



# Local Provider Network Development Plan: Fiscal Year 2025

The Texas Health and Human Services (HHSC) requires all local mental health authorities (LMHA) and local behavioral health authorities (LBHA) complete the Local Provider Network Development (LPND) plan and submit in Word format (not PDF) to [Performance.Contracts@hhs.texas.gov](mailto:Performance.Contracts@hhs.texas.gov) **no later than December 31, 2024.**

LMHAs and LBHAs are required to complete Part I, which includes providing baseline data about services, contracts, and documentation of the LMHA's or LBHA's assessment of provider availability; and Part III, which outlines Planning and Network Advisory Committee (PNAC) involvement and public comment.

HHSC only requires LMHAs and LBHAs to complete Part II if there are new providers interested to include procurement plans.

## NOTES:

- This process applies only to services funded through the Mental Health Performance Contract Notebook (MH/PCN); it does not cover services funded through Medicaid Managed Care. Throughout the document, only report data for the non-Medicaid population.
- The requirements for network development pertain only to provider organizations and complete levels of care or specialty services. Local needs and priorities govern routine or discrete outpatient services and services provided by individual practitioners, and these services are not part of the assessment of provider availability or plans for procurement.
- When completing the template, ensure conciseness, specificity, and use bullet points where possible, providing information only for the period since submitting the fiscal year 2023 LPND plan and adding rows in tables as necessary for responses.

# PART I: Required for all LMHAs and LBHAs

## Local Service Area

1. Provide information in table 1 about your local service area using data from the most recent Mental and Behavioral Health Outpatient Warehouse (MBOW) data set on LMHA or LBHA Area and Population Statistics, found in the MBOW’s General Warehouse folder.

**Table 1: Area and Population Statistics**

Population	LMHA or LBHA Data
Square miles	1013 mi <sup>2</sup>
Population density	861 people/mi <sup>2</sup>
Total number of counties	1
Number of rural counties	1
Number of urban counties	

## Current Services and Contracts

2. Complete tables 2 through 4 to provide an overview of current services and contracts.
3. List the service capacity based on the most recent MBOW data set.
  - a) For levels of care (LOC), list the non-Medicaid average monthly served found in MBOW using data from the LOC-A by Center (Non-Medicaid Only and All Clients) report in the General Warehouse folder.
  - b) For residential programs, list the total number of beds and total discharges (all clients).
  - c) For other services, identify the unit of service (all clients).

- d) Estimate the service capacity for fiscal year 2025. If no change is anticipated, enter the same information previous column.
- e) State the total percent of each service contracted out to external providers in fiscal year 2024. For LOCs, do not include contracts for discrete services within those levels of care when calculating percentages.

**Table 2: Service Capacity for Adult Community Mental Health Service LOCs**

<b>LOC</b>	<b>Most recent service capacity (non-Medicaid only)</b>	<b>Estimated FY 2025 service capacity (non-Medicaid only)</b>	<b>% total non-Medicaid capacity provided by external providers in FY 2025</b>
Adult LOC 1m	0	0	0
Adult LOC 1s	2,228	3,047	0
Adult LOC 2	903	1,097	0
Adult LOC 3	376	68	0
Adult LOC 4	42	50	0
Adult LOC 5	122	126	0

**Table 3: Service Capacity for Children’s Community Mental Health Service LOCs**

<b>LOC</b>	<b>Most recent service capacity (non-Medicaid only)</b>	<b>Estimated FY 2025 service capacity (non-Medicaid only)</b>	<b>% total non-Medicaid capacity provided by external providers in FY 2025</b>
Children’s LOC 1	49	24	0
Children’s LOC 2	99	86	0

<b>LOC</b>	<b>Most recent service capacity (non-Medicaid only)</b>	<b>Estimated FY 2025 service capacity (non-Medicaid only)</b>	<b>% total non-Medicaid capacity provided by external providers in FY 2025</b>
Children’s LOC 3	22	16	0
Children’s LOC 4	6	25	0
Children’s LOC YC	5	7	0
Children’s LOC 5	1	1	0

