



HUMAN  
SERVICES  
DEPARTMENT



# BEHAVIORAL HEALTH LAWSUITS

CABINET SECRETARY DAVID R. SCRASE, M.D

# THE NEW MEXICO HUMAN SERVICES DEPARTMENT

## MISSION

*To transform lives. Working with our partners, we design and deliver innovative, high quality health and human services that improve the security and promote independence for New Mexicans in their communities.*

2.1 Develop and implement a comprehensive external communication plan  
2.2 Implement a department wide strategy to include partners (federal, state and local, community-based services, providers, advocates, MCOs, Tribes) in decisions that affect them.  
2.3 Resolve major ongoing litigation and sanctions: DHG (31 years) , Behavioral Health, FNS Sanction

## GOALS



We help  
**NEW MEXICANS**

1. Improve the value and range of services we provide to ensure that every qualified New Mexican receives timely and accurate benefits.



We communicate  
**EFFECTIVELY**

2. Create effective, transparent communication to enhance the public trust.



We make access  
**EASIER**

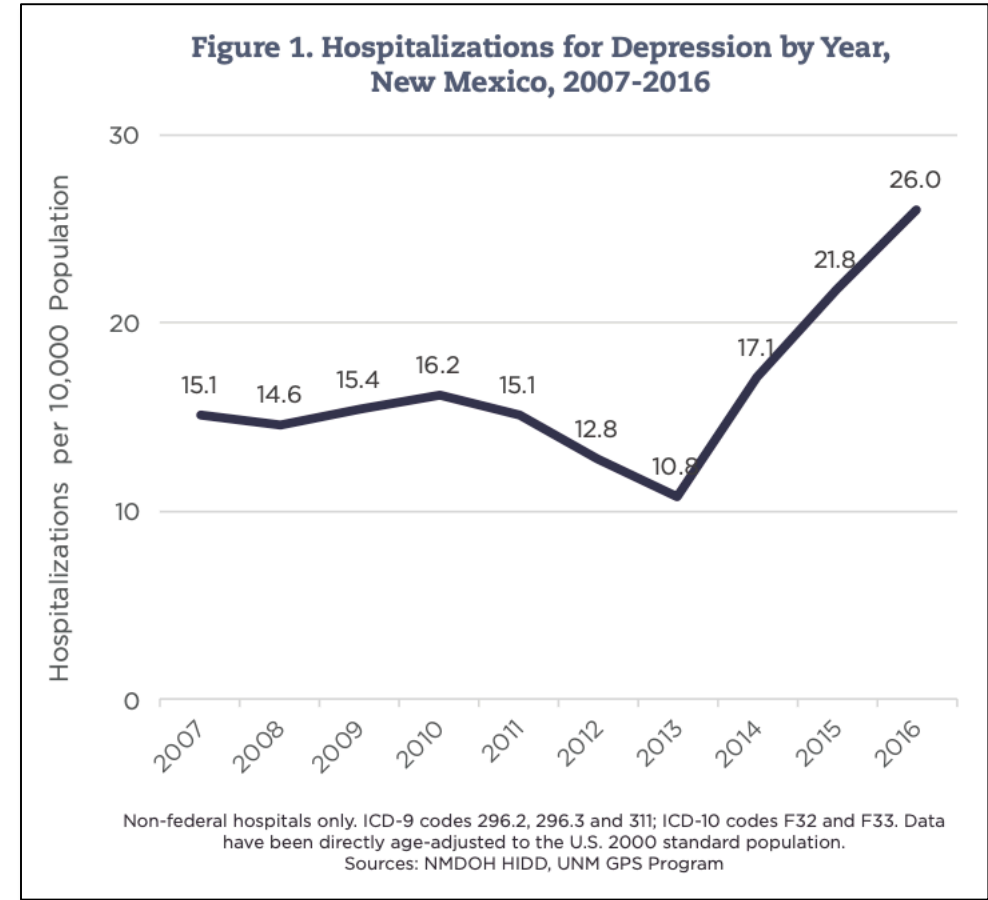
3. Successfully implement technology to give customers and staff the best and most convenient access to services and information.



We support  
**EACH OTHER**

4. Promote an environment of mutual respect, trust and open communication to grow and reach our professional goals.

# I RECOMMEND THAT YOU SEE THE DOCUMENTARY CALLED “THE SHAKE-UP”



# SETTLEMENTS DURING INVESTIGATION

- Families and Youth, Inc.
- Presbyterian Medical Services
- Youth Development, Inc.
- Partners in Wellness
- Pathways, Inc.
- Southwest Counseling, Inc.

