



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DAVID L. LAKEY, M.D.
COMMISSIONER

P.O. Box 149347
Austin, Texas 78714-9347
1-888-963-7111
TTY: 1-800-735-2989
www.dshs.state.tx.us

Broadcast MSG BHP#108

July 23, 2013

To: Executive Directors, Behavioral Health Directors, and Utilization Managers
Local Mental Health Authorities (LMHAs)
North Texas Behavioral Health Authority (NTBHA) and Value Options

From: Lauren Lacefield, Unit Manager
Adult Mental Health Program Services

Re: Fair Hearing Decision Instructions

Overview

This Broadcast Message is intended to clarify the need for a Medicaid Fair Hearing decision prior to the implementation of Texas Resiliency and Recovery (TRR) on September 1, 2013.

The Department of State Health Services (DSHS) is implementing TRR and discontinuing use of Resiliency and Disease Management (RDM) on September 1, 2013. Because of this implementation, Local Mental Health Authority (LMHAs) will need to exercise special consideration concerning Medicaid Fair Hearing for individuals migrating into the new Levels of Care (LOC). Individuals will migrate to TRR LOC's based on their existing RDM Service Package. However, because some of the LOC's are changing, this migration will create a change in the service array for some individuals.

Adult Services

For example, individuals currently in RDM Adult LOC-1 will migrate to either LOC-1M or LOC-1S depending on their current needs. (See *TRR, UM Guidelines, Adult MH Services* for specific differences in the LOC array of services for these two LOC's.) All other adults will migrate into the same LOC (for instance, LOC-2, LOC-3 or LOC-4) in which they currently receive services and those LOC's will include the same array of services as the existing RDM service array.

For adults migrating from the existing LOC-1 to the new LOC-1M, LMHAs need to do the following:

1. Since individuals migrating from LOC-1 to LOC-1M constitute a reduction of a medically necessary service and the reasons for reduction are not clinically determined, Medicaid Fair Hearing rules apply as outlined in *25 TAC 412* and *Information Item Q, Procedures to Give Notice of Fair Hearings*.
2. Individuals who are migrating and want to remain in LOC-1S can do so. However, LMHA staff must make the proper deviation.

Children's Services

The Children's LOC's are changing as well. (See *TRR, UM Guidelines, Child and Adolescent Services* for specific differences in the LOC array of services for different levels of care.) There is also a grid with a clear depiction of the old and new LOC's for both Adults and Children called *Crosswalk from RDM service packages to TRR (Texas Resilience and Recovery) Levels of Care*, which was sent to all the LMHA's prior to the UM call on July 16, 2013.

Basic Documentation Requirements

Should LMHA staff determine there is a reduction in services, staff are required to document the reason for the reduction in services in the individual's record and the timelines involved. In the case of LOC-1 to LOC-1M, the reason will be "Migration of records to TRR." The Medicaid Fair Hearing letter normally is required to be sent within 4 days of the determination that there has been a reduction in services. That requirement has been suspended for this migration period. Please give consideration for the need to send the Fair Hearing letter at least 10 days prior to the actual date that the reduction of services occurs, as all of the other related timeline requirements continue to be in effect. LMHA's should allow sufficient time to review the reports available in MBOW and other reports unique to each Center to determine how the migrated levels of care are going to affect people served. For the purposes of migration, the reduction will be effective 10 days from the date of migration: September 1, 2013.

MBOW Data

DSHS has made the migration data available to all LMHA's in MBOW. It can be accessed in MBOW reports; *UM Estimation of Clients Candidate for SP 1M* (for adults) and *UM CMH Old to New LOC-A Crosswalk Prompt FY* (for children/youth). This report can be used to identify adult and children/youth selected for transition into LOC's with reduced service arrays and can be used by LMHA's to determine if a person's LOC assignment is appropriate to meet their needs. It will be important for the LMHA's to be certain that all people are authorized in the correct RDM service package prior to the migration.

Once the LMHA has reviewed the report in MBOW & Others unique to the LMHA, and the LMHA determines individuals are in the correct LOC, the appropriate Fair Hearing letters should be mailed.

If the LMHA determines from the report the projection of the LOC assignment is not correct for some individuals, the LMHA will need to schedule an update assessment for those individuals after September 1, 2013, utilizing the new Uniform Assessment, including the Adult Needs and

Strengths Assessment (ANSA) or the Child and Adolescent Assessment of Needs and Strengths (CANS). This assessment will identify the correct LOC.

The new ANSA or CANS should be completed prior to offering these people services so as not to provide services in the wrong LOC. A Fair Hearing notification letter is not needed for these individuals at this time.

Conclusion

Thank you for your efforts to help transition to the new elements of our mental health service delivery system, Texas Resilience and Recovery. If you have any questions feel free to contact Reese Carroll at reese.carroll@dshs.state.tx.us or Robert Dole at robert.dole@dshs.state.tx.us .