



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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Contracts MSG BHP #190

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TO: Executive Directors, Local Mental Health Authorities
NorthSTAR Behavioral Health Authority
Executive Director, Texas Council of Community MHMR Centers

FROM: Trina K. Ita, MA, LPC, Director *(Signature)*
Mental Health and Substance Abuse Division, Program Services Section
Rod Swan, Director *RS.*
Mental Health and Substance Abuse Division, Contractor Services Section

RE: Rule Clarification: Access and Continuity of Care

In accordance with 25 Texas Administrative Code (TAC), Part I, Chapter 412, Subchapters D and G, it is the expectation of the Department of State Health Services (DSHS) that providers work with individuals, legally authorized representatives, and other community service providers to ensure individuals have access to services. Local Mental Health Authorities (LMHAs) and NorthSTAR Specialty Provider Networks (SPNs) must provide services to individuals residing in their local service area. Services include the following:

- Conducting telephone or face-to-face screening; and
- Scheduling an appointment for an assessment within 14 days of the screening
- Providing continuity of care

Specifically, Chapter 412, Subchapter C, §412.105(a)(1) and Subchapter G, §412.311(f), §412.314(c), (d)(2), and (h) provide the requirements and additional guidance for *access* to routine care services and *continuity of care* as shown below:

- §412.105 Accountability. The LMHA and Managed Care Organization (MCO) are prohibited from denying services to a person based on ability to pay and must provide access to a screening conducted by a Qualified Mental Health Professional (QMHP-CS) to individuals presenting for routine care services regardless of an individual having proof of personal information and funding source.
- §412.311 (f) Collaboration with other health care agencies and community resources. The LMHA and (MCO) must demonstrate efforts to collaborate with other health care agencies and community resources to address the physical and behavioral health care needs of individuals, as well as to ensure that these needs are met.
- §412.314 (c) Telephone access. In addition to the crisis screening and response system described in subsection (b) of this section, the LMHA and MCO must ensure the

availability of a telephone system and call center that allows individuals to contact the LMHA or MCO through a toll-free number that must:

- 1) operate without using telephone answering equipment at least on business days during normal business hours, except on national holidays, due to uncontrollable interruption of service, or with prior approval of the department;
- 2) have sufficient staff to operate efficiently;
- 3) collect, document, and store detailed information, on all telephone inquiries and calls;
- 4) during times other than those described in paragraph (1) of this subsection provide electronic call answering methods that include an outgoing message providing the crisis hotline telephone number, in languages relevant to the service area, for callers to leave a message, and
- 5) return routine calls before the end of the next business day for all messages left after hours.

Note: *If an individual calls seeking routine services and the call is transferred, the department requests that the staff member transferring the call ensure that the call is answered by a QMHP-CS or Licensed Professional of the Healing Arts (LPHA) to conduct a screening.*

- **§412.314 (d) (2) Routine care services.** The LMHA and MCO must arrange mental health services for an individual within the following periods. (2) If the screening indicates that an individual needs routine care services, a QMHP-CS must perform a uniform assessment within 14 days after the screening. If the assessment indicates an LOC for routine care services, the individual must begin receiving services immediately.
- **§412.314 (h) Continuity of services.** The LMHA and MCO must ensure that individuals:
 - are provided continuity of services as defined by the department; and
 - are informed of whom to contact regarding continuity and coordination of their services, in accordance with Chapter 412, Subchapter D of this title (relating to Mental Health Services--Admission, Continuity, and Discharge).

Please address any questions via email to Robyn Strickland at 512-206-5103 or robyn.strickland@dshs.state.tx.us or Jennifer Miller at 512-206-5432 or jennifer.miller@dshs.state.tx.us