**Table 4: Service Capacity for Crisis Services**

<b>Crisis Service</b>	<b>FY 2024 service capacity</b>	<b>Estimated FY 2025 service capacity</b>	<b>% total capacity provided by external providers in FY 2024</b>
Crisis Hotline	36,000	38,000	0
Mobile Crisis Outreach Teams	2,205	4,000	0
Private Psychiatric Beds	N/A	N/A	N/A
Community Mental Health Hospital Beds	N/A	N/A	N/A
Contracted Psychiatric Beds (CPBs)	N/A	N/A	N/A
Extended Observation Units (EOUs)	697	660	0
Crisis Residential Units (CRUs)	98	115	0

<b>Crisis Service</b>	<b>FY 2024 service capacity</b>	<b>Estimated FY 2025 service capacity</b>	<b>% total capacity provided by external providers in FY 2024</b>
Crisis Stabilization Units (CSUs)	175	175	0
Crisis Respite Units (CRUs)			

4. List all contracts for fiscal year 2025 in the tables 5 and 6. Include contracts with provider organizations and individual practitioners for discrete services.
  - a) In tables 5 and 6, list the name of the provider organization or individual practitioner. LMHAs or LBHAs must have written consent to include names of individual peer support providers. State the number of individual peers (e.g., “3 individual peers”) for peer providers that do not wish to have their names listed.
  - b) List the services provided by each contractor, including full levels of care, discrete services (such as Cognitive Behavioral Therapy, physician services, or family partner services), crisis and other specialty services, and support services (such as pharmacy benefits management, laboratory, etc.).

**Table 5: Provider Organizations**

<b>Provider Organization</b>	<b>Service(s)</b>
Amendment 1 to UMC Interlocal (BHC Contract)	Provide Behavioral Health Services at UMC Clinics
Amerigroup Agreement	Manage Care Agreement
AOT MOU and 16.22 Interlocal Agreement	Provide Justice Involved Service Treatment
ECivis Agreement	Software Agreement
EHN UMC Jail Subcontract	Provide MH Services to inmate population

<b>Provider Organization</b>	<b>Service(s)</b>
El Paso Disposal	Waste Management
EPBHS PESC	PPB Beds; PESC-RCSU
EPBHS RCSU/PPB Agreement	PPB Beds; PESC-RCSU
HHSC Contract Affirmation for ICF	ICF Services for IDD Patients
Janice T. Caplin Consulting Agreement	Consultant
JPD MST MOU	Multisystemic Therapy
Keiser University Affiliation Agreement	Student Affiliation
Marriage Mangement Consultants	Service Provider
MCCI Amendment	Medical Services Provider
Mediwaste Rx Destroyers Service Agreement	Pharmacological Management Services
Merz Aesthetics	Medical Services
Molina Services Agreement	Manage care agreement
MOU CIT City of Socorro	MH Crisis Services
National Council for Medical Wellbeing Agreement	Professional Management Organization
Nurse Consultant Agreement	Clinical Services
RSV Catering Extension	Meal Delivery for Extended Observation Unit
Securance TRPN Agreement	Software security programming

<b>Provider Organization</b>	<b>Service(s)</b>
TX System of Care	School-Based Behavioral Health Services
TXMOUD FY22 OBOT Agreement	Substance Use Provider Agreement
United Way FRC 2024-2025 contract	Behavioral Health Services
University of Colorado School of Medicine Kempe Center MST	Education Affiliation Agreement
Veteran’s One Stop-Western Governor University MOU	Co-Location Agreement

**Table 6: Individual Practitioners**

<b>Individual Practitioner</b>	<b>Service(s)</b>
Girasol Support Services, LLC	Behavioral Support
Benefit Administrative Systems, LLC	Consultant
Casa Medical LLC	Consultant
Community Options, Inc.	Consultant
Cynthia D Rivera	Consultant
Elsa Margarita Roman	Consultant
Evans Three Bears Consulting	Consultant
Gema Pathways, PLLC	Consultant
Hanger Inc-Station	Consultant