# BEHAVIORAL HEALTH APPEALS AND LAWSUITS

## ADMINISTRATIVE APPEALS

- The Counseling Center, Inc.
- Valencia Counseling, Inc.
- Hogares, Inc.
- Counseling Associates, Inc.
- Team Builders, Inc.
- Santa Maria El Mirador, Inc. (formerly Easter Seals El Mirador)
- Border Area Mental Health Services, Inc.
- Southern New Mexico Human Development, Inc.

## CIVIL SUITS

- The Counseling Center, Inc.
- Valencia Counseling, Inc.
- Hogares, Inc.
- Counseling Associates, Inc.
- Team Builders, Inc.
- Santa Maria El Mirador, Inc. (formerly Easter Seals El Mirador)
- Border Area Mental Health Services, Inc.
- Southwest Counseling Center, Inc.
- Southern New Mexico Human Development, Inc.
- Families and Youth, Inc.

# WHAT IS THE STATUS OF THE BEHAVIORAL HEALTH LAWSUITS?

- We have hired former Chief Justice Ed Chavez as a Special Counsel to focus on these lawsuits
- He has been working with all of the attorneys representing these BH organizations since March of 2019



# BEHAVIORAL HEALTH APPEALS AND LAWSUITS AS OF JANUARY 1, 2019

## ADMINISTRATIVE APPEALS (8)

- The Counseling Center, Inc.
- Valencia Counseling, Inc.
- Hogares, Inc.
- Counseling Associates, Inc.
- Team Builders, Inc.
- Santa Maria El Mirador, Inc. (formerly Easter Seals El Mirador)
- Border Area Mental Health Services, Inc.
- Southern New Mexico Human Development, Inc.

## CIVIL SUITS (12)

- The Counseling Center, Inc.
- Valencia Counseling, Inc.
- Hogares, Inc.
- Counseling Associates, Inc.
- Team Builders, Inc.
- Santa Maria El Mirador, Inc. (formerly Easter Seals El Mirador)
- Border Area Mental Health Services, Inc.
- Southwest Counseling Center, Inc.
- Southern New Mexico Human Development, Inc.
- Families and Youth, Inc.

# BEHAVIORAL HEALTH APPEALS AND LAWSUITS SETTLED IN 2019 YEAR TO DATE

## ADMINISTRATIVE APPEALS

- The Counseling Center, Inc.
- Valencia Counseling, Inc.
- Hogares, Inc.
- Counseling Associates, Inc.
- Team Builders, Inc.

## CIVIL LAWSUITS

- The Counseling Center, Inc.
- Valencia Counseling, Inc.
- Hogares, Inc.
- Counseling Associates, Inc.
- Team Builders, Inc.



# BEHAVIORAL HEALTH APPEALS AND LAWSUITS NOT YET SETTLED

## ADMINISTRATIVE APPEALS

- Santa Maria El Mirador (formerly Easter Seals El Mirador)
- Border Area Mental Health Services
- Southern New Mexico Human Development, Inc.

## CIVIL LAWSUITS

- Santa Maria El Mirador (formerly Easter Seals El Mirador)
- Border Area Mental Health Services
- Southwest Counseling Center, Inc.
- Southern New Mexico Human Development, Inc.
- Families and Youth, Inc.

# STATUS OF OUTSTANDING ADMINISTRATIVE APPEALS AND LAWSUITS

- HSD and 5 remaining BH providers within days of reaching an agreement
- HSD recognizes substantial risk in this breach of contract case
- Breach of contract damages are not paid by Risk Management because not covered by NM Tort Claims Act
- HSD's goal for settling is to grow the BH workforce for New Mexicans and safeguard the fiscal status of the State
- The agreement will call for 2020 legislative appropriations to settle or the cases will continue
- Details of the agreement cannot be discussed until the agreement is reached

WE HOPE TO BRING SOME PROVIDERS BACK ON-LINE!

1. Assistance with Medicaid Provider Enrollment
2. Single point of contact at HSD and MCOs
3. Assistance with MCO Contracting and Credentialing
4. MCO Care Coordination contact

# CONCLUSIONS

- We continue to work diligently to rebuild the BH network
- One important task is to put these lawsuits to rest and work with providers to reopen and/or expand services
- We hope the legislature will support our efforts so that we can move forward

# QUESTIONS



DAVID SCRASE, MD, CABINET SECRETARY HSD