

**HEALTH AND HUMAN SERVICES COMMISSION
CONTRACT NO. HHS000134400006
AMENDMENT NO. 3**

The Health and Human Services Commission (System Agency) and Lubbock Regional MHMR Center d\b\ a Starcare Specialty Health (“Grantee”), collectively the Parties, to the Mental Health Grant Program for Justice-Involved Individuals (“SB292”) contract established under Senate Bill 292, 85th Legislature Regular Session 2017, effective April 1, 2018, and denominated HHSC Contract No. HHS000134400006 (the “Contract”), now want to further amend the Contract.

Whereas, HHSC has chosen to renew the Contract Pursuant to Section III of the Contract Signature Document;

Whereas, HHSC wants to add \$1,046,040.00 to the total Contract value to support the renewal period; and

Whereas, HHSC wants to make programmatic adjustments to the Statement of Work.

The Parties therefore agree as follows:

1. **Section III** of the Contract Signature Document, **Contract Period and Renewal**, is hereby amended to reflect a termination date of August 31, 2022.
2. **Section V** of the Contract Signature Document, **Contract Amount and Payment for Services**, is hereby amended and restated in its entirety with the following:

The total amount of this Contract will not exceed \$4,651,364.00. This includes the System Agency share of \$2,325,682.00 and Grantee’s required match amount of \$2,325,682.00. All expenditures under the Contract will be in accordance with **Attachment B-2 - Budget and Target Procedures, Version 1**.

3. **Attachment A - Revised Statement of Work**, is hereby amended and restated in its entirety with **Attachment A - Revised Statement of Work, Version 2**. Substantive changes include, but are not limited to the following:
 - a. Revision and/or inclusion of Texas Administrative Code (TAC) references for Jail-Based Competency Restoration (JBCR) programs; and
 - b. Revision of performance measure submission requirements.
4. **Attachment A-4 – Performance Measures Tracking Report** is hereby deleted from the Contract.
5. **Attachment A-5 – Revised Statewide Behavioral Health Coordinating Council Report** is hereby deleted from the Contract.
6. **Attachment B-1 Revised Budget Procedures**, is hereby amended and supplemented with **Attachment B-2 - Budget and Target Procedures, Version 1**.
7. This Amendment shall be effective September 1, 2021.

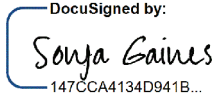
8. Except as modified by this Amendment, all terms and conditions of the Contract shall remain in full force and effect.
9. Any further revisions to the Contract shall be by written agreement of the Parties.


SIGNATURE PAGE FOLLOWS

**SIGNATURE PAGE FOR AMENDMENT NO. 3
HHSC CONTRACT NO. HHS000134400006**

HEALTH AND HUMAN SERVICES COMMISSION

**LUBBOCK REGIONAL MHMR CENTER
D\B\A STARCARE SPECIALTY HEALTH**

By:  _____
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By:  _____
53E7EE18C5A5475...

Sonja Gaines

Beth Lawson

SG

Chief Executive Officer

Date of Signature: September 1, 2021

Date of Signature: September 1, 2021

**THE FOLLOWING DOCUMENTS ARE ATTACHED TO THIS AMENDMENT AND THEIR TERMS ARE
HEREBY INCORPORATED INTO THE CONTRACT BY REFERENCE:**

ATTACHMENT A - REVISED STATEMENT OF WORK, VERSION 2

ATTACHMENT B-2 - BUDGET AND TARGET PROCEDURES, VERSION 1

Attachment A - Revised Statement of Work, Version 2
Mental Health Grant for Justice-Involved Individuals Grant Program

I. INTRODUCTION

The Health and Human Services Commission (HHSC) seeks to implement the Mental Health Grant Program for Justice-Involved Individuals, as directed by Senate Bill (S.B.) 292, 85th Texas Legislature, Regular Session, 2017. The purpose of this program is to provide matching grants to county-based community collaboratives to reduce rates of recidivism, arrests, and incarcerations amongst individuals with mental illness and to also reduce wait times for individuals with mental illness placed on forensic commitment to a state hospital.

