

**STATE OF NEW MEXICO  
HUMAN SERVICES DEPARTMENT  
PROFESSIONAL SERVICES CONTRACT  
CONTRACT AMENDMENT NO. 3**

**This Expedited Contract Amendment No. 3 (“Amendment No. 3”) 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, (hereinafter referred to as “SE” or “Contractor”).

WITNESSETH:

WHEREAS, the Collaborative and the Contractor previously entered into Contract No. 09-630-7903-0063-A2 providing for services to be provided to the Collaborative by the Contractor;

WHEREAS, the Parties have agreed to revised terms relating to the thresholds for fidelity bond/insurance, Value Added Services and contract amendments, as described in this Amendment; and

WHEREAS, additional FY 10 funds have become available for services provided by the Aging and Long Term Services Department; and

WHEREAS, Attachment xxx FY 2010 Funding Table will be amended to reflect the addition of funds for Peer Counseling system capacity on behalf of the Aging and Long Term Services Department;

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT THE FOLLOWING PROVISIONS OF THE ABOVE-REFERENCED CONTRACT NO. 09-630-7903-0063-A2 (hereinafter referred to as the “Contract”) IS HEREBY AMENDED AS FOLLOWS:

**Article 3.16, Paragraph B3 is amended to revise the fidelity bond/insurance threshold from 25% of the total contract to \$5,000,000 per occurrence and shall read:**

3. Fidelity Bond Requirements. The SE shall maintain in force a fidelity bond or fidelity insurance on any director, officer, employee or partner of the SE who receives, collects, disburses or invests funds in connection with the activities of the SE in an amount not less than 5 million dollars (\$5,000,000) per occurrence.

**Article 6.4, Paragraph A is amended to reduce the threshold for Value Added Services from 4.5% to 3% of the Medicaid managed care revenue and shall read:**

A. The SE shall apply a minimum of three (3) percent of the total amount of the Medicaid managed care revenue toward Value Added Services, which shall include

two components: (a) community reinvestment and (b) non-entitlement services offered to individual Medicaid managed care customers. The cost of Value Added Services cannot be included when the Collaborative determines the payment rates.

**Article 36 – AMENDMENTS is amended to comply with Section 6-3-6 NMSA 1978 fiscal year 2011 requirements and shall read:**

A. This Contract shall not be altered, changed or amended other than by an instrument in writing executed by the parties of the Contract. Amendments shall become effective when signed by the parties and all other required signatories and written approvals have been obtained from any necessary State and Federal agencies. All necessary approvals shall be attached as exhibits to the Contract.

B. If HSD proposes an amendment to the PSC to unilaterally reduce funding due to budget or other considerations, the Contractor shall, within thirty (30) days of receipt of the proposed amendment, have the option to terminate the PSC, pursuant to the termination provisions contained herein, or to agree to the reduced funding.

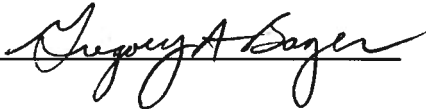
**Appendix xxx, FY 2010 Funding Table:**

Appendix xxx, the Funding Table (dated 12-16-09) referenced in Article 6 of the Contract, is amended to add funding, on behalf of the member agency, the Aging and Long Term Services Department (ALTSD). The increase of seven thousand dollars (\$7,000), results in an amended total for the FY2010 Funding Table of three hundred seventy eight million four hundred thirty six thousand five hundred eighty nine dollars (\$378,436,589), as shown in bold type in the attached, amended Appendix xxx.

**All other articles, provisions and terms of the Contract shall remain unchanged.**

**IN WITNESS WHEREOF**, the parties have executed this Amendment No. 3 as of the date of the last signature of the Executive Committee of the NM Interagency Behavioral Health Purchasing Collaborative. The Executive Committee, executes this Contract only to the extent of their statutory authority as members of the Collaborative and the Executive Committee.

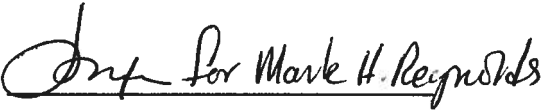
**STATEWIDE ENTITY**

By:   
Title: CEO

Date: MAY 10, 2010

**STATE OF NEW MEXICO**

Approved as to Form and Legal sufficiency:

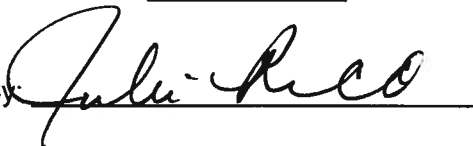
By:   
Counsel for the Collaborative

Date: 5/18/10

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.

