

Inspections Report

Mental Health Private Psychiatric Bed Funds

Tropical Texas Behavioral Health

February 15, 2024

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**Inspector
General**

Texas Health
and Human Services



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Results in Brief

Why OIG Conducted This Inspection

News articles from March 2021 raised questions about contract oversight for mental health private psychiatric bed funds. As part of a series of inspections of local mental health authorities, the Texas Health and Human Services (HHS) Office of Inspector General Audit and Inspections Division (OIG Inspections) conducted an inspection of Tropical Texas Behavioral Health's (Tropical) use and oversight of funds provided to contracted entities to provide inpatient mental health services to eligible patients.

Summary of Review

The inspection objective was to determine whether Tropical used mental health private psychiatric bed funds in accordance with certain elements of the statement of work in its HHSC contract. The inspection scope covered the period from September 1, 2021, through August 31, 2022.

Background

Tropical is a local mental health authority (LMHA) contracted with the Texas Health and Human Services Commission (HHSC) to provide mental health services. In September 2021, Tropical signed a two-year contract with HHSC, which resulted in the allocation of \$5,576,336 in mental health private psychiatric bed funds for 2022.

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Key Results

Tropical contracted with three local mental health authorities (LMHAs) and three private psychiatric hospitals to provide inpatient mental health services. Tropical accurately paid all tested invoices, totaling \$424,375.

Of the 89 tested hospitalizations with the private psychiatric hospitals, Tropical paid \$41,875 for 28 continued stays for which the requests were not documented as required by its contracts with the hospitals. Tropical grants an initial authorization of three days when approving hospital admissions. If it is anticipated that the client will need more than three days of hospitalization, the hospital must submit a continued stay request to Tropical for authorization. Tropical did not establish controls to document evidence of advance approval of continued stay authorization requests that Tropical's utilization manager for the hospital made in real time. Not requiring its contractors to follow its authorization process could result in Tropical not having enough funds to pay for services provided.

Tropical paid \$163,125 for 32 tested hospitalizations arranged by contracted LMHAs without receiving all the documentation required by its contracts. Tropical asserted it waived the supporting documentation requirement to increase the efficiency and effectiveness of service provision.

While not a finding of noncompliance, Tropical also paid for services at a private psychiatric hospital without a fully executed contract with one hospital for the scope period. OIG Inspections noted this result as an opportunity for improvement.

Recommendations

Tropical should implement controls to document evidence of advance approval requests for continued stays and ensure its contractors follow the established process for authorizing continued stays at private psychiatric hospitals and should revise the requirements in future contracts with other LMHAs, when applicable.

Management Response

Tropical indicated all corrective actions would be implemented by March 2024.

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Inspection Overview

Overall Results

The Texas Health and Human Services (HHS) Office of Inspector General Audit and Inspections Division (OIG Inspections) conducted an inspection of Tropical Texas Behavioral Health's (Tropical) use and oversight of funds provided to contracted entities to provide inpatient mental health services to eligible patients. Tropical is a local mental health authority (LMHA) contracted with the Texas Health and Human Services Commission (HHSC) to provide mental health services. Tropical was selected as part of a series of inspections of LMHAs.

Tropical contracted with three LMHAs to arrange for inpatient mental health services. Tropical also contracted with three private psychiatric hospitals to provide inpatient mental health services.¹

For the months tested, Tropical paid for 121 client hospitalizations with mental health private psychiatric bed funds:

- 89 client hospitalizations with private psychiatric hospitals.
- 32 client hospitalizations with LMHAs.

Of the 89 tested hospitalizations with the private psychiatric hospitals, Tropical paid for 28 continued stays for which the requests were not documented as required by its contracts with the hospitals. Furthermore, Tropical did not have a fully executed contract with one hospital for the scope period.

Tropical paid for 32 tested hospitalizations arranged by contracted LMHAs without receiving all the documentation required by their contracts.

OIG Inspections offered recommendations to Tropical, which, if implemented, will help it ensure private psychiatric hospitals and LMHAs meet contractual requirements.

¹ One private psychiatric hospital did not sign the contract. During the inspection scope period, the one private psychiatric hospital provided inpatient mental health services and was paid for such by Tropical. For purposes of this report and with respect to this one private psychiatric hospital, the term "contract" includes an arrangement to pay for services provided.

