

New Mexico State Senate

State Capitol
Santa Fe

April 22, 2015

SENATOR MARY KAY PAPEN

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Retta Ward, Secretary
Department of Health
P.O. Box 26110
Santa Fe, NM 87502-6110

Dear Secretary Earnest, Secretary Jacobson and Secretary Ward:

With the departure of La Frontera from its service area comprising six New Mexico counties (including Dona Ana) and in light of information regarding La Frontera's operations that has recently come to light, I am deeply concerned about arrangements that are being made with respect to the clients that La Frontera will be leaving behind and with respect to former clients of the providers that La Frontera replaced who should have been, and were not, being served.

According to an assessment by an independent behavioral health care consulting firm, Parker and Dennison, La Frontera had 3,795 unduplicated clients as of the end of February 2015. The providers that La Frontera replaced have advised me that they were serving approximately 8,100 unduplicated consumers in July 2013, when La Frontera took over. Parker and Dennison reported that, by last February, La Frontera had reduced its staff by half and underutilized needed community-based services. Also noted by Parker and Dennison were the "very limited transition data" for the first six months of La Frontera's operations and La Frontera's inability to bill for services (and thus the inability to generate reliable claims data) for that time period.

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Beginning in the summer of 2013, after the transition to La Frontera, many legislators received reports of service disruptions. However, a lack of transparency and a lack of timely and reliable data made it impossible to verify the Human Services Department's oft-repeated representations that more people were receiving behavioral health services than before. It appears that the Parker and Dennison report is the first credible and independent assessment of La Frontera's performance since the summer of 2013, confirming that the needs of those with serious mental illness have not been met over the last 21 months.

I, for one, will not accept reports regarding the delivery of behavioral health services during the current transition from La Frontera that are not confirmed by frequent periodic and real-time reporting from every replacement provider, local law enforcement agency, local hospital, local school and local government — as well as from our courts — to track and substantiate progress or identify problems so they can be addressed promptly.

Before the state unilaterally imposes a solution to La Frontera's departure, I request that you identify each agency under consideration as a replacement and provide the following information for each replacement agency:

1. what is the agency's track record of providing services to the seriously mentally ill in New Mexico? If the agency is currently serving the severely mentally ill, please provide a list of behavioral health services that the agency is currently licensed or certified to provide; in addition, please provide the number of unduplicated behavioral health clients that the agency is currently serving. If the agency does not currently serve the seriously mentally ill, what behavioral health services does it propose to offer, and how soon will it be able to provide such services?;
2. a list of the agency's current clinical behavioral health staff by professional classification, including the number of independently licensed clinicians and the number of clinicians with prescriptive authority;
3. the location(s) where replacement services will be provided, whether this will involve setting up new office space at the replacement agency's existing location or elsewhere and the estimated date when the new or expanded premises will be operational;
4. it is my understanding that some categories of behavioral health services may only be provided by a core service agency. Please indicate whether the replacement agency is a core service agency or a community mental health center; if not, will the replacement agency be seeking status as such, and what is the realistic time line for accomplishing this?;

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5. if the replacement agency is a federally qualified health care center, whether its federal scope of services includes behavioral health services for the severely mentally ill;
6. the number of La Frontera clients that the agency will be assuming (broken down by the number of clients 18 and under and the number of clients who are adults) and the managed care organization (MCO) that will be providing care coordination services to each transitioning client;
7. identification of any licensures or certifications that a replacement agency will need in order to provide behavioral health services to former La Frontera clients, including an estimate of the time it will take to obtain these authorizations;
8. a description of any plans to recruit additional clinicians, specifying the type of clinician and the estimated time to fill each position;
9. an estimate of the time it will take to obtain patient authorizations to transfer medical records of former La Frontera clients to the new agency; please provide a copy of the legal document you propose to use to transfer medical records to a new provider;
10. an estimate of the time it will take the replacement agency to complete initial evaluations of all former La Frontera clients for whom it will be assuming responsibility;
11. whether the replacement agency is already credentialed by each MCO to provide the behavioral health services needed by former La Frontera clients, and if not, the time it will take for each MCO to credential the replacement agency;
12. whether the replacement agency is already billing Medicaid for behavioral health services for the severely mentally ill. If not, how long will it take for the replacement agency to be capable of submitting behavioral health service claims for payment?;
13. for each Medicaid MCO, what is the average length of time it has taken to pay clean claims in the first six months of 2014? In the last six months of 2014? In the first quarter of 2015?;
14. what amount of start-up investment, if any, will be needed for each replacement agency to assume services to former La Frontera clients?;
15. what financial assistance, if any, will the state be providing to each agency to gear up to assume care for La Frontera's clients?;

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16. a copy of the notification that will be sent to the client regarding the transition to a new agency; and

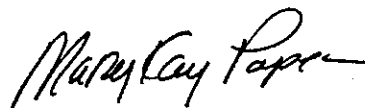
17. what financial arrangements are in place with La Frontera regarding its role in the transition? Will La Frontera be receiving consulting fees or additional payments unrelated to services?

I have been advised that La Frontera has told its remaining employees that they will not be paid for vacation or sick leave due them. What measures are you taking to ensure that La Frontera does not leave the state owing money? If La Frontera leaves the state owing money, will the state be liable for any of this indebtedness? Will the state be retaining or escrowing funds it owes to La Frontera until such time as La Frontera demonstrates that it has cleared balances due to local creditors, and, if so, in what amount?

In addition to the information requested above, I would appreciate your providing me with a specific description of what role each of your agencies will be taking with respect to contracting or arranging for behavioral health services, certifying agencies or providers and tracking metrics (such as hospitalizations or emergency department utilization for behavioral health reasons) that are indicators of whether our community's behavioral health needs are being met.

If the goal is to be responsive to the needs of the community, then the transition plan and its execution must be transparent. I have every reason to believe that the community will work with you to make the best of this situation if each of your organizations is open, forthcoming and inclusive.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Kay Papen", with a stylized flourish at the end.

MARY KAY PAPER

cc: Distribution List

MKP:kr

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