# Texas Health and Human ServicesLocal 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 | 6,903 |
| Population density | 1,233 |
| Total number of counties | 8 |
| Number of rural counties | 5 |
| Number of urban counties | 3 |

### ****Current Services and Contracts****

1. Complete tables 2 through 4 to provide an overview of current services and contracts.
2. List the service capacity based on the most recent MBOW data set.
   1. 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.
   2. For residential programs, list the total number of beds and total discharges (all clients).
   3. For other services, identify the unit of service (all clients).
   4. Estimate the service capacity for fiscal year 2025. If no change is anticipated, enter the same information previous column.
   5. 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**

|  |  |  |  |
| --- | --- | --- | --- |
| LOC | Most recent service capacity (non-Medicaid only) | Estimated FY 2025 service capacity (non-Medicaid only) | % total non-Medicaid capacity provided by external providers in FY 2025 |
| Adult LOC 1m | 0 | 0 | 0% |
| Adult LOC 1s | 2,636 | 2,636 | 0% |
| Adult LOC 2 | 530 | 530 | 0% |
| Adult LOC 3 | 204 | 204 | 0% |
| Adult LOC 4 | 109 | 109 | 0% |
| Adult LOC 5 | 51 | 51 | 0% |

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

|  |  |  |  |
| --- | --- | --- | --- |
| LOC | Most recent service capacity (non-Medicaid only) | Estimated FY 2025 service capacity (non-Medicaid only) | % total non-Medicaid capacity provided by external providers in FY 2025 |
| Children’s LOC 1 | 61 | 61 | 0% |
| Children’s LOC 2 | 259 | 259 | 0% |
| Children’s LOC 3 | 227 | 227 | 0% |
| Children’s LOC 4 | 13 | 13 | 0% |
| Children’s LOC YC | 12 | 12 | 0% |
| Children’s LOC 5 | 3 | 3 | 0% |

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

|  |  |  |  |
| --- | --- | --- | --- |
| Crisis Service | FY 2024 service capacity | Estimated FY 2025 service capacity | % total capacity provided by external providers in FY 2024 |
| Crisis Hotline | 10,875 (MBOW) |  | 100% |
| Mobile Crisis Outreach Teams | 9,546 (MBOW) |  | 0% |
| Private Psychiatric Beds | 5,251 bed days | 5,251 bed days | 100% |
| Extended Observation Units (EOUs) (not solely funded through PESC) | 3,660 bed days | 3,650 bed days | 50% |
| Diversion Center (not solely funded through PESC) | Approx. 1,244 people | Approx. 1,244 people | 50% |
| Adult Crisis Respite Unit – Georgetown (not solely funded through PESC) | 5,856 bed days | 5,840 bed days | 50% |
| Adult Crisis Respite Unit – Seguin (not PESC funded) | 3,660 bed days | 3,650 bed days | 50% |
| Youth Therapeutic Respite – Round Rock (not PESC funded) | 5,856 bed days | 5,840 bed days | 50% |
| Youth Therapeutic Respite – Seguin | 3,660 bed days | 3,650 bed days | 50% |

1. List all contracts for fiscal year 2025 in the tables 5 and 6. Include contracts with provider organizations and individual practitioners for discrete services.
   1. 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.
   2. 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**