II. GRANTEE RESPONSIBILITIES

A. The Mental Health Grant for Justice-Involved Individuals Program shall provide community-based jail diversion services to individuals identified with a mental illness or co-occurring psychiatric and substance use disorder (COPSD). These individuals are at risk of involvement with the criminal justice system, have been arrested and incarcerated for the alleged commission of a crime, or adjudicated of a crime. The community collaborative shall:

1. Align with the mission, vision, and goals of the Fiscal Years 2017-2021 Texas Statewide Behavioral Health Strategic Plan and address gaps, goals, and strategies identified in the strategic plan;
2. Reduce recidivism through a reduction in arrests and incarceration of individuals with a mental illness or COPSD;
3. Reduce the total wait time for individuals placed on forensic commitment to a state hospital, state supported living center, contracted psychiatric bed, or outpatient competency restoration treatment program;
4. Provide evidence-based mental health treatment for individuals involved in the criminal justice system;
5. Promote the use of the Sequential Intercept Model to facilitate diversion strategies;
6. Foster community partnerships among service providers, law enforcement, and courts;
7. Increase sustainability by developing local community infrastructures;
8. Eliminate barriers to behavioral health treatment;
9. Increase the efficiency and efficacy of service delivery through data collection and evaluation to measure program outcomes;
10. Evaluate program effectiveness in reducing recidivism and improving mental health outcomes; and
11. Seek the expertise and inclusion of researchers, behavioral health service providers, forensic peers, criminal justice agencies, and other entities whose goal is to promote recovery among individuals with mental illness or COPSD.

B. Meet all of the statutory requirements of Texas Government Code, Chapter 531, Subchapter B, Section 531.0993, and S.B. 292, 85th Texas Legislature, Regular Session, 2017.

1. If applicable, Jail-Based Competency Restoration (JBCR) programs shall comply with the following in accordance with 26 Texas Administrative Code (TAC) Chapter 307, Subchapter C, and as amended:
 - a. Code of Criminal Procedure, Chapter 46B;
 - b. Texas Health and Safety Code (HSC), Title 7, Chapter 574;
 - c. 25 TAC, Part 1, Chapter 405, Subchapter K, in its entirety;
 - d. 26 TAC, Part 1, Chapter 306, Subchapter A, in its entirety;

Attachment A - Revised Statement of Work, Version 2
Mental Health Grant for Justice-Involved Individuals Grant Program

- e. 25 TAC, Part 1, Chapter 414, Subchapter I, in its entirety;
 - f. 25 TAC, Part 1, Chapter 414, Subchapter K, in its entirety;
 - g. 25 TAC, Part 1, Chapter 414, Subchapter L, in its entirety;
 - h. 25 TAC, Part 1, Chapter 415, Subchapter A, in its entirety;
 - i. 25 TAC, Part 1, Chapter 415, Subchapter F, in its entirety;
 - j. 26 TAC, Part 1, Chapter 307, Subchapter C, 307.101-307.119 and 307.123-307.133;
 - k. 25 TAC, Part 1, Chapter 417, Subchapter K, in its entirety;
 - l. 37 TAC, Part 9, in its entirety;
 - m. The Health Insurance Portability and Accountability Act of 1996 (HIPAA);
 - n. Other applicable federal and state laws, including, but not limited to:
 - i. 42 Code of Federal Regulations (CFR), Volume 1, Chapter 1, Subchapter A, Part 2, Subpart D, in its entirety;
 - ii. 42 CFR, Volume 1, Chapter 1, Subchapter A, Part 51, Subpart D, in its entirety;
 - iii. 45 CFR, Volume 1, Chapter 1, Subtitle A, Part 160, in its entirety;
 - iv. 45 CFR, Volume 1, Chapter 1, Subtitle A, Part 164, in its entirety;
 - v. HSC, Title 2, Subtitle D, Chapter 81, Subchapter F;
 - vi. HSC, Title 4, Subtitle B, Chapter 241, Subchapter G;
 - vii. HSC, Title 7, Subtitle I, Chapters 181, 595, and 611; and §§533.009, 533.035(a), 572.004, 576.005, 576.0055, 576.007, 595.005(c), and 614.017;
 - viii. HSC, Title 7, Subtitle D, Chapter 595, in its entirety;
 - ix. HSC, Title 7, Subtitle E, Chapter 611, in its entirety;
 - x. Texas Government Code, Title 5, Subtitle A, Chapters 552 and 559, and §531.042;
 - xi. Texas Human Resources Code, Title 2, Subtitle D, Chapter 48, in its entirety;
 - xii. Texas Occupations Code, Title 3, Subtitle B, Chapter 159, in its entirety;
 - xiii. Texas Business and Commerce Code, Title 11, Subtitle B, Chapter 521, Subchapter B, Section 521.053.
- C. Shall comply with the requirements of a community collaborative comprised of the following entities at a minimum: a county, a Local Mental Health Authority or Local Behavioral Health Authority that operates in the county, and each hospital district, if any, located in the county.
- D. Implement a Mental Health Grant for Justice-Involved Individuals program meeting the following funding match requirements:
1. Obtain committed matching funds which shall include cash or in-kind contributions from a person or organization but shall not include money from state or federal funds. Non-state or federal sourced funding may include gifts, grants, or donations from any person or organization. Matching requirements are as follows:
 - a. Equal to 100 percent of the grant amount if the community mental health program is located in a county with a population of at least 250,000 (*example: if an organization meets this population criteria and receives an award of \$100,000, the funding match shall be 100 percent of \$100,000, or \$100,000*); or
 - b. Equal to 50 percent of the grant amount if the community mental health program is located in a county with a population of less than 250,000 (*example: if an organization meets this population criteria and received an award of \$100,000, the funding match shall be 50 percent of the \$100,000, or \$50,000*).
 2. Report all cash and in-kind match used to support the grant program; and
 3. Provide evidence of committed match in accordance with Section .24, Subpart C, Uniform Grant Management Standards (UGMS).

