

STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT
PROFESSIONAL SERVICES CONTRACT AMENDMENT No. 2

This Expedited Amendment No. 2 to Contract No. 09-630-7903-0063 is made and entered into by and between the State of New Mexico Interagency Behavioral Health Purchasing Collaborative (hereinafter referred to as the "Collaborative") and United HealthCare Insurance Company and United Behavioral Health, through their joint venture OptumHealth New Mexico, the Statewide Entity ("SE"), (hereinafter referred to as "SE" or "Contractor").

WITNESSETH:

WHEREAS, the Collaborative and the Contractor previously entered into Contract No. 09-630-7903-0063-A1 providing for services to be provided to the Collaborative by the Contractor; and

WHEREAS, Article 6.7 of the Contract provides that the parties may enter into Expedited Contract Amendments in order to revise the contract budget to reflect the funds available to the Collaborative during the term of the Contract; and

WHEREAS, the State of New Mexico is experiencing a severe budget shortfall; and

WHEREAS, the Governor's Executive Order 2009-044 requires a package of solvency measures that include contract expenditure restrictions to aide in bridging the state's budget shortfall; and

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT THE FOLLOWING PROVISION OF THE ABOVE-REFERENCED CONTRACT NO. 09-630-7903-0063-A1 (hereinafter referred to as the "Contract") IS HEREBY AMENDED AS FOLLOWS:

1. Appendix xxx, the Funding Table referenced in Article 6 of the Contract, is amended to add a net increase, on behalf of the member agencies, Children, Youth and Families Department (CYFD) and the Human Services Department (HSD). The net increase of eleven thousand four hundred thirty nine dollars and twenty eight cents (\$11,439.28), results in an amended total for the FY2010 Funding Table of three hundred seventy eight million four hundred twenty nine thousand five hundred eighty nine dollars (\$378,429,589.00), as shown in the attached amended Appendix xxx. This net increase is a combination of General fund decreases and Federal fund increases within HSD, and General fund decreases within CYFD Programs.
2. This Amendment No. 2 to the Contract shall not become effective until approved by the Contracts Review Bureau of the New Mexico Department of Finance and Administration.
3. All other articles, provisions and terms of the Contract shall remain unchanged.

IN WITNESS WHEREOF, parties have executed this Amendment as of the date of signature by the DFA Contracts Review Bureau, below or a specified date whichever is later.

By: Kathryn Falls Date: 2/23/10
Kathryn ~~Katie M.~~ Falls, Secretary
NM Human Services Department

By: Mark H. Reynolds Date: 2/23/10
Mark H. Reynolds, Acting General Counsel
Human Services Department

Contractor/Statewide Entity
OptumHealth New Mexico

By: Gregory A. Bayer Date: 2/17/2010
Signature
GREGORY A. BAYER, CEO
Printed name and title

Collaborative Co-Chair Agency, Children, Youth and Families Department

By: Dorian Dodson Date: 2/2/10
Dorian Dodson, Secretary

The records of the Taxation and Revenue Department reflect that the Contractor is registered with the Taxation and Revenue Department of the State of New Mexico to pay gross receipts and compensating taxes.

ID Number: 03-140568-001
By: Julie Risco Date: 2/25/10
Taxation and Revenue Department

This Agreement has been approved by the DFA Contracts Review Bureau:

By: BQ mt Date: 2.26.10
DFA Contracts Review Bureau

By: Chris Romero 2/24/2010
CHRIS ROMERO - CERTIFYING LEGAL SUFFICIENCY
ASSISTANT GENERAL COUNSEL
CHILDREN, YOUTH + FAMILIES DEPT.

Department	Funding Source (Fed/State)	Total Funding	Min. Percent Req. Direct Services	Percent Other Allowed	Individuals Served	Programs/Services Provided	Special Parameters
NMCD - Community Programming	Community Offender Management (Probation and Parole) - General Fund	\$3,669,200	97 percent \$3,559,124	3 percent \$110,076	Individuals under NMCD supervision in the community, either probation or parole, or discharging from prison or jail to community supervision.	Outpatient services for BH, Residential Substance Abuse programming, and life maintenance services	See General Fund Appropriations; NMCD Strategic Plan, Budget-based Performance Measures
	Community Corrections Fund - General Fund	\$2,924,300	97 percent \$2,836,571	3 percent \$87,729	Individuals under NMCD supervision in the community, either probation or parole, or discharging from prison or jail to community supervision.	Outpatient services for BH, Residential Substance Abuse programming, and life maintenance services	NMCD Strategic Plan, Budget-based Performance Measures; Community Corrections Statute; NMSA 33.9.1 - 33.9.10 (1989)
ALTSD	General Fund	\$59,401	100 percent \$59,401	0 percent	Persons age 55 and older	Provide individual and group peer counseling services. Such services shall be provided in home and community-based settings, including senior centers.	
HSD	Medicaid: Managed Care, Federal	\$202,827,000 ¹	86 percent \$174,431,220	14 percent \$28,395,780 ²	All Medicaid-eligible individuals enrolled in managed care	Medicaid Behavioral Health Services as identified in HSD/MAD regulations	Projected Amount. Final amounts depend on negotiated rates and actual number of enrolled individuals
	Medicaid: Managed Care, State	\$53,597,000 ¹	86 percent \$46,093,420	14 percent \$7,503,580 ²	All Medicaid-eligible individuals enrolled in managed care	Medicaid Behavioral Health Services as identified in HSD/MAD regulations	Same as above