Individual Practitioner	Service(s)
Ivonne Espinosa	Consultant
Lewis Realty Group, Inc.	Consultant
Life Tree Pharmacy Services, Inc	Consultant
Motivo Consulting, Inc.	Consultant
Open Minds	Consultant
Pamela W. Deegear	Consultant
Permian-Basin Community Centers	Consultant
Region 19 Education Service Center	Consultant
Sun City Optical	Consultant
University of Colorado	Consultant
Viva Transcription	Consultant
West Texas Centers	Consultant
West Texas Therapeutic Services	Consultant
Mark Health LLC	Consultant
Eyemart Express LLC	Contract Agency
Forma Group LLC	Contract Agency
Genoa Healthcare of Texas LLC	Contract Agency
MHMR Services for The Concho Valley	Contract Agency



Individual Practitioner	Service(s)
MST Services	Contract Agency
Affordable El Paso Family Dental, PLLC	Dental Care
Agave Dental Care West	Dental Care
Bruce Gopin DDS MS PLLC	Dental Care
Care Ronald W.	Dental Care
Castro Daniel DDS	Dental Care
Crossroads Dental Clinic, PA	Dental Care
Dyer Dental Care	Dental Care
Dyer Family Dental	Dental Care
El Paso Oral & Facial Surgeons, PLLC	Dental Care
Gateway Family Dental	Dental Care
Oasis Dental	Dental Care
OMNI Endodontics, PLLC	Dental Care
Redd Road Family Dental	Dental Care
Soto & Soto Dental PRTNRS PLLC	Dental Care
Stevenson Dental Clinic	Dental Care
Trawood Family Dental	Dental Care
Laura Margarita Rosales	Dietitian

Individual Practitioner	Service(s)
Lilia Alvarez O.D. P.C.	Eye Doctor
Inter America Interpreting	Interpreting Services
Language Line Services	Interpreting Services
Butler Behavioral	Jail Psychiatric Services
Angel M Rodriguez	Medical Provider
Juan E Anzuares	Medical Provider
Ricardo Delcid MD PLLC	Medical Provider
Dr. Sergio Rodarte	Physician Psychiatric Services
Texas Tech Univ. Health Sciences Center	Physician Psychiatric Services
Maria E Alarcon	Psychotherapy
Ruben Moreno LCSW, PC	Psychotherapy
Enjoy Your Life Recreation Therapy LLC	Recreational
SRN Speech Therapy, PC	Speech Therapy
Forefront Brand Medical Services PC	Telemed Services
Advanced Behavioral Health	Therapy Services
Anastacia Martinez, LPC, PC	Therapy Services
Compadres Therapy Inc.	Therapy Services

Individual Practitioner	Service(s)
El Paso Speech and Language Service Excellence Inc	Therapy Services
Family Services of El Paso	Therapy Services
Irma Gonzalez	Therapy Services
John C. Harre JR/DBA 2OVE1	Therapy Services
Mara Hernandez, M.A, LPC	Therapy Services
Martha Dominguez	Therapy Services
Mind Forward Health Center	Therapy Services
Paloma Wellness & Rehabilitation PLLC	Therapy Services
Personal Growth and Healing Center	Therapy Services
Proactive Motion Therapy LLC	Therapy Services
Samuel Marcel, LPC	Therapy Services
Serene Life Family Counseling	Therapy Services
The Cognitive Behavioral Institute of El Paso	Therapy Services

## Administrative Efficiencies

- Using bullet format, describe the strategies the LMHA or LBHA is using to minimize overhead and administrative costs and achieve purchasing and other administrative efficiencies, as required by the state legislature (see Appendix C).