**Attachment A - Revised Statement of Work, Version 2
Mental Health Grant for Justice-Involved Individuals Grant Program**

- E. Provide services in accordance with HHSC-approved work plan, Attachment A-1 - SB 292 Program Work Plan, and Program Design, Attachment A-2 – SB 292 Program Design, as outlined.
- F. Maintain Memorandums of Understanding or contractual relationships with core providers responsible for the delivery of mental health, physical health, and/or COPSD services, including: residential services, mental health services, substance use services, healthcare services, vocational/educational services, peer support services, transportation services, housing support services, psychosocial rehabilitative services, skills training services, case-management services, and other services and supports as may be deemed appropriate during the term of the program.
- G. Serve individuals identified with HHSC-approved program design as outlined in Attachment A-2 – SB 292 Program Design.
- H. Comply with the following staffing requirements:
 - 1. Hire qualified staff to provide services identified in the grant program.
 - 2. Ensure staff complete required trainings as identified in Grantee’s work plan and by System Agency.
 - 3. Ensure any sub-grantee personnel having interactions with individuals served through the Mental Health Grant for Justice-Involved Individuals Program act within the scope of their practice and have demonstrated competencies prior to providing services.
 - 4. Conduct criminal history background checks to ensure no program staff, officer, agent, intern, resident, or volunteer has been convicted of or received a probated sentence or deferred adjudication for any criminal offense that would constitute a bar to employment pursuant to Texas HSC §250.006.
 - 5. Verify licensure for all licensed positions, as applicable. All staff required to be licensed shall be licensed by and in good standing with the State of Texas. Grantee shall require and document annual re-verification and self-reporting of license issues.
 - 6. Conduct a registry clearance by conducting a review for reports of misconduct including abuse, neglect, and exploitation through: The Employee Misconduct Registry maintained by the Department of Aging and Disability Services (DADS) in accordance to the TAC Title 40, Chapter 93; and The Nurse Aide Registry maintained by DADS in accordance with TAC Title 40, Chapter 94.
- I. If applicable, notify HHSC 30 days prior to the JBCR program operation and the provision of services to ensure that HHSC inspects the JBCR program.

SECTION III. PERFORMANCE MEASURES

The terms of this Statement of Work will be used to assess Grantee’s effectiveness in providing the services described above. HHSC may request validation of performance measures at any time and Grantee must provide a timely response to HHSC’s validation request:

- A. Implement the Mental Health Grant for Justice-Involved Individuals grant program in accordance with the HHSC-approved work plan.
- B. HHSC will negotiate performance measures to be included in the Performance Report with Grantees using a standardized menu of outputs and outcomes that will align with the type of work funded. Performance Reports will be submitted through an HHSC approved reporting system.

Attachment A - Revised Statement of Work, Version 2
Mental Health Grant for Justice-Involved Individuals Grant Program

