

**STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT
PROFESSIONAL SERVICES CONTRACT
CONTRACT AMENDMENT NO. 8**

This Contract Amendment No. 8 ("Amendment No. 8") 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 as amended providing for services to be provided to the Collaborative by the Contractor; and

WHEREAS, the Collaborative and the Contractor agreed upon FY12 revisions to Contract No. 09-630-7903-0063 as amended to implement various state and federal contracting requirements; and

WHEREAS, the Parties have agreed to revised terms and to miscellaneous language revisions to reflect current protocols or procedures; and

WHEREAS, the Behavioral Health Purchasing Collaborative voted during their April 14, 2011 meeting to approve a contract amendment to establish the funding table for the FY12 contract; and

WHEREAS, the Collaborative and the Contractor desire to establish the FY12 Funding Table;

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

Article 3, Contractor Responsibilities, Section 3.9, Special Coordination Requirements, Paragraph C, Pharmacy Services is amended to add Item 15 and shall read as follows:

ARTICLE 3 – CONTRACTOR RESPONSIBILITIES

3.9 SPECIAL COORDINATION REQUIREMENTS

C. Pharmacy Services

15. The SE shall meet all federal and state requirements related to pharmacy rebates, and submit all necessary information as directed by HSD/Medical Assistance Division (MAD). Article 3, Contractor Responsibilities, Section 3.9, Special Coordination Requirements, Paragraph G, Coordination and Collaboration with CYFD, Including Children in CYFD Custody, Item 3 is amended to delete the word *Triage* and shall read as follows:

Article 3, Contractor Responsibilities, Section 3.9, Special Coordination Requirements, Paragraph G, Coordination and Collaboration with CYFD, Including Children in CYFD Custody, is amended and shall read as follows:

ARTICLE 3 – CONTRACTOR RESPONSIBILITIES

3.9 SPECIAL COORDINATION REQUIREMENTS

G. Coordination and Collaboration with CYFD, Including Children In CYFD Custody

3. The SE shall participate in all FS, PS, and JJS clinical staffing reviews, including the CYFD Collaborative Care Management process.

Article 3, Contractor Responsibilities, Section 3.12, Quality Assurance, Paragraph D, Performance Measures, Item 8 is amended and shall read as follows:

ARTICLE 3 – CONTRACTOR RESPONSIBILITIES

3.12 QUALITY ASSURANCE

D. Performance Measures

8. The SE shall work with the Collaborative to develop and submit reports in compliance with the governor’s performance and accountability measures, if any, as well as any other state mandated performance measures.

Article 3, Contractor Responsibilities, Section 3.16, Fiduciary Responsibilities, Paragraph C, Other Financial Requirements, Item 1 and Item 1.a. are amended and shall read as follows:

ARTICLE 3 – CONTRACTOR RESPONSIBILITIES

3.16 FIDUCIARY RESPONSIBILITIES

C. Other Financial Requirements

1. Auditing and Financial Requirements. The SE shall (these requirements apply to State fiscal Year (SFY) 10, Calendar Year (CY) 10, SFY11, CY11, SFY12, CY12, and SFY13, CY13):
 - a. Ensure that an independent financial audit of the CONTACTOR is performed annually. This audit shall comply with the following requirements:
 - i. Provide the Collaborative with the most recent audited financial statements of United Behavioral Health and UnitedHealthCare Insurance Company (Report CI-11).

- ii. Provide an independent auditor's letter on agreed upon procedures (AUP) based on the transactions of the SE that roll up to the CI-10 Report and HSD-10 Report, on a calendar year (CY) basis, in accordance with the AICPA Standards. This is in addition to the quarterly SFY reporting requirements. Quarterly reports will be stated per the AUP process performed annually.
- iii. Provide specific financial reports relating to Revenues and Expenses and full Balance sheets for UnitedHealthCare Insurance Company and United Behavioral Health. The Revenue and Expense reports shall be submitted to the Collaborative in the Department of Insurance's Statement of "Revenue and Expense" and the "Analysis of Operations by Line of Business" format, quarterly and annually, by state fiscal year (SFY), and quarterly and annually by calendar year (CY).
- iv. UnitedHealthCare Insurance Company shall maintain a ratio of Total Adjusted Capital to Authorized Control Level Risk-based Capital at or greater than 300. Resources of UnitedHealth Care Insurance Company will ensure sufficient dollars available for the payment of direct and administrative services of the SE consistent with the terms and obligations of this contract.