This report is considered written education in accordance with Texas Administrative Code.² Inspection findings identified in this report (a) may be referred to HHSC for potential pursuit of enforcement remedies or (b) may be subject to OIG administrative enforcement measures,³ including administrative penalties.⁴

OIG Inspections presented preliminary inspection results, observations, and recommendations to Tropical in a draft report dated December 6, 2023. Tropical indicated all corrective actions would be implemented by March 2024. Tropical provided management responses to Inspections recommendations, which are summarized in the report following each recommendation.

OIG Inspections thanks management and staff at Tropical for their cooperation and assistance during this inspection.

Objective

The inspection objective was to determine whether Tropical used mental health private psychiatric bed funds in accordance with certain elements of the statement of work in its HHSC contract.

Scope

The inspection scope covered the period from September 1, 2021, through August 31, 2022.

Background

HHSC receives general revenue funds to contract with LMHAs and local behavioral health authorities (LBHAs) to expand inpatient mental health capacity and other services. In 2022, 35 LMHAs and two LBHAs contracted with HHSC for \$81,794,819 in mental health private psychiatric bed funds to provide inpatient mental health services in their communities. Unless otherwise described, any year referenced is the state fiscal year, which covers the period from September 1 through August 31.

² 1 Tex. Admin. Code § 371.1701 (May 1, 2016).

³ 1 Tex. Admin. Code § 371.1603 (May 20, 2020).

⁴ Tex. Hum. Res. Code § 32.039 (Apr. 2, 2015).

Tropical coordinates services for adult mental health, child and youth mental health, intellectual and developmental disabilities, substance use disorders, medication-assisted treatment, and integrated primary care.

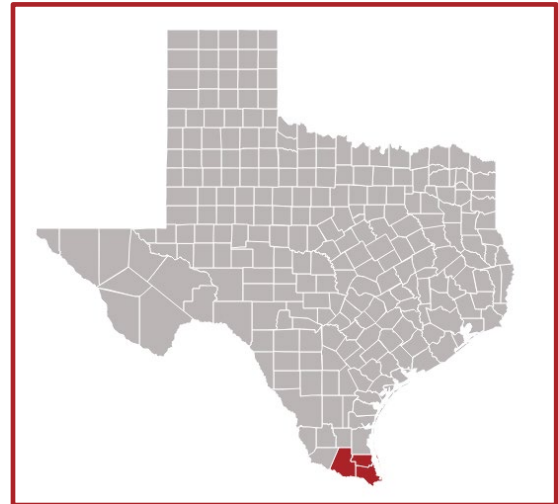
Tropical serves Hidalgo, Cameron, and Willacy counties in South Texas, shown in Figure 1.

In September 2021, Tropical signed a two-year contract with HHSC, which resulted in the allocation of \$5,576,336 in mental health private psychiatric bed funds for 2022.⁵

Tropical contracted with three private psychiatric hospitals to provide inpatient mental health services:

- Doctor’s Hospital at Renaissance
- Palms Behavioral Health
- South Texas Behavioral Health

Figure 1: Tropical’s Service Area



Source: OIG Inspections

Tropical determined it would not use the full allocation of \$5,576,336⁶ for mental health private psychiatric bed funds for 2022 in its service area and contracted with three additional LMHAs to coordinate inpatient mental health services for clients in their service areas:

- Bluebonnet Trails Community Services
- Texana Center
- Tri-County Behavioral Healthcare

These three LMHAs have contracts with other private psychiatric hospitals in their service areas to provide the services. This inspection focused on Tropical’s oversight of private psychiatric bed funds and did not review controls or processes at the three additional LMHAs.

⁵ Tropical’s prior contract with HHSC resulted in an allocation of \$4,076,336 in mental health private psychiatric bed funds for 2021.

⁶ In 2022, Tropical was initially allocated \$4,076,336 and received an additional \$1,500,000 in June, for a total of \$5,576,336.

