

**STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT
PROFESSIONAL SERVICES CONTRACT
CONTRACT AMENDMENT NO. 5**

This Contract Amendment No. 5 (“Amendment No. 5”) 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-A4 providing for services to be provided to the Collaborative by the Contractor; and

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

WHEREAS, the Governor’s Executive Plan requires a package of solvency measures including state budget reductions by the Human Services and Children, Youth and Families Departments to aide in bridging the state’s budget shortfall; and

WHEREAS, additional federal funds have become available for Jail Diversion and SAPT Block Grant services provided by the Human Services and for System of Care Grant services provided by the Children, Youth and Families Departments; and

WHEREAS, Attachment xxx FY 2010 Funding Table will be amended to reflect the aforementioned state budget reductions and federal budget enhancement;

WHEREAS, the Parties have agreed to revised terms relating to the Patient Protection and Affordable Care Act (National Correct Coding Initiative in Medicaid); subcontracting protocols; and additional terms under the New Mexico Provider Act; and

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT THE FOLLOWING PROVISION OF THE ABOVE-REFERENCED CONTRACT NO. 09-630-7903-0063-A5 (hereinafter referred to as the “Contract”) IS HEREBY AMENDED AS FOLLOWS:

Appendix xxx, FY 2010 Funding Table, dated June 29, 2010, and referenced in Article 6 of the Contract is replaced with Appendix xxx, FY 2011 Funding Table, Amendment 5, dated September 14, 2010, on behalf of member agencies, Children, Youth and Families Department and Human Services Department, and is attached and incorporated by reference in its entirety into Amendment 5 and the Contract. The revisions to the amended Appendix xxx appear in bold text in the Appendix and are summarized below:

HSD	General funds net decrease:	\$ (1,351,462)
	Federal funds net increase:	346,851
CYFD -	General fund decrease:	(550,002)
	Federal fund increase:	<u>500,000</u>
	Total variance	\$ (1,054,613)

Article 3, Paragraph 17, Item P is added and shall read:

The SE shall comply with Section 6507 of the Patient Protection and Affordable Care Act (PPACA) mandating the use of National Correct coding Initiative (NCCI) in Medicaid in accordance with specified requirements.

Article 19, Paragraph 4, Item C is amended to read:

The State will review and approve or disapprove all subcontracts and/or any changes to previously approved subcontracts to ensure compliance with requirements set forth in 42 CFR §§434.6 and 438.230 or this Contract. The SE shall include in its subcontracts the requirement that a subcontractor must disclose all instances of secondary subcontracting (including the subcontracting of billing and claims data), and shall provide a detailed description of the services to be subcontracted and the physical address where all documents related to the subcontract will be located (a post office box is not acceptable).

Article 33, Paragraph 2 is amended to read:

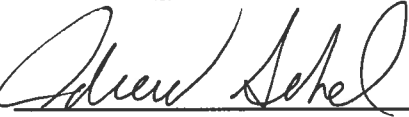
The SE shall cooperate fully in any investigation by the MFCU or other state or federal agency and in accordance with all provisions of NMSA 27-11-1 et seq. – New Mexico Provider Act, as well as any subsequent legal action that may result from such investigation. The SE and its subcontractors and network providers shall, upon request, make available to the MFCU or other state or federal agency conducting an investigation any and all administrative, financial and medical records relating to the delivery of items or services for which State monies are expended, unless otherwise provided by law. In addition, the MFCU or other state or federal agency shall be allowed to have access during normal business hours to the place of business and all records of the SE and its subcontractors and network providers, except under special circumstances when after-hours access shall be allowed. Special circumstances shall be determined by the MFCU or other state or federal agency.

