light of HB 2292 and Rider 55(Health and Human Services General Appropriation Act)

Provider of Last Resort
TDMHMR recognizes the ongoing efforts of El Paso Community MHMR Center and the El Paso community regarding implementation of the Rider 60 initiative, and will grant a one year extension to the FY2004 Performance Contract requirements as related to a HB 2292 provision specific to “Provider of Last Resort”.

Overview of Mental Health Service System Changes/ Benefit Design
Gary Larcenaire and Dr. Vanderpool provided an overview of some of the changes that have occurred in the array of services offered by El Paso Community MHMR Center. The reported increased satisfaction among consumers and community stakeholders, and data does support reduced hospitalization. Mike Maples, Behavioral Health Services has agreed to informally include El Paso Community MHMR Center regarding Disease Management/Benefit Design implementation to ensure that service delivery during the Rider 60 development will maintain future compatibility with statewide implementation of Disease Management/Benefit Design protocol.

There was concern voiced about the regulatory process involved regarding adherence to TIMA requirements. TDMHMR is in the process of addressing concerns voiced by other community centers regarding TIMA implementation. The Rider 60 proposal also
requests waiver of the face-to-face requirement for Rehabilitative Treatment Plan Oversight. TDMHMR is in the process of amending the State Medicaid Plan that will no longer require the face-to-face requirement. The plan is projected to be amended and active in October 2004.

Upon discussion of outcomes, it was agreed that El Paso Community Center would continue to report services identified in the Attachment I.A of the FY04 Performance Contract. However, El Paso Community MHMR Center will also be held accountable for the outcomes identified via the Performance Monitoring Committee. Review of encounter data will also be utilized in determining El Paso Community MHMR Center’s achievement of outcomes.

**Next Steps- Contractual Changes**

El Paso Community MHMR Center agreed to craft an Attachment IX to the FY04 Performance Contract that will address the agreed upon changes noted above. The proposed implementation of the Attachment IX will be during the 3rd fiscal quarter.
Attachment II

El Paso MHMR
FY 2004 Performance Contract Amendment
ATTACHMENT IX

SPECIAL TERMS AND CONDITIONS

When terms and conditions outside those specifically addressed elsewhere in this contract are necessary, these will be addressed in this attachment. This attachment must include the following: description of action to be taken, including justification of need for such action, reporting mechanisms, and expected outcomes, including time frames.

Local Authority Name: El Paso Community MHMR

Local Service Area Planning Pilot Project-El Paso

As authorized by the General Appropriations Act (House Bill No. 1, 78th Legislature), Article II, Section 60 (p. II-99), TDMHMR and LA agree to the following provisions:

1. TDMHMR will grant LA a one year extension to comply with THSC §533.035(e), regarding “Provider of Last Resort” requirements. This extension will expire March 31, 2005.

2. LA will not be subject to sanctions, penalties or plans for improvement for failure to meet best practice service targets identified in Attachment I.A for 3rd and 4th quarter FY2004.

3. LA shall submit proposed FY05 outcome-based performance contract targets by August 1, 2004 to TDMHMR, or its successor agency, for approval.

4. LA may use secure circuit cameras to perform plan of care oversight functions, as allowable by state and federal laws, including HIPAA. LA may not seek Medicaid reimbursement for authorization services or other clinical services provided using secure circuit cameras.

5. LA may develop and maintain a behavioral health organization with a certificate of authority issued by the Texas Department of Insurance under Chapter 844 of the Texas Insurance Code to establish and maintain a provider network, pay claims, manage service authorization and utilization for all services funded through state general revenue, including inpatient treatment funded through the TDMHMR hospital trust fund.

6. LA shall report to TDMHMR or its successor agency on a quarterly basis the percentage of market share earned by providers enrolled in the provider network during term of this pilot project. The first report is due September 30, 2004 regarding the 4th quarter.

ACCEPTANCE and APPROVAL

Texas Department of Mental Health
And Mental Retardation

LOCAL AUTHORITY -
El Paso Community MHMR Center

_________________________  __________________________
Rod Swan                     Gary Larcenaire
Contract Manager             Executive Director

FY 2004 Contract            Attachment IX
Page IX - 1