- Information Technology has achieved cost savings by entering into new agreements for equipment rentals.
  - *EHN Instituted defensive driving courses to reduce risk for designated staff who operated vehicles.*
  - *Purchased new customer service surface software to reduce risk and improve patient satisfaction.*
  - *EHN is implementing the Cobblestone Contract Management System to reduce overhead and improve efficiencies in managing contracts and legal agreements.*
  - *EHN continues to work on streamlining its telecommunications system by renegotiating current agreements and establishing new vendor relationships.*
  - *EHN has established a state-of-the-art consumer call center to more efficiently manage consumer and business partner calls and appropriately redirect clinical crisis calls to clinical personnel.*
  - *EHN continues to evaluate physical plant requirements and reducing and/or renegotiating leases as appropriate.*
  - *EHN has implemented same-day access for adult intake screenings to improve staff efficiency.*
  - *EHN has worked with the El Paso 911 District to co-locate and share data with 911 dispatch to improve efficiency of first responder deployment and improve caller experience.*
6. List partnerships with other LMHAs and LBHAs related to planning, administration, purchasing, and procurement or other authority functions, or service delivery in table 7. Include only current and ongoing partnerships.

**Table 7: LMHA or LBHA Partnerships**

Start Date	Partner(s)	Functions
05/2016	<ul style="list-style-type: none"> <li>• Tejas Behavioral Health Management Association</li> <li>• Integral Care</li> <li>• Bluebonnet Trails Community Services</li> <li>• The Center For Mental Health Services, formerly the Bexar County Board Of Trustees For Mental Health And Mental Retardation</li> <li>• Texas Council of Community Centers &amp; Hill Country Mental Health &amp; Developmental Disabilities Centers</li> </ul>	<ul style="list-style-type: none"> <li>• Inter-local Agreements between several Texas LMHAs pursuant to Inter-local Cooperation Act, being Chapter 791 of the Texas Government Code to create efficiencies in the performance of administrative and business functions.</li> </ul>
05/2016	<ul style="list-style-type: none"> <li>• Texas All Access</li> </ul>	<ul style="list-style-type: none"> <li>• EHN participates as an ex officio member in the State of Texas' All Access workgroups, which look to increase partnership and resource efficiency among rural centers.</li> </ul>
05/2016	<ul style="list-style-type: none"> <li>• Concho Valley</li> <li>• West Texas Center</li> <li>• Premia Care</li> </ul>	<ul style="list-style-type: none"> <li>• Contracted with EHN for it's Local IDD Authority (LIDDA) status for Money Follows the Person Transition Support Services.</li> </ul>

Start Date	Partner(s)	Functions
06/2020	<ul style="list-style-type: none"> <li>• Integral Care &amp; Pecan Valley Centers</li> </ul>	<ul style="list-style-type: none"> <li>• EHN works with Integral Care &amp; Pecan Valley Centers to ensure successful implementation of the State of Texas’ SAMHSA Systems of Care grant for children’s services.</li> </ul>
	<ul style="list-style-type: none"> <li>• Premia Care</li> <li>• MHMR Authority of Brazos Valley</li> <li>• Integral Care</li> </ul>	<ul style="list-style-type: none"> <li>• EHN provides Mental Health First Aid training in partnership with other LMHA’s to increase capacity in underserved areas.</li> </ul>

### Provider Availability

The LPND process is specific to provider organizations interested in providing full LOCs to the non-Medicaid population or specialty services. It is not necessary to assess the availability of individual practitioners. Procurement for the services of individual practitioners is governed by local needs and priorities.

7. Using bullet format, describe steps the LMHA or LBHA took to identify potential external providers for this planning cycle. Be as specific as possible.

For example, if you posted information on your website, explain how providers were notified the information was available. Describe contacts with your existing network, Managed Care Organizations, past providers and other behavioral health providers and organizations in the local service area via phone and email. Include information on meetings with stakeholders, networking events and input from your PNAC about local providers.

