

**TITLE 7           HEALTH**  
**CHAPTER 21   BEHAVIORAL HEALTH**  
**PART 3         BEHAVIORAL HEALTH ENTITY CONTRACTING**

**7.21.3.1           ISSUING AGENCY:** Human Services Department  
[7.21.3.1 NMAC - N, 9-1-11]

**7.21.3.2           SCOPE:** This rule applies to collaborative member agencies.  
[7.21.3.2 NMAC - N, 9-1-11]

**7.21.3.3           STATUTORY AUTHORITY:** Subsection F of Section 9-7-6.4 NMSA 1978 requires the interagency behavioral health purchasing collaborative (the collaborative) to adopt rules through the human services department. The collaborative is created by statute and comprised of the secretaries of aging and long-term services; Indian affairs; human services; health; corrections; children, youth and families; finance and administration; workforce solutions; public education; and transportation; the directors of the administrative office of the courts; the New Mexico mortgage finance authority; the governor's commission on disability; the developmental disabilities planning council; the vocational rehabilitation division of the public education department; the New Mexico health policy commission; and the governor's health policy coordinator, or their designees.  
[7.21.3.3 NMAC - N, 9-1-11]

**7.21.3.4           DURATION:** Permanent  
[7.21.3.4 NMAC - N, 9-1-11]

**7.21.3.5           EFFECTIVE DATE:** September 1, 2011, unless a later date is cited at the end of a section.  
[7.21.3.5 NMAC - N, 9-1-11]

**7.21.3.6           OBJECTIVE:** The objective of this rule is to provide policies for the standard of delivery for behavioral health services through contracted behavioral health entities and for approval of contracts by the collaborative.  
[7.21.3.6 NMAC - N, 9-1-11]

**7.21.3.7           DEFINITIONS:** [RESERVED]  
[7.21.3.7 NMAC - N, 9-1-11; Repealed, 1-15-13]

**7.21.3.8           MISSION STATEMENT:** The mission of the collaborative is to ensure that quality behavioral health services are provided to medicaid and non-medicaid consumers; that providers are reimbursed timely and accurately; that services promote prevention, recovery, resilience in consumers, and that available resources are used in the most efficient and effective manner. This mission serves the collaborative's vision of establishing a behavioral health service delivery system in which consumers and family members are assisted in participating fully in the life of their communities; support of recovery and development of resiliency are expected; behavioral health is promoted; and the adverse effects of substance abuse and mental illness are prevented or reduced.  
[7.21.3.8 NMAC - N, 9-1-11; A, 1-15-13]

**7.21.3.9           ELIGIBLE BEHAVIORAL HEALTH ENTITY (BHE):** The collaborative shall award a contract to one or more behavioral health entities which meets applicable requirements and standards delineated under state and federal law including Title IV of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 (regarding education programs and activities), the Age Discrimination Act of 1975, the Rehabilitation Act of 1973 and the Americans with Disabilities Act. The BHE contract shall, at a minimum, manage delivery of all covered behavioral health services (both medicaid and non-medicaid services), including network development and management, tracking funding and expenditures from various funding sources, conducting utilization management, ensuring coordination of services, ensuring quality management and improvement, and conducting various administrative functions.

A. **BHE contract procurement:** The collaborative may, in conjunction with human services department, jointly procure contractors to provide both BH and other medicaid services.

B. **BHE contract issuance:** Prior to execution of a contract with a BHE, the collaborative must meet and give approval as to the substance and form of the proposed contract. The executive committee is authorized to negotiate, sign and execute the contract with a BHE without further approval from the other members.

C. **BHE contract amendments:** The BHE contract shall not be altered, changed or amended other than by an instrument in writing executed by the contractor and the co-chairs of the collaborative. The executive committee is authorized to adopt and execute an amendment to a BHE contract on behalf of the collaborative without obtaining prior approval of the other members.

D. **Other contracts:** The chair and co-chairs are authorized to negotiate any additional contracts, memoranda of understanding or other agreements, and any amendments or modifications thereto, on behalf of the collaborative without obtaining the prior approval of the members.

[7.21.3.9 NMAC - N, 9-1-11; A, 1-15-13]

**7.21.3.10 [RESERVED]**

[7.21.3.10 NMAC - N, 9-1-11; Repealed, 1-15-13]

**7.21.3.11 READINESS REVIEW:** Following full execution and prior to the effective date of the BHE contract, the contractor shall demonstrate to the satisfaction of the collaborative that it is able to meet the requirements of the RFP. The readiness review may include, but is not limited to, desk and on-site reviews, system demonstrations, interviews with the contractor's staff and such other review of any and all requirements of the RFP as determined by the collaborative.

[7.21.3.11 NMAC - N, 9-1-11]

**7.21.3.12 CONTRACT MANAGEMENT:** The collaborative or its designee shall provide collective and coordinated oversight and administrative functions to ensure BHE compliance with the terms of its contract, assuring each member agency with fiduciary responsibility for funds within the contract is involved and is able to meet its obligations to oversee state and federal funds for which it is responsible. Further, the provisions of 8.305.3.10 apply to all BHE contracts.

[7.21.3.12 NMAC - N, 9-1-11]

**HISTORY OF 7.21.3 NMAC:** [RESERVED]