|  |  |
| --- | --- |
| Provider Organization | Service(s) |
| Advantage Care Services | Day Program |
| Along for the Ride Day Services, LLC | Day Program |
| Amazing’ Grace Day Habilitation | Day Program |
| Ascension Seton dba Ascension Seton Shoal Creek | Private Psychiatric Beds |
| Ascension Seton dba Dell Children's Medical Center | Private Psychiatric Beds |
| Austin Behavioral Health, LLC dba Cross Creek Hospital | Private Psychiatric Beds |
| AVAIL Solutions | Crisis Hotline Call Center Services |
| Blessing Day Habilitation Service | Day Program |
| Border Region Behavioral Health Center | Crisis Center |
| Camp Cummins Activity Center | Day Program |
| Capital Day Hab | Day Program |
| Carma Health | Addiction Psychiatry Consultation Services |
| Chayah Ministries, Inc. | Network Provider for YES Waiver |
| Coastal Plains Community Center | Crisis Center |
| Community Health Centers of South Central Texas (CHCSCT) | Primary Care and Dental Services |
| Complete Therapies, LLC | Network Provider for YES Waiver |
| Critical Health Connection, LLC | Network Provider for YES Waiver |
| Decade Day Service, LLC | Day Program (Community Based Services) |
| Dell Medical School | Physician Services |
| Down Home Ranch | Day Program |
| East Texas Behavioral Healthcare Network (ETBHN) | Telepsychiatry and Utilization Management Services |
| Georgetown Behavioral Health (GBHI) | Private Psychiatric Beds |
| Gulf Bend Center | Crisis Center |
| Hill Country MHDD | Crisis Center |
| HMIH Cedar Crest, LLC dba Cedar Crest Hospital & RTC | Private Psychiatric Beds |
| Honey Bee Therapies, LLC | Network Provider for YES Waiver |
| Inclusion Therapies, LLC | Network Provider for YES Waiver |
| James Leach, Inc. | Day Program |
| Joch Psychological Consulting, Inc. | Psychological Services |
| LabCorp | Laboratory Services |
| Laurel Ridge Treatment Center | Private Psychiatric Beds |
| Lifechanger Therapies Services | Network Provider for YES Waiver |
| Lifetime Care Services, LLC | Care Coordination for Medicare Recipients |
| Lifetime Living, Inc | Day Program |
| Metrocare Services (Life Path) | On-site Pharmacy (Round Rock) |
| Music Therapy of Austin, LLC | Network Provider for YES Waiver |
| Myndfit Mental Health, LLC | Network Provider for YES Waiver |
| Necole Rivers, LLC dba Outreach Therapy (YW) | Network Provider for YES Waiver and IDD Psychological Services |
| New Roads Psychological and Wellness Services, PLLC | Psychological Services |
| North America Services | Paraprofessional and Respite Services for Crisis Respite Units |
| NuDay Activity Center LLC | Day Program |
| Pioneer Day Hab | Day Program |
| Quest Diagnostics | Laboratory Services |
| Respite Haus LLC | Day Program |
| Rock Springs LLC | Private Psychiatric Beds |
| San Antonio Fitness Independent Recreational Environment (FIRE) | Day Program |
| Southwestern Music Therapy | Network Provider for YES Waiver |
| Starlite Transportation, LLC | Transportation Services |
| Texas A&M University Health Science Center | Physician Services |
| The ARC of the Capital Area | Day Program |
| The Hope Project of Central Texas | Network Provider for YES Waiver |
| The Wood Group | Paraprofessional and Respite Services for Crisis Respite Units |
| The Social Care of Life | Day Program |
| Thinking Above Average | Network Provider for YES Waiver |
| United Way for Greater Austin | Appointment Line Call Center Services, Rescheduling and Hospital Discharge Follow-Up Appointment Scheduling |
| Westways Staffing Services Inc. | Network Provider for YES Waiver |
| YMCA Wilco | Network Provider for YES Waiver |
| Youth Advocate Programs (YAP)\* | Network Provider for YES Waiver |

**Table 6: Individual Practitioners**

|  |  |
| --- | --- |
| Individual Practitioner | Service(s) |
| Angie Jackson | Training Services |
| Brittany Lundeen | Recreation Therapy Services for YES Waiver |
| Brittany Pena | Intensive Family Therapist for MST |
| Chantel Clarke | Recreation Therapy Services for YES Waiver |
| Christi MacWilliams | Recreation Therapy Services for YES Waiver |
| Christopher Wellington | Community Living Support for YES Waiver |
| David Eaton | Recreation Therapy Services for YES Waiver |
| Erika Canales | Psychological Services |
| Falon Bridwell | Recreation Therapy Services for YES Waiver |
| Hermit Cyrous | Community Living Support for YES Waiver |
| Ricky Jansen | Community Living Support for YES Waiver |
| Janet Hayat | Art Therapist for YES Waiver |
| Jenna Fitzgerald | Intensive Family Therapist for MST |
| Jennifer Knotts | Community Living Support for YES Waiver |
| Justin Boytim | Training Services |
| Keisha Brown | Crisis On Call Services |
| Krystal Lofton | Training Services |
| LaTosha Clark | Community Living Support for YES Waiver |
| Laura Hill | Intensive Family Therapist for MST |
| Lauren Reynaga | Recreation Therapy Services for YES Waiver |
| Leenayvia Rodriguez | Intensive Family Therapist for MST |
| Leigh McCann | Psychological Services |
| Leo Delagarza | Training Services |
| Matthew Williams Professional Limited Liability Company | Psychological Services |
| Maureen Burrows | Jail-Based Forensic Competency Evaluations |
| Marc Bickhem | Recreation Therapy Services for YES Waiver |
| Robert Broadhead | Recreation Therapy Services for YES Waiver |
| Sarah Fry | Psychiatric Medication Services |
| Sharon Munroe | Training Services |
| Tabitha Ammons | Community Living Support for YES Waiver |
| Terry Falcomata | Training Services |
| Trenton Kowalczuk | Recreation Therapy Services for YES Waiver |
| 14 Network/Respite/Community Services Providers | IDD Respite / Community Services |