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

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IN WITNESS WHEREOF, the parties have executed this Amendment No. 5 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: 

Date: 11/19/10

Title: CEO

STATE OF NEW MEXICO

Approved as to Form and Legal sufficiency:

By: 


Date: 11/23/10

Counsel for the Collaborative

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: 11/29/10

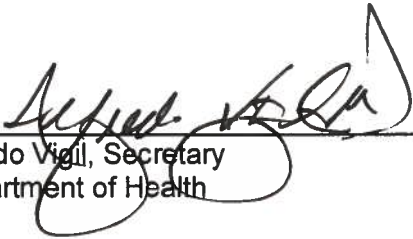
**EXECUTIVE COMMITTEE, NEW MEXICO
BEHAVIORAL HEALTH PURCHASING
COLLABORATIVE**



Bill Dunbar, Acting Secretary
Children, Youth and Families Department

12-02-10

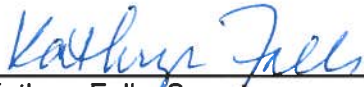
Date



Alfredo Vigil, Secretary
Department of Health

12/3/10

Date



Kathryn Falls, Secretary
Human Services Department

11/24/10

Date

**APPENDIX xxx
FY 2011 Funding Table
Amendment 5**

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	\$3,526,600	97 percent \$3,420,802	3 percent \$105,798	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	\$2,355,300	97 percent \$2,284,641	3 percent \$70,659	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)
	TOTAL NMCD	\$5,881,900	\$5,705,443	\$176,457			
ALTS	General Fund	\$56,133	100 percent \$56,133	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.	
	Transformation-State Incentive Grant - Federal Funds	\$7,000	100 percent \$7,000	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 shall be paid to Outcomes, Inc. upon receipt of provider's invoice. Reporting contents and format shall follow the requirements in place for the prior year.
	TOTAL ALTS	\$63,133	\$63,133	\$0			

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HSD Medicaid	Medicaid: Managed Care, Federal	\$215,180,000 ¹	86 percent \$185,054,800	14 percent \$30,125,200 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	\$52,723,000 ¹	86 percent \$45,341,780	14 percent \$7,381,220 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: Coordinated FFS, Federal & State	\$39,383,000 The projected State share is 22.9% (approximately \$9,025,000)	\$33,496,000	\$5,887,000 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.
	TOTAL MEDICAID	\$307,286,000	\$263,892,580	\$43,393,420			
HSD/BHSD	BHSD: General Fund Substance Abuse	\$13,574,913	88.2 percent = \$11,973,073	11.8 percent = 1,601,840	Non-Medicaid-eligible adults (age 18+) who meet certain clinical and financial criteria	Substance Abuse Residential, Outpatient Svcs; Native American Svcs; Methamphetamine Treatment;	Funds will be expended as directed by BHSD.
		\$2,820,193	92 percent = \$2,594,578	8 percent = \$225,615		Total Community Approach	
		\$16,395,106	\$14,567,651	1,827,455	TOTAL SUBSTANCE ABUSE		

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.

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BHSD: General Fund Mental Health	\$18,058,078	88.2 percent = \$15,927,225	11.8 percent = \$2,130,853		Mental Health Inpatient & Outpatient Services; Jail Diversion; School-Based MH Svcs; Supported Employment, Compulsive Gambling;	Funds will be expended as directed by BHSD.
	\$884,592	92 percent = \$813,825	8 percent = \$70,767		Psychotropic Medications; Veterans BH Services (PTSD);	
	\$1,112,163	92 percent = \$1,023,190	8 percent = \$88,973		Veterans BHS/PTSD	
	\$453,729	92 percent = \$417,431	8 percent = \$36,298		Expanded Mental Health	
	\$749,432	99.47 percent = \$745,432	.59 percent = \$4,000		Supportive Housing	
	21,257,994	18,927,103	2,330,891		TOTAL MENTAL HEALTH	
	\$1,418,868	100 percent \$1,418,868	0 percent		Mental Health Outpatient Services;	CMH Federal Block Grant requirements. Funds will be expended as directed by BHSD
	\$4,952,466	100 percent \$4,952,466	0 percent		Substance Abuse Residential & Outpatient Services;	SAPT Block Grant Federal Requirements. CMH Federal Block Grant requirements. Funds will be expended as directed by BHSD
	\$2,094,300	100 percent \$2,094,300	0 percent		Evidence-Based Prevention Programs	Must follow SAPT Block Grant Requirements. Funds will be expended as directed by BHSD