- *EHN has published RFAs seeking providers for HCBS and YES Waiver. These RFAs have been published on our website as well as local newspaper ads. We have attempted to reach out to 13 providers via email and calls. We have also contracted existing providers for potential leads to additional providers.*
  - *Reviewed the HHSC Provider Interest List.*
  - *Sought recommendations from PNAC.*
  - *Community Brain Trust Meeting.*
  - *El Paso Chamber Healthcare Council*
8. Complete table 8 by listing each potential provider identified during the process described above. Include all current contractors, provider organizations that registered on the HHSC website, and provider organizations that have submitted written inquiries since submission of the fiscal year 2023 LPND plan. HHSC will notify an LMHA or LBHA if a provider expresses interest in contracting via the HHSC website. HHSC will accept new provider inquiry forms through the HHSC website from September 1, 2024, through December 1, 2024. When completing the table:
- Note the source used to identify the provider (e.g., current contract, HHSC website, LMHA or LBHA website, e-mail, written inquiry).
  - Summarize the content of the follow-up contact described in Appendix A. If the provider did not respond to your invitation within 14 days, document your actions and the provider’s response. In the final column, note the conclusion regarding the provider’s availability. For those deemed to be potential providers, include the type of services the provider can provide and the provider’s service capacity.

Do not finalize your provider availability assessment or post the LPND plan for public comment before September 1, 2024.

**Table 8: Potential Providers**

<b>Provider</b>	<b>Source of Identification</b>	<b>Summary of Follow-up Meeting or Teleconference</b>	<b>Assessment of Provider Availability, Services, and Capacity</b>
El Paso Mental Health	In person with Provider	In person meetings describing the notification process for contractual opportunities with EHN.	Adult provider with minimal capacity to conduct multiple levels of care. Conflict of interest concerns involving physician oversight requirements.

## **Part II: Required only for LMHAs and LBHAs with potential for network development**

### **Procurement Plans**

If the assessment of provider availability indicates potential for network development, the LMHA or LBHA must initiate procurement.

26 Texas Administrative Code (TAC) Chapter 301, Local Authority Responsibilities, Subchapter F, Provider Network Development describes the conditions under which an LMHA or LBHA may continue to provide services when there are available and appropriate external providers. Include plans to procure complete levels of care or specialty services from provider organizations. Do not include procurement for individual practitioners to provide discrete services.

9. Complete table 9, inserting additional rows as need.
  - a) Identify the service(s) to be procured. Make a separate entry for each service or combination of services that will be procured as a separate contracting unit. Specify Adult or Child if applicable.
  - b) State the capacity to be procured, and the percent of total capacity for that service.



- c) State the method of procurement—open enrollment Request for Application (RFA) or request for proposal (RFP).
- d) Identify the geographic area for which the service will be procured: all counties or name selected counties.
- e) Document the planned begin and end dates for the procurement, and the planned contract start date.

**Table 9: Procurement Plans**

Service or Combination of Services to be Procured	Capacity to be Procured	Method (RFA or RFP)	Geographic Area(s) in Which Service(s) will be Procured	Posting Start Date	Posting End Date	Contract Start Date
RFA YES Waiver: Specialized Therapies	100%	RFA	El Paso County	October 20, 2020	Continuous	Open to Providers
Jail-based competency restoration	100%	RFA	El Paso County	October 2024	Continuous	Open to providers
Psych Beds	100%	RFA	El Paso County	July 18, 2024	Continuous	Open to Providers

## Rationale for Limitations

Network development includes the addition of new provider organizations, services, or capacity to an LMHA’s or LBHA’s external provider network.

- 10. Complete table 10 based on the LMHA’s or LBHA’s assessment of provider availability. Review [26 TAC Section 301.259](#) carefully to be sure the

rationale addresses the requirements specified in the rule (See Appendix B).

- a) Based on the LMHA’s or LBHA’s assessment of provider availability, respond to each of the following questions.
- b) If “yes” is answered for any restriction identified in table 10, provide a clear rationale.
- c) If the restriction applies to multiple procurements, the rationale must address each of the restricted procurements or state that it is applicable to all the restricted procurements.
- d) The rationale must provide a basis for the proposed level of restriction, including the volume of services to be provided by the LMHA or LBHA.