### ****Administrative Efficiencies****

1. 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).

* BTCS is a member of the East Texas Behavioral Health Network for shared cost savings on essential services (see below).
* BTCS participates in Texas Council activities, consortia, and pooled resources initiatives.
* BTCS works with Tejas Health Management Association to contract with and improve reimbursement from private and managed care insurance plans and for certain IT Services (see below).
* BTCS implemented a dedicated Primary Care electronic medical record (eClinicalWorks) in FY22 to improve clinic workflows, automated billing, documentation efficiency, and continuity of care.
* BTCS is actively participating in pilot projects and Alterative Payment Methodologies (APM’s) with several Medicaid Managed Care Organizations.
* BTCS actively applies for and has received grants to (a) reduce costs in areas such as transportation and (b) to expand programming to meet identified needs (from community needs assessments) without incurring new costs.
* BTCS is a Certified Community Behavioral Health Center, implementing best practices for quality service delivery and participating with other sites in learning collaboration calls.
* BTCS is accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF) and National Committee for Quality Assurance (NCQA), holding ourselves to the highest standards of care. BTCS also achieved Rural Health Clinic status for our La Grange location in 2022.
* BTCS partners with like-minded organizations – such as Community Health Centers of South Central Texas (FQHC),The Wood Group and Lifetime Care Services – to address provider shortages.
* BTCS includes indirect/overhead costs on its monthly financial reports, with the goal of ensuring this financial ratio remains below 12%.
* BTCS is now participating in the two new 1115 Medicaid Waiver programs which began in FY 2022: The Directed Payment Program for Behavioral Health Services (DPP-BHS) and the Public Health Provider – Charity Care Pool (PHP-CCP). Both programs are intended to further expand outcome-based measurements for quality improvements and to receive reimbursement for providing charity care.

1. 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 |
| 2008 | East Texas Behavioral Health Network (Burke, ACCESS, Andrews Center, Gulf Bend Center, The Gulf Coast Center, Lakes Regional Community Center, Community Healthcore, Pecan Valley, Spindletop Center and Tri-County Behavioral Healthcare) | Tele-psychiatry at a reduced rate  LPHA authority functions / TRR Authorization Services  Regional UM Committee functions |
| 2014 | Tejas Health Management (Integral Care, The Center for Health Care Services - CHCS, Hill Country MHDD, Tropical Texas Behavioral Health) | Learning collaborative  Brokerage with private and MCO insurance plans to establish contracts and/or improved reimbursement rates  IT Services, programming and products  Business services and consultations |
| 2017 | Metrocare Services | Onsite Lifepath Pharmacy Services and Prescription Assistance Program (PAP) management |
| 2018 | Texas Streamline User Group (TSUG) | Streamline Electronic Health Record project collaboration |
| 2018 | Border Region Behavioral Health Center, Coastal Plains Community Center, and Gulf Bend Center | Integrated Mental Health and Intellectual and Developmental Disability (IDD) Crisis Respite Services |
| 2019 & 2020 | Integral Care and Center for Health Care Services (CHCS) | BTCS participates in the Capital Area Trauma Regional Advisory Council (CATRAC) with Integral Care and the Southwest Texas Regional Advisory Council (STRAC) with CHCS to develop, implement and maintain regional emergency healthcare systems |
| 2024 | Andrews Center, Heart of Texas Behavioral Health Network, Brazos Valley MHMR, Texoma Community Centers, WTCMHMR, North Texas Behavioral Health Network, Hill Country MHDD, StarCare Specialty Health System, Border Region Behavioral Health Center, and Center for Life Resources | Pre-Arrest Diversion Collaborative |
| As Needed | Any Texas Center, including Emergence Health Network in 2019, Central Counties Services in 2020-2022, and Hill Country MHDD Centers in 2022 and 2024 | Disaster Assistance |

### 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.

1. 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.