¹ Amounts are subject to final federal, state and other fund source appropriations, awards, approvals or final negotiated amounts.

² Unless otherwise specified, percentage available for non-direct services; can include operating costs as well as other non-direct costs such as operational activities, training, evaluation.

Department	Funding Source (Fed/State)	Total Funding	Min. Percent Req. Direct Services	Percent Other Allowed	Individuals Served	Programs/Services Provided	Special Parameters
HSD	Medicaid: Coordinated FFS, Federal & State	\$46,306,500 The projected State share is 23.1% (approximately \$10,692,500)	\$39,765,500	\$6,541,000 This amount is not based on a % of total available dollars, but is a negotiated per member per month fee that will vary by number of enrollees. The State/Federal split is 50/50.	All Medicaid-eligible individuals not enrolled in managed care	Medicaid Behavioral Health Services as identified in HSD/MAD regulations	Claims and administrative fees are projected amounts subject to variation based on enrollment and utilization trends. Claims for direct services are passed through to HSD for payment. The admin fee is a set amount per month per enrollee, therefore, the percentage of total will vary depending on the relationship between the number of enrollees and total claims paid.
	BHSD: General Fund Substance Abuse	\$14,463,004	88.2 percent = \$12,756,372	11.8 percent = 1,706,632	Non-Medicaid-eligible adults (age 18+) who meet certain clinical and financial criteria	Substance Abuse Residential, Outpatient Svcs; Detox; Opioid Replacement Therapy; Native American Svcs; Women's Comprehensive Svcs. Outreach; Methamphetamine Treatment; Methamphetamine Contingency; Reg detox tx in DeBaca; SA Prg Eddie Co.; Long-term DA/Alc rehab-Taos Co.; Mobile Crisis ; Navajo Nation	Funds will be expended as directed by BHSD.
		\$2,917,232	92 percent = \$2,683,853	8 percent = \$233,379		Total Community Approach	
		17,380,236	15,440,225	1,940,011	TOTAL SUBSTANCE ABUSE		
	BHSD: General Fund Mental Health	\$18,367,203	88.2 percent = \$16,199,873	11.8 percent = \$2,167,330		Mental Health Inpatient & Outpatient Services; Jail Diversion; Sexual Assault Svcs; School-Based MH Svcs; Supported Employment, Compulsive Gambling;	Funds will be expended as directed by BHSD.
		\$1,863,191	92 percent = \$1,714,136	8 percent = \$149,055		Psychotropic Medications; Veterans BH Services (PTSD);	

Department	Funding Source (Fed/State)	Total Funding	Min. Percent Req. Direct Services	Percent Other Allowed	Individuals Served	Programs/Services Provided	Special Parameters
HSD		\$492,525	92 percent = \$453,123	8 percent = \$39,402		Expanded Mental Health	
		\$645,400	99.47 percent = \$641,400	.53 percent = \$4,000		Supportive Housing	
		21,368,319	19,008,532	2,359,787	TOTAL MENTAL HEALTH		
	BHSD: Community MH Block Grant – Federal	\$1,485,189	100 percent \$1,485,189	0 percent	Non-Medicaid-eligible adults (age 18+) who meet certain clinical and financial criteria	Mental Health Outpatient Services;	CMH Federal Block Grant requirements
	BHSD: SAPT Block Grant – Federal	\$5,076,577	100 percent \$5,076,577	0 percent	Treatment: Non-Medicaid-eligible adults (age 18+) who meet certain clinical and financial criteria; and targeted community services.	Substance Abuse Residential; Inpatient & Outpatient Services; Detoxification; Opioid Replacement Therapy; Native American Services. Women's Comprehensive Services. Outreach	SAPT Block Grant Federal Requirements
	SAPT Block Grant – Federal	\$2,134,300	100 percent \$2,134,300	0 percent	Children, families and communities; Prevention: targeted to individuals, families and communities not in need of treatment services. Specific services 0 – 6 year olds; K – 6 th grade; 12 – 17 year olds; and targeted community services.	Evidence-Based Prevention Programs	Must follow SAPT Block Grant Requirements
	BHSD: Access to Recovery (ATR II) -Federal	\$4,487,335	100 percent \$4,487,335	0 percent	Non-Medicaid-eligible adults (age 18+) who meet certain clinical and financial criteria	Voucher-based substance abuse treatment referral system	ATR federal requirements
	BHSD: Co-SIG – Federal	\$488,200	100 percent \$488,200	0 percent	Individuals with co-occurring mental health and substance abuse issues	Infrastructure Development to provide co-occurring treatment. Contracts for 3 pilot sites plus system development and data	COSIG federal requirements;
	BHSD: Jail Diversion Veteran's Fund	295,305	295,305	0 percent	Individuals living in Sandoval, San Juan and McKinley Counties with preference to veterans and a focus on Native American Veterans.	BH treatment as a means for jail diversion	JDFV federal requirements