What Prompted This Inspection

News articles from March 2021 raised questions about contract oversight for mental health private psychiatric bed funds, as well as the quality of care provided at the private psychiatric hospitals receiving mental health private psychiatric bed funds.^{7,8}

⁷ Stuckey, Alex, "Don't Take Me Back," Houston Chronicle(Mar. 4, 2021), <https://www.houstonchronicle.com/news/investigations/article/In-Crisis-Texas-taxpayers-bills-mental-hospitals-15994234.php> (Accessed Apr. 18, 2023).

⁸ Houston Chronicle Editorial Board, "Texas Doesn't Just Perpetuate Horrors in Mental Health System – It Subsidizes Them" (Mar. 12, 2021), <https://www.houstonchronicle.com/opinion/editorials/article/Editorial-Texas-doesn-t-just-perpetuate-16019719.php> (accessed Apr. 18, 2023).

Detailed Results

OIG Inspections reviewed patient records for 121 private psychiatric bed fund hospitalizations during the scope period. Of the 121 hospitalizations, 32 were contracted through three LMHAs and 89 were at three private psychiatric hospitals contracted with Tropical. Tropical accurately paid all tested invoices, totaling \$424,375.

HHSC requires Tropical to develop policies and procedures to oversee its contractors' patient admissions, service delivery, continuity of care, and patient discharge.⁹ Tropical must maintain a contract management system that ensures each community services contractor performs in accordance with the provisions of the contract. According to contract management rules for local mental health authorities, Tropical "shall monitor each community services contractor's compliance with the contract and evaluate the contractor's provision of services, including . . . continuity of care."¹⁰

The following sections of this report provide additional detail about the findings of noncompliance observed by OIG Inspections and an opportunity for improvement.

⁹ HHSC Contract #HHS001022200038, as amended, Attachment A07, § I.D (1) (Sept. 1, 2021).

¹⁰ 25 Tex. Admin. Code §412.62(a) (Apr. 22, 2001).

Observation 1: Tropical Paid for Continued Hospital Stays Without Evidence of Requests or Advance Approvals

As required by HHSC contract, Tropical must develop policies and procedures to oversee its contractors' patient admissions, service delivery, continuity of care, and patient discharge.¹¹

Tropical's contracts with the private psychiatric hospitals establish the policies for patient admissions and continued stay requests. Tropical grants an initial three-day authorization when approving private psychiatric hospital admissions. Tropical's contracts with the private psychiatric hospitals state if it is anticipated the client will need more than three days of hospitalization, the private psychiatric hospital must submit a stay request to Tropical for authorization. This continued stay request must be approved in writing by Tropical's utilization manager.¹²

Twenty-eight of the private psychiatric hospital continued stays tested required an authorization from Tropical. Tropical stated that its utilization manager for the hospitals approved continued stay requests in real time; however, there was no evidence the hospitals submitted or that Tropical approved the continued stay requests in advance. Tropical did approve all 28 continued stays at the time of or after the patient's discharge.

Of the 28 continued stay hospitalizations, 19 were with South Texas Behavioral Health (STBH). Tropical did not have a properly executed contract with STBH for inpatient mental health services during the scope period. The contract, which STBH did not sign, contained the same requirements for continued stay request and approval as the other private psychiatric hospital contracts. This report's Opportunity for Improvement provides more details about the unsigned contract.

For the sampled hospitalizations, Tropical paid a total of \$41,875 to the private psychiatric hospitals for continued stays for which the requests were not documented as required by its contracts with the hospitals. Tropical did not

¹¹ HHSC Contract #HHS001022200029, as amended, Attachment A07, § I.D (1) (Sept. 1, 2021).

¹² Tropical Texas Behavioral Health Professional Services Agreement with Doctor's Hospital @ Renaissance, § II (2) (Sept. 1, 2021); Tropical Texas Behavioral Health Professional Services Agreement with Strategic BH-Brownsville LLC Dba Palms Behavioral Health, § II (2) (Sept.1, 2021); and Tropical Texas Behavioral Health Professional Services Agreement with South Texas Behavioral Health, § II (2) (Sept. 1, 2021).

establish controls to document evidence of advance approval of continued stay authorization requests that Tropical's utilization manager for the hospitals made in real time. Not requiring its contractors to follow its authorization process could result in Tropical not having enough funds to pay for services provided.