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FY 2011 Funding Table
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BHSD: SAPT Block Grant – Prevention Federal	\$ 51,510	100 percent \$ 51,510	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 – 6th grade; 12 – 17 year olds; and targeted community services.	Evidence-Based Prevention Programs	Must follow SAPT Block Grant Requirements. Funds will be expended as directed by BHSD. This is a one-time expenditure for allocation to the Cornstalk Institute.
BHSD: Access to Recovery (ATR II) -Federal	\$963,500	100 percent \$963,500	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. Funds will be expended as directed by BHSD
BHSD: Jail Diversion Veteran's Fund	\$393,741	100 percent \$393,741	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. Funds will be expended as directed by BHSD
TOTAL BHSD	47,527,485	\$43,369,139	\$4,158,346			
CYFD						
General Fund	\$1,341,504	96.8 percent \$1,298,576	3.2 percent \$42,928	CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Early Childhood/Infant Services & training \$1,198,576 for IMH services \$100,000 for IMH training	HB 2 - \$4
General Fund	\$2,395,543	96.8 percent \$2,318,886	3.2 percent \$76,657	CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Shelter Care/Family Shelter Care	HB 2 - \$4
General Fund	\$689,916	96.8 percent \$667,839	3.2 percent \$22,077	CYFD and non- CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Safehouse Services	HB 2 - \$4

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FY 2011 Funding Table
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General Fund -	\$475,000	96.8 percent \$459,800	3.2 percent \$15,200	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
General Fund -	\$249,136	96.8 percent \$241,164	3.2 percent \$7,972	CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Forensic Evaluations	HB 2 - \$4
General Fund -	\$574,930	96.8 percent \$556,532	3.2 percent \$18,398	CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Respite Care	HB 2 - \$4
General Fund	\$287,465	96.8 percent \$278,266	3.2 percent \$9,199	CYFD and non-CYFD CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Transitional Living	HB 2 - \$4
General Fund	\$958,217	96.8 percent \$927,554	3.2 percent \$30,663	CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Community-Based Wraparound Services/Case Management	HB 2 - \$4
General Fund	\$383,287	96.8 percent \$371,022	3.2 percent \$12,265	CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Activity Therapy	HB 2 - \$4
General Fund	\$1,531,500	96.8 percent \$1,482,492	3.2 percent \$49,008	CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Medicaid eligible services for non-Medicaid eligible youth and non-Medicaid eligible support services	HB 2 - \$4

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General Fund	20,000	96.8 percent \$19,360	3.2 percent \$640.00	CYFD and non-CYFD CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	CYFD Support Services for Youth in Support of Housing	HB 2 - \$4
CMH Block Grant - Federal	\$360,000	100 percent \$360,000	0 percent 0	CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Evidence-Based Programs and Training	
System of Care Federal	\$500,000	100 percent 500,000	0 percent 0	CYFD and non-CYFD involved/ referred youth (to age 21); those at risk of CYFD involvement	Provider services to 224 youth 24 in Santa Clara Pueblo 100 in Albuquerque 100 in Silver City	
TOTAL CYFD	9,766,498	9,481,491	285,007			
DOH Strategic Prevention Framework	\$603,263	100 percent \$603,263	0 percent 0	Communities with a special focus on 15-24 year olds	Evidence-based environmental strategies.	NM Strategic Prevention Framework; SIG Terms and Conditions; funds available through 9/30/1010.
TOTAL DOH	\$603,263	\$603,263	0			
FUNDING TABLE GRAND TOTAL	\$371,128,279	\$323,115,049	\$48,013,230			