Article 9, Termination, Section 9.2, Paragraph F, is amended and shall read as follows:

ARTICLE 9 - TERMINATION

9.2 This Contract may be terminated under the following circumstances:

- F. By the Collaborative, if required by modification, change, or interpretation in state or federal law or CMS waiver terms, because of court order, or because of insufficient funding from the federal or state government(s), if federal or state appropriations for Medicaid managed care are not obtained, or are withdrawn, reduced, or limited, or if Medicaid managed care expenditures are greater than anticipated such that funds are insufficient to allow for the purchase of services as required by this Contract. The Collaborative's decision as to whether sufficient funds are available shall be accepted by the SE and shall be final. If the Collaborative proposes an amendment to the Contract to unilaterally reduce funding, due to budget or other considerations, the SE shall, pursuant to the terminations provisions contained herein, have the option to terminate this Contract or to agree to the reduced funding, within thirty (30) calendar days of receipt of the proposed Amendment.

Article 46, Fair and Equal Pay for All New Mexicans, is added and shall read as follows:

ARTICLE 46 - FAIR AND EQUAL PAY FOR ALL NEW MEXICANS

The SE shall comply with all requirements of the Fair and Equal Pay for All New Mexicans Executive Order 2009-049.

Appendix xxx FY2011 - Funding Table, dated December 5, 2010, and referenced in Article 6 of the Contract is replaced with Appendix xxx, FY2012 Funding Table, dated July 01, 2011, on behalf of all member agencies, and is attached and incorporated by reference in its entirety into Amendment 8 and the Contract.

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

IN WITNESS WHEREOF, the parties have executed this Amendment No. 8 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: JULY 13, 2011

Title: CEO

STATE OF NEW MEXICO

Approved as to Form and Legal sufficiency:

By:  NATHAN ADAMS


Date: 7/15/11

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: 7/27/11

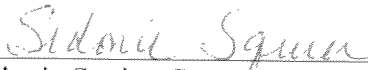
**EXECUTIVE COMMITTEE, NEW
MEXICO BEHAVIORAL HEALTH
PURCHASING COLLABORATIVE**



Yolanda Berumen-Deines, Secretary
Children, Youth and Families Department

for Secretary Deines

7-27-11
Date



Sidonie Squier, Secretary
Human Services Department

7/20/11
Date

APPENDIX XXX
FY 2012 Funding Table at July 1, 2011
Amendment 8

Funding Source (Fed/State)	Total Funding	Direct Services	Indirect Services	Percent Indirect Services	Individuals Served	Programs/Services Provided	Special Parameters
NM Corrections Department - Community Programming							
Community Offender Management (Probation and Parole) - General Fund	3,146,200	3,051,814	94,386	3.0%	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	2,311,500	2,242,155	69,345	3.0%	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)
GRAND TOTAL NMCD	5,457,700	5,293,969	163,731				
Aging and Long-Term Services Department							
General Fund	55,572	55,572	0	0.0%	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.	
GRAND TOTAL ALTSD	55,572	55,572	0				

Human Services Department

Medicaid: Managed Care, Federal	174,520,000	150,087,200	24,432,800	14.0%	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	75,516,000	64,943,760	10,572,240	14.0%	All Medicaid-eligible individuals not 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. 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.
Medicaid: Coordinated FFS, Federal	28,409,091	27,159,091	1,250,000	4.4%	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.
Medicaid: Coordinated FFS, State	10,504,202	9,254,202	1,250,000	11.9%	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	288,949,293	251,444,253	37,505,040				