Recommendation 1

Tropical should implement controls to document evidence of advance approval requests for continued stays and ensure its contractors follow the established process for authorizing continued stays at private psychiatric hospitals.

Management Response

Tropical acknowledges that continued stay requests were not documented as called for in contract language with private hospitals. It is important to highlight that our operational practices have consistently proven to be highly efficient and effective in ensuring the proper use of private psychiatric bed funds, including:

1. Co-location of Tropical's Utilization Management/Continuity of Care (UM/CoC) Staff: UM/CoC staff are embedded within all three contracted hospitals, which ensures Tropical staff participate in clinical staffings and discharge meetings. This approach was found to be more efficient than the method described in the Professional Services Agreement, as Tropical staff were already part of 'continued stay' versus 'discharge' decisions in the hospitals. This is documented by the hospitals, which records these staffings and Tropical's participation.
2. Resolution of Disagreements Regarding Discharge Dates: In cases of disagreement about a discharge date between hospital staff and UM/CoC staff, the hospital is required to submit a written request for review by Tropical's Chief Medical Officer.
3. Logging and Tracking of Continued Stays: All continued stays are logged and tracked by Tropical's UM department.

Action Plan

Tropical will revise contract language to ensure it accurately reflects the most effective practice with these procedures.

Responsible Manager

Chief Medical Officer

Target Implementation Date

March 1, 2024, or earlier as modifications to existing agreements are fully executed.

Observation 2: Tropical Paid for Invoices Without Required Documentation

Tropical authorized three other LMHAs—Bluebonnet Trails Community Services, Texana Center, and Tri-County Behavioral Healthcare—to use private psychiatric bed funds allocated to Tropical by HHSC.

Tropical entered into contracts with these LMHAs that included a process for the LMHAs to follow prior to receiving payment from Tropical. The agreements state the LMHA must submit an invoice and all required supporting documentation within 10 calendar days of month's end to be considered for reimbursement.¹³

However, Tropical paid for hospitalizations without receiving the contractually required documentation for each invoice. Tropical did not amend the contracts to formalize this contract requirement had been waived. Among the tested invoices, Tropical paid LMHAs a total of \$163,125 for hospitalizations without all the documentation required in its contracts.

¹³ Tropical Texas Behavioral Health and Bluebonnet Trails Community Services Private Psychiatric Bed Agreement, § II (Sept. 1, 2021); Tropical Texas Behavioral Health and Texana Center Private Psychiatric Bed Agreement, § II (Sept. 1, 2021); and Tropical Texas Behavioral Health and Tri-County Behavioral Healthcare Private Psychiatric Bed Agreement, § II (May 1, 2022).

The contracts with the three LMHAs had different supporting documentation requirements, as shown in Figure 2.

Figure 2: Required Supporting Documentation for Each LMHA

Bluebonnet Trails Community Services	Texana Center	Tri-County Behavioral Healthcare
<ul style="list-style-type: none"> • Invoice listing the patient’s CARE-ID,¹⁴ in-patient facility name, admission date, discharge date, and number of days invoiced. • An authorization document for each day invoiced. • UB-04 form for each client hospitalization.¹⁵ 	<ul style="list-style-type: none"> • Invoice listing the patient’s CARE-ID, in-patient facility name, admission date, discharge date, and number of days invoiced. • An authorization document for each day invoiced. • UB-04 form for each client hospitalization. • If a client has a payor source of record (e.g., private insurance, Medicaid etc.) and a request to cover is submitted, a denial letter must accompany that individual’s invoice. 	<ul style="list-style-type: none"> • Invoice listing the patient’s CARE-ID, in-patient facility name, admission date, discharge date, and number of days invoiced. • An authorization document for each day invoiced.









Source: Section II of Tropical’s Private Psychiatric Bed Agreements with each LMHA

¹⁴ The Client Assignment and Registration (CARE) system is an application that contains data for all HHS clients served by the mental health and intellectual and developmental disability service areas. CARE-ID is a statewide generated identification number assigned by CARE.

¹⁵ A UB-04 uniform medical billing form is the standard claim form that institutional providers, such as hospitals and community mental health care centers, use. It is used to bill Medicare, Medicaid, and other health insurance companies for inpatient or outpatient services.