**Table 10: Procurement Limitations**

	Yes	No	Rationale
1. Are there any services with potential for network development that are not scheduled for procurement?		X	EHN has existing infrastructure to meet HHSC’s service array, (including substance use treatment). The exception being Psychiatric Emergency Service Centers. In situations where gaps in services exist, procurement contracts have, in the past, been sought; a practice that EHN will continue in perpetuity.
2. Are any limitations being placed on percentage of total capacity or volume of services external providers will be able to provide for any service?		X	Presently, there are no local providers that can provide the full HHSC’s service array. Wherever applicable, EHN contracts with external providers that can assist in meeting service delivery capacity

	Yes	No	Rationale
3. Are any of the procurements limited to certain counties within the local service area?	X		All Services are exclusive to El Paso County.
4. Is there a limitation on the number of providers that will be accepted for any of the procurements?	X		Local community is challenged by providers that are not able to provide a full Level of Care array. This presents a challenge towards patient choice when local community capacity is lacking.

11. Complete table 11 if the LMHA or LBHA will not be procuring all available capacity offered by external contractors for one or more services and identify the planned transition period and the year in which the LMHA or LBHA anticipates procuring the full external provider capacity currently available (not to exceed the LMHA’s or LBHA’s capacity).

**Table 11: Procurement Transitions**

Service	Transition Period	Year of Full Procurement
Not Applicable		

### Capacity Development

12. In table 12, document the LMHA’s or LBHA’s procurement activity since the submission of the fiscal year 2023 LPND plan. Include procurements implemented as part of the LPND plan and any other procurements for full LOCs and specialty services that have been conducted.

- a) List each service separately, including the percent of capacity offered and the geographic area in which the service was procured.
- b) State the results, including the number of providers obtained and the percent of service capacity contracted because of the procurement. If no providers were obtained because of procurement efforts, state "none."

**Table 12: Procurement Activities**

Year	Procurement (Service, % of Capacity, Geographic Area)	Results (Providers and Capacity)
2018	RFA 16-001: Behavioral Health Telemedicine Services	Contract with Genoa, JSA and IRIS for Services. RFA continuously open.
2018	RFP 18-005: Contracted Nursing Services	Contract with Annashae Corporation and Sunbelt Staffing.
2019	RFA 20-015: YES Waiver	Continuously open.
2018	RFA 17-008: IDD Respite Services	Continuously open.
2024	RFA 24-001: Private Psychiatric Beds (pending contract with one approved provider)	Continuously open.

# PART III: Required for all LMHAs and LBHAs

## PNAC Involvement

- 13. Complete table 13 to show PNAC involvement. PNAC activities should include input into the development of the plan and review of the draft plan. Briefly document the activity and the committee’s recommendations. Add additional lines as needed.

**Table 13: PNAC Involvement**

Date	PNAC Activity and Recommendations
11/13/24	PNAC was plan overview.

## Stakeholder Comments on Draft Plan and LMHA or LBHA Response

Allow at least 30 days for public comment on draft plan. Do not post plans for public comment before September 1, 2024.

In table 14, summarize the public comments received on the LMHA’s or LBHA’s draft plan. If no comments were received, state “none”. Use a separate line for each major point identified during the public comment period and identify the stakeholder group(s) offering the comment. Add additional lines as needed.

Describe the LMHA’s or LBHA’s response, which might include:

- Accepting the comment in full and making corresponding modifications to the plan;
- Accepting the comment in part and making corresponding modifications to the plan; or
- Rejecting the comment. Please provide explanation for the LMHA’s or LBHA’s rationale for rejecting comment.

**Table 14: Public Comments**

Comment	Stakeholder Group(s)	LMHA or LBHA Response and Rationale
	PNAC	
	Executive Committee	
	Board of Directors	

Complete and submit entire plan to [Performance.Contracts@hhs.texas.gov](mailto:Performance.Contracts@hhs.texas.gov) by **December 31, 2024**.

## Appendix A: Assessing Provider Availability

Provider organizations can indicate interest in contracting with an LMHA or LBHA through the [LPND website](#) or by contacting the LMHA or LBHA directly. On the LPND website, a provider organization can submit a Provider Inquiry Form that includes key information about the provider. HHSC will notify both the provider and the LMHA or LBHA when the Provider Inquiry Form is posted.