Department	Funding Source (Fed/State)	Total Funding	Min. Percent Req. Direct Services	Percent Other Allowed	Individuals Served	Programs/Services Provided	Special Parameters
HSD	HSD/ISD TANF (Federal)	\$800,000	85 percent \$680,000	15 percent \$120,000	TANF-eligible individuals	Substance abuse services that assist the individual to be ready for employment	TANF federal requirements
CYFD	General Fund	\$6,081,678	96.8 percent \$5,887,064	3.2 percent \$194,614	CYFD and non-CYFD involved/referred youth (to age 21); those at risk of CYFD involvement	Children's BH Services	HB 2 - §4
	General Fund	\$2,634,122	96.8 percent \$2,549,830	3.2 percent \$84,292	CYFD and non-CYFD involved/referred youth (to age 21); those at risk of CYFD involvement	Shelter Care/Family Shelter Care and Safehouse Services	HB 2 - §4
	General Fund -	\$717,800	96.8 percent \$694,830	3.2 percent \$22,970	Girls referred or approved by the Juvenile Justice Facilities Behavioral Health Director of CYFD or an appropriate designee	Gender specific services for girls involved in juvenile justice system	HB 2 - §4
	CMH Block Grant - Federal	\$172,000	100 percent \$172,000	0 percent		MST - Training	To be tracked separately from the additional CMHBG funds and general funds
		\$167,592 ³	100 percent \$167,592	0 percent	CYFD involved/referred youth (to age 21) and those at risk of CYFD involvement; for non-Medicaid eligible youth who are determined to be Severely Emotionally Disturbed (SED)		Providers accessing these funds must demonstrate current certification in the specific evidence-based practice modality. The FY 09 carryover portion, (\$61,733) shall be expended no later than September 30, 2009; The FY 10 funds (\$105,859) will remain unallocated to specific providers, but may only be accessed by current CYFD

3 \$167,592 = \$61,733 (FY 09 carryover from unexpended FY 10 MST training funds) plus \$105,859.00 (additional CBHMG FY 10 funds). These two allocations will be tracked separately from each other.

Department	Funding Source (Fed/State)	Total Funding	Min. Percent Req. Direct Services	Percent Other Allowed	Individuals Served	Programs/Services Provided	Special Parameters
		\$339,592 TOTAL CMHBG					contracted providers. The FY 09 carryover and the FY 10 funds shall be tracked separately.
DOH	Prevention General Fund	\$2,753,624	86.7 percent \$2,387,392	13.3 percent \$366,232	Children, families and communities; Prevention: targeted to individuals, families and communities not in need of treatment services. Specific services 0 – 6 year olds; K – 6 th grade; 12 – 17 year olds; and targeted community services.	Evidence-Based Prevention Programs	Must be used to purchase evidence-based prevention programming
DOH	DDSD – Respite Services , GF	75,000	97 percent \$72,750	3 percent \$2,250	Families of children and youth up to age twenty-one with an autism spectrum disorder, have intense behavioral health needs and meet other eligibility criteria.	Autism Spectrum Disorder (ASD)	Funds will be expended as directed by DOH
	Safe and Drug Free Schools Federal Funds, Governor's portion	\$499,661	100 percent \$499,661	0 percent	Children, Families and Communities	Evidence-Based Prevention	Title IV of the Elementary and Secondary Education Act
	Strategic Prevention Framework	\$2,429,250	100 percent \$2,429,250	0 percent	Communities with a special focus on 15-24 year olds	Evidence-based environmental strategies.	NM Strategic Prevention Framework; SIG Terms and Conditions
FUNDING TABLE GRAND TOTAL		\$378,429,589	\$330,701,268	\$47,728,321			