Table 1 gives the detailed breakdown of the hospitalizations tested for each LMHA, the documentation Tropical required, and the documentation received.

Table 1: Required Documentation Testing Results

LMHA	Hospitalizations Tested	Documentation Received
Bluebonnet Trails Community Services	10	 100% invoices  0% authorizations  100% UB-04 forms
Texana ¹⁶ Center	11	 100% invoices  0% authorizations  91% (10 of 11) UB-04 forms
Tri-County Behavioral Healthcare	11	 100% invoices  0% authorizations

Source: OIG Inspections

Tropical did not enforce the requirement in its contracts for an authorization document for each day invoiced. Instead, Tropical accepted an invoice that included the patient's CARE-ID, facility name, admission and discharge dates, and number of days invoiced. Tropical provided OIG Inspections with screenshots of the contracted LMHA's CARE data detail client history screen showing the admission and discharge dates for the patients as evidence that services were rendered and invoiced accurately. Tropical management asserted it waived the supporting documentation requirement to increase the efficiency and effectiveness of service provision. Although, the contracts with the other LMHAs ended on August 31, 2023; Tropical is ultimately responsible for the funds since the funds were originally awarded to Tropical.

¹⁶ If a client has a payor source of record (e.g., private insurance, Medicaid, etc.) and a request to cover is submitted, a denial letter must accompany that individual's invoice. This requirement was for Texana Center only. OIG Inspections could not determine how many of the 11 patients hospitalized had a payor source of record that would necessitate a denial letter.

Recommendation 2

There is no recommended change needed at this time; however Tropical should revise the requirements in future contracts with other LMHAs, when applicable.

Management Response

Regarding the documentation required to support invoice payments, as the original contract language was formulated, Tropical outlined multiple criteria to ensure it could verify services were provided via the other LMHAs. As the parties operated under the contract, however, it became clear that those criteria were redundant and Tropical determined that only one of these criteria (the invoice listing the patient's CARE-ID, facility name, admission and discharge date and number of days invoiced) was sufficient to meet the verification requirement. Tropical chose to waive the excess requirements to increase the efficiency and effectiveness of service provision. This ensured Tropical only made payments for services that were actually provided, thereby eliminating the obstacles posed by the aforementioned excess requirements. Since the superfluous requirements were the obligation of the other party, they were Tropical's to waive, and Tropical did so in favor of the more efficient and effective method.

Responsible Manager

Chief Executive Officer

Target Implementation Date

Not applicable, as these contracts terminated August 31, 2023.

Inspection Comment

OIG Inspections appreciates the feedback provided by Tropical in its management response. OIG Inspections stands by this recommendation. The recommendation applies if Tropical contracts with other LMHAs in the future.

Opportunity for Improvement

In the 12-month scope period, Tropical paid STBH \$1,405,000 for private psychiatric bed fund hospitalizations without having a contract signed by STBH.

Tropical asserted it made repeated requests during that time for STBH to sign the contract but was told it was being delayed by STBH's corporate office. Tropical shared correspondence between Tropical and STBH confirming they were actively working to establish a mutually agreeable contract. However, Tropical did not supply evidence that indicates a valid written agreement was reached for the scope period.

Tropical did have an executed contract with STBH in 2021 and 2023. During the scope period of the inspection, Tropical continued to send patients for hospitalizations with STBH. Tropical approved the initial authorization for admission of inpatient hospitalizations, which included the daily rate used in the 2021 contract.

Tropical continued to serve the patients within its community; however, without a properly executed contract, Tropical cannot have effective oversight or control costs.

Appendix A: Methodology, Standards, and Criteria

Detailed Methodology

To achieve its objective, OIG Inspections collected information through (a) interviews with the staff of Tropical and the staffs of the Behavioral Health Contract Coordination Oversight and Support and Mental Health Programs, Policy, and Planning Departments of the HHS Behavioral Health Services Division and (b) a review of:

- Tropical's policies and procedures.
- HHSC Interlocal Cooperation Contract with Tropical.
- Tropical's professional services agreements.
- Tropical's private psychiatric bed fund agreements.
- Tropical's accounting records and general ledger.
- Admission and discharge authorization forms.
- 2022 mental health private psychiatric bed invoices submitted to Tropical.