During its assessment of provider availability, it is the responsibility of the LMHA or LBHA to contact potential providers to schedule a time for further discussion. This discussion provides both the LMHA or LBHA and the provider an opportunity to share information so both parties can make a more informed decision about potential procurements.

The LMHA or LBHA must work with the provider to find a mutually convenient time for an informational meeting. If the provider does not respond to the invitation or is not able to accommodate a teleconference or a site visit within 14 days of the LMHA's or LBHA's initial contact, the LMHA or LBHA may conclude that the provider is not interested in contracting with the LMHA or LBHA.

If the LMHA or LBHA does not contact the provider, the LMHA or LBHA must assume the provider is interested in contracting with the LMHA or LBHA.

An LMHA or LBHA may not eliminate the provider from consideration during the planning process without evidence the provider is no longer interested or is not qualified of specified provider services in accordance with applicable state and local laws and regulations.

## Appendix B: Guidance on Conditions Permitting LMHA and LBHA Service Delivery

In accordance with [26 TAC Section 301.259](#) an LMHA or LBHA may only provide services if one or more of the following conditions is present.

1. The LMHA or LBHA determines that interested, qualified providers are not available to provide services in the LMHA's or LBHA's service area or that no providers meet procurement specifications.
2. The network of external providers does not provide the minimum level of individual choice. A minimal level of individual choice is present if a person and their legally authorized representative(s) can choose from two or more qualified providers.
3. The network of external providers does not provide people with access to services that is equal to or better than the level of access in the local network, including services provided by the LMHA or LBHA, as of a date determined by the department. An LMHA or LBHA relying on this condition must submit the information necessary for the department to verify the level of access.
4. The combined volume of services delivered by external providers is not sufficient to meet 100 percent of the LMHA's or LBHA's service capacity for each level of care identified in the LMHA's or LBHA's plan.
5. Existing agreements restrict the LMHA's or LBHA's ability to contract with external providers for specific services during the two-year period covered by the LMHA's or LBHA's plan. If the LMHA or LBHA relies on this condition, the department shall require the LMHA or LBHA to submit copies of relevant agreements.
6. The LMHA and LBHA documents that it is necessary for the LMHA or LBHA to provide specified services during the two-year period covered by the LMHA's or LBHA's plan to preserve critical infrastructure needed to ensure continuous provision of services. An LMHA or LBHA relying on this condition must:
  - a) Document that it has evaluated a range of other measures to ensure continuous delivery of services, including but not limited to those



identified by the PNAC and the department at the beginning of each planning cycle;

- b) Document implementation of appropriate other measures;
- c) Identify a timeframe for transitioning to an external provider network, during which the LMHA or LBHA shall procure an increasing proportion of the service capacity from external provider in successive procurement cycles; and
- d) Give up its role as a service provider at the end of the transition period if the network has multiple external providers and the LMHA or LBHA determines that external providers are willing and able to provide sufficient added service volume within a reasonable period of time to compensate for service volume lost should any one of the external provider contracts be terminated.

## Appendix C: Legislative Authority

### 2022-23 General Appropriations Act, Senate Bill 1, 87th Legislature, Regular Session, 2021 (Article II, HHSC, Rider 139)

**Efficiencies at Local Mental Health Authorities and Intellectual Disability Authorities.** HHSC shall ensure that LMHAs, LBHAs and local intellectual disability authorities that receive allocations from the funds appropriated above to HHSC shall maximize the dollars available to provide services by minimizing overhead and administrative costs and achieving purchasing efficiencies. The Legislature also intends that each state agency which enters into a contract with or makes a grant to local authorities does so in a manner that promotes the maximization of third-party billing opportunities, including to Medicare and Medicaid.

Funds appropriated above to HHSC in Strategies I.2.1, Long-Term Care Intake and Access, and F.1.3, Non-Medicaid IDD Community Services, may not be used to supplement the rate-based payments incurred by local intellectual disability authorities to provide waiver or ICF/IID<sup>a</sup> services.

---

<sup>a</sup> ICF/IID - Intermediate Care Facilities for Individuals with an Intellectual Disability