

Big Changes Underway for Mental Health Services in Texas

One of the most significant changes coming out of the 80th Legislative Session was the resolution of the “Provider of Last Resort” language that came out of the 78th Legislative Session. Originally the Provider of Last Resort clause was thought to apply to mental retardation services only, but a clarification from the State Attorney General’s Office indicated that the new rule applied to Local Mental Health Authorities (e.g. Spindletop MHMR) and their services as well. Although this clause seemed clear on the surface, many factors complicated the interpretation of this legislation. Representatives of many organizations, advocacy groups and members of several state agencies, worked together in a Negotiated Rule-Making Committee to define the nuts and bolts of the “Provider of Last Resort.” The guidelines were approved in the 80th Legislative Session and were signed into law by the Governor. The recommendations from the Negotiated Rule Making Committee became law (Section 533.035 of the Texas Health and Safety Code) and the process for implementing this law is now called Local Planning and Network Development (LPND).

The new law:

“articulates a clear preference for a system of service delivery in which consumers have choice from among multiple service providers and in which the LMHA’s role is to provide management and oversight.”

Further, the law:

“... charges LMHAs with the responsibility for ensuring that mental health services are provided in their local area and, further, requires LMHAs to consider public input, ultimate cost-benefit, and client-care issues to ensure consumer choice and the best use of public money in assembling a network of service providers.”

The State of Texas recognized that there was much diversity in LMHA service areas across the state (37 Centers) and determined that they could not develop a uniform schedule which could be used for all LMHA’s to move from being the primary provider of services to an overseer of services. Instead, the LPND process is to be used by LMHA’s to “ensure that LMHA decisions reflect an appropriate consideration of the diverse and often competing interests and needs of stakeholders at both the state and local level.” The LPND process must:

- Be public and transparent
- Solicit and respond to stakeholder comments at key points in the process
- Be approved by the Department of State Health Services

Ultimately the rule requires Spindletop MHMR to go through a local planning process to determine which of our services can be contracted with other service providers, determine our prioritization for contracting out other services in the future and to ensure that we are capable of serving as the “safety net” if

contracted service providers were to end their contract. The process of Network Development is intended to be gradual over the next few years. The rule has many underlying purposes, but one of the most important is that we provide our clients and families with the opportunity for choice when they seek a service provider. We are unsure what type of provider response we will have during this process. Our plan however, is to find qualified service providers for clients and families to choose from when they have need for services.

Spindletop MHMR is in the first “cohort” of LMHA’s, which includes all of east and northeast Texas. Our timeline started March 1st and our plan must be completed and submitted to DSHS by August 31st; most of Spindletop MHMR’s stakeholder input must be gathered by June 1st. The local planning process must include key stakeholders which includes important advocacy organizations. Spindletop MHMR staff will be seeking your input at one of many public meetings in the Spindletop MHMR Service area and/or via survey beginning in early April.

If you have questions or comments for Spindletop MHMR Staff about the LPND process, you can contact Sally Walden at 409-839-2230. There is an email account set up for comments that will be monitored by Spindletop MHMR Staff; it is sally.walden@stmhmr.org.

Stay tuned to our website important information about the LPND stakeholder meetings and upcoming survey activities.