OIG Inspections reviewed specific months of invoices from Bluebonnet Trails Community Services, Texana Center, Tri-County Behavioral Healthcare, Doctor's Hospital at Renaissance, Palms Behavioral Health, and South Texas Behavioral Health for patients eligible for mental health private psychiatric bed funds from September 1, 2021, through August 31, 2022. OIG Inspections compared the invoices to patient records to determine whether the days invoiced were correct based on admission and discharge dates. Inspectors also compared invoices to Tropical's check stubs and general ledger to determine the amount paid for each invoice.

Standards

OIG Inspections conducts inspections of Texas HHS programs, systems, and functions. Inspections are designed to be expeditious, targeted examinations into specific programmatic areas to identify systemic trends of fraud, waste, or abuse. Inspection reports present factual data accurately, fairly, and objectively, and

present findings, conclusions, and recommendations in a persuasive manner to strengthen program effectiveness and efficiency. OIG Inspections conducted the inspection in accordance with *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

Criteria

OIG Inspections used the following criteria to evaluate the information provided:

- HHSC Contract #HHS001022200038 (2021), as amended
- Tropical Texas Behavioral Health and Bluebonnet Trails Community Services Private Psychiatric Bed Agreement (2021)
- Tropical Texas Behavioral Health and Texana Center Private Psychiatric Bed Agreement (2021)
- Tropical Texas Behavioral Health and Tri-County Behavioral Healthcare Private Psychiatric Bed Agreement (2021)
- Tropical Texas Behavioral Health Professional Services Agreement with Doctor's Hospital @ Renaissance (2021)
- Tropical Texas Behavioral Health Professional Services Agreement with Strategic BH-Brownsville LLC Dba Palms Behavioral Health (2021)
- Tropical Texas Behavioral Health Professional Services Agreement with South Texas Behavioral Health (2021)
- Tropical Texas Behavioral Health Operating Policies: PCC2-02.07, "Psychiatric Emergency Service Center (PESC) & Private Psychiatric Bed (PPB) Services (2020)

Appendix B: Resources for Additional Information

The following resources provide additional information about the topics covered in this report.

For more information on Tropical:

Tropical, <https://www.ttbh.org/> (accessed September 14, 2023)

For more information on LMHAs:

- Bluebonnet Trails Community Services, <https://bbtrails.org/> (accessed September 14, 2023)
- Texana Center, <https://www.texanacenter.com/> (accessed September 14, 2023)
- Tri-County Behavioral Healthcare, <https://tcbhc.org/> (accessed September 14, 2023)

For more information on private psychiatric hospitals:

- Doctor's Hospital at Renaissance, <https://www.dhrhealth.com/> (accessed September 14, 2023)
- Palms Behavioral Health, <https://palmsbh.com/> (accessed September 14, 2023)
- South Texas Behavioral Health, <https://southtexashealthsystembehavioral.com/> (accessed September 14, 2023)

Appendix C: Report Team and Distribution

Report Team

OIG staff members who contributed to this inspection report include:

- Anton Dutchover, Deputy Inspector General of Audit and Inspections
- Bruce Andrews, Director of Inspections
- James Aldridge, Manager of Inspections
- Bridney Jones, Lead Inspector
- Tiana Clayton, Senior Inspector
- Casey Gibson, Senior Inspector
- Mo Brantley, Senior Audit Operations Analyst

Report Distribution

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- Cecile Erwin Young, Executive Commissioner
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Tropical Texas Behavioral Health

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Appendix D: OIG Mission, Leadership, and Contact Information

The mission of OIG is to prevent, detect, and deter fraud, waste, and abuse through the audit, investigation, and inspection of federal and state taxpayer dollars used in the provision and delivery of health and human services in Texas. The senior leadership guiding the fulfillment of OIG's mission and statutory responsibility includes:

- Raymond Charles Winter, Inspector General
- Susan Biles, Principal Deputy Inspector General
- Kacy J. VerColen, Chief of Audit and Inspections
- Eugenia Krieg, Chief of Staff, Chief of Policy and Performance
- Erik Cary, Chief Counsel
- Diane Salisbury, Chief of Data Reviews
- Matt Chaplin, Chief of Operations and Workforce Leadership
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