



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

KIRK COLE
INTERIM COMMISSIONER

P.O. Box 149347
Austin, Texas 78714-9347
1-888-963-7111
TTY: 1-800-735-2989
www.dshs.state.tx.us
BHP Broadcast #222

December 29, 2015

To: Executive Directors, Local Mental Health Authorities
Superintendents, State Mental Health Facilities
Executive Director, North Texas Behavioral Health Authority
Executive Director, Disability Rights Texas
Executive Director, Texas Council of Community Centers

From: Trina Ita, Director 
Mary Sowder, Director 
Mental Health and Substance Abuse Division
Program Services Section

Request for Comments

Chapter 412, Local Mental Health Authority Responsibilities
Amendments to: §§412.108, 412.303, and 412.322

Due: January 11, 2015

The attached draft rules concerning local mental health authority responsibilities is a markup of amendments to the current rules. The following amendments were recommended by the DSHS Mental Health Policy Workgroup.

- §412.108(d)(3)(B) concerning Non-Medicare third-party coverage is amended by adding language to clarify the section adopted effective September 2005.
- §412.303(19), (35), (45), and (48) concerning Definitions is revised as follows.
 - ◆ The term “DSM” is amended by adding language clarifying that DSHS will approve the version of the *Diagnostic Statistical Manual of Mental Disorders (DSM)* as new editions are published so that the state mental health system operates based on the consistent use of a particular edition of the DSM.
 - ◆ The term “LPHA or licensed practitioner of the healing arts” is amended by adding physician assistant to the list of licensed professionals who are authorized by DSHS to act as LPHAs.
 - ◆ The term “physician assistant” is amended by adding language clarifying the licensed physician assistant must also have specialized psychiatric/mental health training.
 - ◆ The term “QMHP-CS or qualified mental health professional-community services” is amended

by adding language clarifying that the LMHA or MCO is responsible for developing an alternative credentialing process consistent with the criteria set forth in §412.316(c) and (d) concerning Competency and Credentialing.

- §412.322(b)(2)&(h)(3) concerning Providers Responsibilities for Treatment Planning and Service Authorization is amended by deleting the language “~~all five axes of the current~~ DSM” because the current edition, DSM V, no longer uses axes in the formulation of mental health diagnoses.

Amendments to these sections were recommended by the DSHS Mental Health Policy Workgroup.

Please submit your comments via email to MHSARules@dshs.state.tx.us with the phrase “Chapter 412 Misc. Changes - Informal Comments” in the subject line or by US mail to Janet Fletcher, Department of State Health Services, P.O. Box149347, Mail Code 2018, Austin, TX 78714

Call Janet Fletcher with questions or concerns at 512/206-5044. Thank you.