



Hot Topics

The Texas legislature is proposing \$350,000,000 targeted for different mental health programs. The money may come with significant strings attached regarding how the money can be spent compliant with numerous criteria and guidelines. Smaller centers may feel that they don't have the staff to even apply for the money, much less comply with all the new requirements. It is unknown at this time if general revenue for mental health and IDD services will increase. The Texas Council is monitoring legislative developments. The Fund will advise and make risk related recommendations for compliance when regulations are published.

Texas State Senator Lois Kolkhorst is proposing SB 26, "Relating to local mental health authority and local behavioral health authority audits and mental and behavioral health reporting, services, and programs" which provides some matching grant (10%) funding for mental health services and authorizes the OIG (Office of the Inspector General) to conduct audits of state funded programs including those for community centers:

(c) The commission's office of inspector general shall conduct performance audits of each local behavioral health authority designated under Section 533.0356, Health and Safety Code, and local mental health authority, as defined by Section 531.002, Health and Safety Code. The office shall: (1) establish an audit schedule that ensures each authority described by this subsection is audited at least once every 10 years; and (2) conduct additional audits as necessary based on adverse findings in a previous audit.

The audits could be deeply invasive and require huge staff efforts to gather the voluminous documents and data required by the auditors. The Fund will monitor developments and if the legislation is enacted, will help centers understand the audit process and requirements after the commission's rules are promulgated.

Recently the Centers for Medicare Services (CMS) have begun auditing community centers for compliance with vaccine mandates. Only centers with ICF facilities have been targeted so far. The auditors ask for vaccination logs, requests for exemptions (either personal or religious), and procedures the center uses. The auditors sometimes appear without notice, just take copies of the requested documents, and may not be on site more than 15 minutes. Centers should make sure their vaccination records are up to date before a visit from CMS.

Licensing boards continue to accept and investigate consumer complaints against community center professionals. Centers who have purchased the optional coverage for Expanded Professional Liability Defense have legal defense coverage for the accused professional from a highly qualified attorney who specializes in this field. If you have this coverage, please advise all of your medical and client service professionals that if they receive a complaint from their licensing board to report it to the Fund immediately. Because time is of the essence in response to the various boards, we must receive the

complaint within 15 days. The board notice always goes to the individual licensee, not the center. So, the center may not know about the complaint. Contact Mary Vasquez, Senior Underwriter at mary.vasquez@sedgwick.com or 512-427-2346, if you want to add this coverage tailored to the needs of our members.