- C. Grantee shall submit a Performance Report no later than fifteen (15) calendar days after the end of each state fiscal year quarter, which comprises the reporting period for that report. Performance Reports must show progress towards both:
1. Outputs: Counts or percentages that show the amount of services/activities or encounters delivered; and,
 2. Outcomes: Measures showing benefits to program participants as a result of services/activities received (such as positive changes to knowledge, skills and/or behaviors).
- D. Submit evidence of committed match in accordance with [Section .24, Subpart C, UGMS](#), 15 days prior to contract execution.
- E. Submit form Attachment A-3 – SB 292 Expenditure Report as outlined in Table 1 below.
- F. Grantee shall submit the Statewide Behavioral Health Coordinating Council (SBHCC) summary reports describing the grant program implementation, impact, and behavioral health outcomes on population(s) served by the grant funding, per the [2018-19 General Appropriations Act, S.B. 1, 85th Legislature, Regular Session, 2017 \(Article IX, Section 10.04\)](#). Reports are due as outlined in Table 1 below. This will be an online report and will be due semi-annually; the last day of the month following the end of quarter two, and the last day of the month following the end of each fiscal year. SBHCC Report will be requested by HHSC semi-annually to be submitted via survey platform.
- G. If applicable, submit JBCR outcome measures on Form MM, as listed in [26 TAC Chapter 307, Subchapter C, §307.129](#), relating to Outcome Measures using Attachment A-6 JBCR Outcome Measures semi-annually, as outlined in Table 1 below.

Table 1: Deliverable Submission

Deliverable	Due Date
Purchase Voucher Form 4116	Monthly, 15th day of following month, with invoice submission
Attachment A-3 SB 292 Expenditure Report	Monthly, 15th day of following month, with invoice submission
General Ledger	Monthly, 15th day of following month, with invoice submission
Match Certification Form B-13-A	Monthly, 15th day of following month, with invoice submission
Performance Report (via an HHSC approved reporting system)	Quarterly, 15th day of the following month after the last day of the quarter
SBHCC Report	Semi-annually; Online reporting submission on the last day of the month following the end of quarter two, and last day of the month following the end of each fiscal year or last day of the month following contract termination date,
Attachment A-6 JBCR Outcome Measures* (only if operating JBCR program)	Semi-annually, 30 days after the completion of quarters 2 and 4

*These submissions shall be sent by electronic mail to the following email address in the subject format below with a copy to the assigned Contract Manager and Program Services Liaisons:

To: MHContracts@hhsc.state.tx.us

Subject: CompCode_SB292_Attachment Name

**Attachment A - Revised Statement of Work, Version 2
Mental Health Grant for Justice-Involved Individuals Grant Program**

SECTION IV: PAYMENT METHODOLOGY AND FUNDING

- A. Grantee shall request monthly payments by the 15th day following each service month using the State of Texas Purchase Voucher Form 4116, which is incorporated by reference and can be downloaded at: <https://hhs.texas.gov/laws-regulations/forms/4000-4999/form-4116-state-texas-purchase-voucher>.
- B. Grantee shall submit the State of Texas Purchase Voucher Form 4116 and supporting documentation for reimbursement monthly as outlined in Table 1 above. Documentation shall include:
1. Name, address, and telephone number of Grantee;
 2. System Agency Contract Number and/or Purchase Order Number;
 3. Identification of service(s) provided;
 4. Dates services/deliverables were delivered;
 5. Name of the person performing the activities;
 6. Total invoice amount;
 7. Total match amount expended in the month (Form B-13-A); and
 8. Supporting Documentation:
 - a. Attachment A-3 – SB 292 Expenditure Report;
 - b. A copy of Grantee’s General Ledger proving expenditure of funds by cost category;
 - c. Match Certification Form B-13-A; and
 - d. Any other documentation which is required by this Contract or as requested by System Agency.
- C. Grantee shall report all cash and in-kind match electronically by submitting a Match Certification as outline in Table 1 above, using Form B-13-A, which can be downloaded at <http://www.dshs.state.tx.us/grants/forms.shtm>.
- D. Grantee shall Electronically submit all invoices with supporting documentation to the Claims Processing Unit at [HHSC AP@hhsc.state.tx.us](mailto:HHSC_AP@hhsc.state.tx.us), with a copy to MHContracts@hhsc.state.tx.us, the assigned System Agency Contract Manager, and Program Services Liaisons by the 15th day following the end of each month.
- E. Grantee shall submit invoices no later than 90 days after the last day of the fiscal year for fiscal year close out.