BHSD: General Fund Substance Abuse	14,749,220	13,008,812	1,740,408	11.8%	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.
sub-total - BHSD GF Substance Abuse	2,548,454	2,344,578	203,876	8.0%		Total Community Approach	
	17,297,674	15,353,390	1,944,284				
BHSD General Fund Mental Health	16,883,606	14,891,341	1,992,265	11.8%		Mental Health Inpatient & Outpatient Services; Jail Diversion; School-Based MH Svcs; Supported Employment; Compulsive Gambling.	Funds will be expended as directed by BHSD
	645,722	594,064	51,658	8.3%		Psychotropic Medications	Funds will be expended as directed by BHSD
	1,037,993	954,954	83,039	8.0%		Veterans BHS/PTSD	Funds will be expended as directed by BHSD
sub-total BHSD GF Mental Health	1,056,805	1,016,525	40,280	0.54%		Supportive Housing	Funds will be expended as directed by BHSD
	19,624,126	17,456,884	2,167,242				
BHSD: community MH Block Grant - Federal	1,418,868	1,418,868	0	0.0%	Non-Medicaid-eligible adults (age 18+) who meet certain clinical and financial criteria	Mental Health Outpatient Services	CMH Federal Block Grant requirements. Funds will be expended as directed by BHSD.
					Treatment: Non-Medicaid eligible adults (age 18+) who meet certain clinical and financial criteria; and targeted community services.	Substance Abuse Residential & Outpatient Services	SAPT Block Grant Federal Requirements. CMH Federal Block Grant requirements. Funds will be expended as directed by BHSD.
BHSD: SAPT Block Grant - Federal	5,152,466	5,152,466	0	0.0%			

BHSD: SAPT Block Grant - Prevention Federal	2,219,300	2,219,300	0	0.0%	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.
BHSD: Access to Recovery (ATR III) - Federal	2,193,725	2,128,725	65,000	2.97%	Non-Medicaid-eligible adults (aged 18+) who meet certain clinical and financial criteria	voucher-based substance abuse treatment referral system.	ATR federal requirements. Funds will be expended and invoiced as directed by BHSD. The admin costs have a dedicated purpose to be detailed in LOD. The administrative costs will be comprised of \$238,175 for OHNM direct admin and \$64,000 for ATR Program Support.
BHSD: Jail Diversion Veteran's Fund	446,418	393,741	52,677	11.8%	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 Collection of Collaborative client-level data and technical support for Federal reporting requirements.	JDFV federal requirements. Funds will be expended as directed by BHSD in LOD. \$35,000 (8.2%) administrative costs to be paid from existing, unallocated state general funds, as directed.
BHSD: Data Infrastructure Grant (DIG)	12,750	12,750	-	-	Persons with mental illness or co-occurring disorders who are homeless or at risk of homelessness; target veterans and Native Americans	Supportive Housing, Comprehensive Community Support Services, Consumer Operated Services.	DIG Federal regulations. LOD Directive. Preapproval required for expenditure of funds.
BHSD: MH Transformation	532,527	502,015	30,512	5.7%			Federal regulations. Funds will be expended as directed by BHSD in LOD. \$30,500 (5.7%) admin costs will be paid from existing, unallocated state general funds, as directed.
sub-total BHSD Federal Funds	11,976,054	11,827,865	148,189				

TOTAL BHSD	48,897,854	44,638,139	4,259,715						
GRAND TOTAL HSD	337,847,147	296,082,392	41,764,755						
Children, Youth and Families Department									
General Fund	8,741,900	8,462,159	279,741	3.2%					Mandatory, Priority and Non-Priority services, allocations will be provided by a separate L.O.D. HB 2-§4
Sub-Total - GF	8,741,900	8,462,159	279,741						
CMH Block Grant - Federal	350,000	350,000	0	0.0%					Evidence-Based Programs and Training CMH Mental Health block grant regulations. LOD Directive.
System of Care - Federal	1,022,631	940,821	81,810	4.8%					Provider services to 224 youth: 24 in Santa Clara Pueblo, 100 in Albuquerque, 100 in Silver City SOC Federal regulations. LOD Directive
Sub-Total - Federal	1,372,631	1,290,821	81,810						
GRAND TOTAL CYFD	10,114,531	9,752,980	361,551						
FUNDING TABLE GRAND TOTAL	353,474,950	311,184,913	42,290,037						