* On September 3, 2024, BTCS invited HCBS-AMH Providers in our area, Bethany Living Home and Heaven on Earth, to consider all contracting opportunities posted on our website, including the option to provide a full level of care as defined by the Texas Health and Human Services Commission (HHSC)’s Texas Resiliency and Recovery Utilization Management Guidelines for adult services and child/adolescent services.
* In 2022 and 2024, BTCS invited Impact Counseling to contract for youth counseling services. Negotiations continue with a plan to initiate a contract for counseling when funds are available.
* BTCS maintains a Contracting tab on its website with opportunities and provider manuals outlining our goal to expand our provider network. BTCS always maintains its latest approved LPND here as well.
* BTCS discusses contracting opportunities at area Behavioral Health Taskforce meetings and other in-person/virtual networking events. In community networking meetings since the submission of the last LPND, BTCS leadership did not encounter any organizations interested in providing full levels of care to non-Medicaid populations. This includes existing YES Waiver providers.
* BTCS will seek input from the RPNAC about the availability of local providers on December 11, 2024, during a scheduled meeting.

1. 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**

|  |  |  |  |
| --- | --- | --- | --- |
| Provider | Source of Identification | Summary of Follow-up Meeting or Teleconference | Assessment of Provider Availability, Services, and Capacity |
| No providers have expressed interest to date |  |  |  |
|  |  |  |  |
|  |  |  |  |

## ****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.

1. Complete table 9, inserting additional rows as need.
   1. 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.
   2. State the capacity to be procured, and the percent of total capacity for that service.
   3. State the method of procurement—open enrollment Request for Application (RFA) or request for proposal (RFP).
   4. Identify the geographic area for which the service will be procured: all counties or name selected counties.
   5. 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 |
| Virtual, On-Demand Licensed Tele-Psychiatry Services | Approx. 125 hours/month | RFP | Williamson and Guadalupe Counties | May 24, 2024 | July 10, 2024 | August 27, 2024 |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

### ****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.

1. Complete table 10 based on the LMHA’s or LBHA’s assessment of provider availability. Review [26 TAC Section 301.259](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=301&rl=259) carefully to be sure the rationale addresses the requirements specified in the rule (See Appendix B).
   1. Based on the LMHA’s or LBHA’s assessment of provider availability, respond to each of the following questions.
   2. If “yes” is answered for any restriction identified in table 10, provide a clear rationale.
   3. 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.
   4. 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 |  |
| 1. 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 |  |
| 1. Are any of the procurements limited to certain counties within the local service area? |  | X |  |
| 1. Is there a limitation on the number of providers that will be accepted for any of the procurements? |  | X |  |

1. 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 |
| N/A |  |  |
|  |  |  |
|  |  |  |

### ****Capacity Development****

1. 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.
   1. List each service separately, including the percent of capacity offered and the geographic area in which the service was procured.
   2. 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) |
| FY2024 | Telepsychiatry for Williamson & Guadalupe Counties (100% capacity for after-hour crisis residential on-demand psychiatry) | Avail Telemedicine |
|  |  |  |
|  |  |  |

## ****PART III: Required for all LMHAs and LBHAs****

### PNAC Involvement

1. 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 |
| November 27, 2024 | BTCS posted its LPND on [www.bbtrails.org](http://www.bbtrails.org) for public comment. |
| November 27, 2024 | BTCS submitted its LPND to the Regional PNAC (RPNAC) in advance of the next scheduled meeting. |
| December 11, 2024 | BTCS is scheduled to present its LPND to the RPNAC for feedback. |
| TBD | BTCS plans to receive the RPNAC’s written evaluation summary. When available, the document will be titled, “RPNAC 2024 LPND Review.” |

### ****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 |
|  | RPNAC | TBD |
|  | General Public | TBD |

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](https://www.hhs.texas.gov/providers/behavioral-health-services-providers/behavioral-health-provider-resources/contracting-a-local-mental-health-authority-or-local-behavioral-health-authority) 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](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=26&pt=1&ch=301&rl=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:
7. 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;
8. Document implementation of appropriate other measures;
9. 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
10. 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[[1]](#footnote-2) services.

1. ICF/IID - Intermediate Care Facilities for Individuals with an Intellectual Disability [↑](#footnote-ref-2)