



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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To: Executive Directors/ CEOs, Local Mental Health Authorities
Executive Directors/CEOs, DSHS-funded Substance Abuse Contractors
Directors of Quality Management, Local Mental Health Authorities
Directors of Quality Management, DSHS-funded Substance Abuse Contractors

From: Tom Best, Director, Contractor Services Section
Dean Ortega, Manager, Quality Management and Compliance Unit,
Contractor Services Section

Subject: **Access to Services**

The Department of State Health Services (DSHS) Quality Management and Compliance (QM) staff recently conducted a "Mystery Shopper" review at a funded contractor.

The individual presented symptoms reflecting a mental health priority population diagnosis. The individual also reported symptoms indicating a likelihood of substance dependence. The individual stressed that he did not start using substances until after he was diagnosed with a mental health disorder and voiced concern that he would be hospitalized if he did not get back on his medications.

The contractor's intake staff informed the potential client that he must stop using substances before he could see a doctor. He was also told to come back when he had contact information related to his prior mental health treatment and could provide a negative drug screen. The contractor's staff did not offer services or give a referral for services elsewhere.

Individuals seeking services who have Co-Occurring Psychiatric and Substance Use Disorders have the right to be treated for those disorders concurrently. The major areas of concern are:

- access to services,
- continuity of care and
- appropriate referrals.

Denying services to an individual who is otherwise eligible for services as a member of the mental health priority population because of a potential substance use disorder is coercive and an inappropriate denial of service. Denying substance abuse services to an individual with mental illness who is otherwise eligible for substance abuse services is equally inappropriate. Requiring an individual with possible substance dependence to cease substance use without providing appropriate referrals is improper and potentially dangerous.

The failure to meet the expected standard of care created a situation that was potentially life threatening. See Rule §412.161 Screening And Assessment; Rule §412.313 Rights and Protection; Rule §411.657 Access To Services; §448.208 Access to Services.

QM will be conducting additional reviews statewide. Contractors failing to provide appropriate intake and referral services may be subject to sanctions.

If you have any questions, please contact Robyn Strickland robyn.strickland@dshs.state.tx.us at 512-206-5852 for Mental Health contractors or Valerie Shown valerie.shown@dshs.state.tx.us at 512-206-5927 for Substance Abuse contractors.