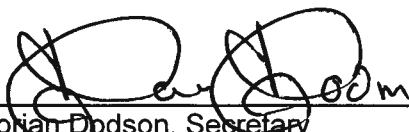
**TAXATION AND REVENUE DEPARTMENT**

ID Number: 03-140568-001

By: 

Date: 5/18/10

**EXECUTIVE COMMITTEE, NEW MEXICO  
BEHAVIORAL HEALTH PURCHASING  
COLLABORATIVE**

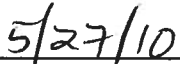
  
Dorian Dodson, Secretary  
Children, Youth and Families Department

Date: 5/19/10

  
\_\_\_\_\_  
Alfredo Vigil, Secretary  
Department of Health

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kathryn Falls, Secretary  
Human Services Department

  
\_\_\_\_\_  
Date

**APPENDIX xxx  
FY 2010 Funding Table  
Amendment 3**

Department	Funding Source (Fed/State)	Total Funding	Min. 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)
	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.	
ALTSD	Transformation-State Incentive Grant - Federal Funds	\$7,000	100 percent	0 percent	Persons age 55 and older	Build capacity for peer counseling services in rural Sandoval County through education, outreach and training to providers and community members.	Funds will be expended as directed by ALTSD.
	Medicaid: Managed Care, Federal	\$202,827,000 <sup>1</sup>	86 percent \$174,431,220	14 percent \$28,395,780 <sup>2</sup>	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 <sup>1</sup>	86 percent \$46,093,420	14 percent \$7,503,580 <sup>2</sup>	All Medicaid-eligible individuals enrolled in managed care	Medicaid Behavioral Health Services as identified in HSD/MAD regulations	Same as above

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

<sup>2</sup> 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.

**APPENDIX xxx  
FY 2010 Funding Table  
Amendment 3**

Department	Funding Source (Fed/State)	Total Funding	Min. Req. Direct Services	Percent Other Allowed	Individuals Served	Programs/Services Provided	Special Parameters
	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.
HSD	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/AIC rehab-Taos Co.; Mobile Crisis ; Navajo Nation Total Community Approach	Funds will be expended as directed by BHSD.
		\$2,917,232	92 percent = \$2,683,853	8 percent = \$233,379			
		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.

**APPENDIX xxx  
FY 2010 Funding Table  
Amendment 3**

Department	Funding Source (Fed/State)	Total Funding	Min. Req. Direct Services	Percent Other Allowed	Individuals Served	Programs/Services Provided	Special Parameters
		\$1,863,191	92 percent = \$1,714,136	8 percent = \$149,055		Psychotropic Medications; Veterans BH Services (PTSD);	
		\$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		
HSD	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 <sup>th</sup> 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;

**APPENDIX xxx  
FY 2010 Funding Table  
Amendment 3**

Department	Funding Source (Fed/State)	Total Funding	Min. Percent Req. Direct Services	Percent Other Allowed	Individuals Served	Programs/Services Provided	Special Parameters
	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	JDVF federal requirements
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



**APPENDIX xxx  
FY 2010 Funding Table  
Amendment 3**

Department	Funding Source (Fed/State)	Total Funding	Min. Percent Req. Direct Services	Percent Other Allowed	Individuals Served	Programs/Services Provided	Special Parameters
		\$167,592 <sup>3</sup>	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 contracted providers. The FY 09 carryover and the FY 10 funds shall be tracked separately.
		\$339,592 TOTAL CMHBG					
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 <sup>th</sup> grade; 12 – 17 year olds; and targeted community services.	Evidence-Based Prevention Programs	Must be used to purchase evidence-based prevention programming

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

**APPENDIX xxx  
FY 2010 Funding Table  
Amendment 3**

Department	Funding Source (Fed/State)	Total Funding	Min. Percent Req. Direct Services	Percent Other Allowed	Individuals Served	Programs/Services Provided	Special Parameters
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
<b>FUNDING TABLE GRAND TOTAL</b>		<b>\$378,436,589</b>	<b>\$330,708,268</b>	<b>\$47,728,321</b>			