Attachment B-2 - Budget and Target Procedures, Version 1
Grantee: Lubbock Regional MHMR Center d\b\ a Starcare Specialty Health

- A. Funding Source: State General Revenue
- B. Funding Amounts by State Fiscal Year (i.e., September 1st through August 31st)
 - 1. 2018: HHSC Award - \$233,602.00, Contractor Match - \$233,602.00;
 - 2. 2019: HHSC Award - \$523,020.00, Contractor Match - \$523,020.00;
 - 3. 2020: HHSC Award - \$523,020.00, Contractor Match - \$523,020.00;
 - 4. 2021: HHSC Award - \$523,020.00, Contractor Match - \$523,020.00; and
 - 5. 2022: HHSC Award - \$523,020.00, Contractor Match - \$523,020.00.
- C. Total Reimbursements for the grant term will not exceed \$4,651,364.00.
- D. Cost Reimbursement Budget:
 - 1. Grantee's approved cost reimbursement budget documents all approved and allowable expenditures.
 - 2. Grantee shall only utilize the funding for approved and allowable costs. If Grantee requests to utilize funds for an expense not documented on the approved cost reimbursement budget, Grantee shall notify System Agency, in writing, and request approval prior to utilizing the funds. System Agency shall provide written notification regarding if the requested expense is approved.
 - 3. If needed, Grantee may revise the System Agency-approved cost reimbursement budget. Revision requirements are as follows:
 - a. System Agency approves Grantee's transfer of up to ten (10) percent of funds from budgeted direct cost categories only, excluding the 'Equipment' category. Budget revisions exceeding ten (10) percent requirement require System Agency's written approval.
 - b. Grantee may request revisions to the approved cost reimbursement budget direct cost categories that exceed the ten (10) percent requirement by submitting a written request to the System Agency assigned contract manager. This change is considered a minor administrative change and does not require a contract amendment. System Agency shall provide written notification through technical guidance correspondence documenting approval of Grantee's budget revision.
 - c. Grantee may revise the cost reimbursement budget 'Equipment' and/or 'Indirect' cost categories, however a formal contract amendment is required. Grantee shall submit to the System Agency assigned contract manager a written request to revise the budget, which includes a justification for the revisions. System Agency will amend the contract if Grantee's revision request is approved. Grantee's budget revision is not authorized, and funds cannot be utilized until the contract amendment is executed.
- F. System Agency will provide written notification through technical guidance correspondence documenting approval of Grantee's performance targets. Grantee may request revisions to the approved performance targets by submitting a written request to the System Agency assigned contract manager. This change is considered a minor administrative change and does not require a contract amendment. System Agency shall

provide written notification through technical guidance correspondence documenting approval of Grantee's performance targets.

Form P - BUDGET SUMMARY (REQUIRED)

Legal Name of Respondent: Lubbock Regional MHMR Center dba StarCare Specialty Health System

Budget Categories	Total Budget	Funds Requested	Direct Federal Funds	Other State Agency Funds* <small>Check if Cash Match <input type="checkbox"/></small>	Other Funds <small>Check if Cash Match <input type="checkbox"/></small>	Local Funding Sources <small>Check if Cash Match <input type="checkbox"/></small>	In-Kind Match
A. Personnel	\$583,301	\$174,689					\$408,612
B. Fringe Benefits	\$170,626	\$56,215					\$114,411
C. Travel	\$17,580	\$17,580					\$0
D. Equipment	\$0	\$0					\$0
E. Supplies	\$10,650	\$10,650					\$0
F. Contractual	\$157,020	\$157,020					\$0
G. Other	\$13,950	\$13,950					\$0
H. Total Direct Costs	\$953,127	\$430,104	\$0	\$0	\$0		\$523,023
I. Indirect Costs	\$92,916	\$92,916	\$0				\$0
J. Total (Sum of H and I)	\$1,046,043	\$523,020	\$0	\$0	\$0		\$523,023
K. Program Income - Projected Earnings	\$0	\$0					\$0

NOTE: The "Total Budget" amount for each Budget Category will have to be allocated (entered) manually among the funding sources. Enter amounts in whole dollars. After amounts have been entered for each funding source, verify that the "Distribution Total" below equals the respective amount under the "Total Budget" from column (1).

Check Totals For:	Budget Category	Distribution Total	Budget Total	Budget Category	Distribution Total	Budget Total
		Personnel	\$583,301	\$583,301	Fringe Benefits	\$170,626
	Travel	\$17,580	\$17,580	Equipment	\$0	\$0
	Supplies	\$10,650	\$10,650	Contractual	\$157,020	\$157,020
	Other	\$13,950	\$13,950	Indirect Costs	\$92,916	\$92,916

TOTAL FOR:	Distribution Totals	\$1,046,043	Budget Total	\$1,046,043
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*Letter(s) of good standing that validate the respondent's programmatic, administrative, and financial capability must be placed after this form if respondent receives any funding from state agencies other than HHSC related to this project. If the respondent is a state agency or institution of higher education, letter(s) of good standing are not required. DO NOT include funding from other state agencies in column 4 or Federal sources in column 3 that is not related to activities being funded by this project.