



State of New Mexico Human Services Department
Amendment 3 to Medicaid Managed Care Services Agreement

Among

New Mexico Human Services Department,
New Mexico Behavioral Health Purchasing Collaborative

and

Western Sky Community Care, Inc.



PSC 18-630-8000-0035 A3
CFDA 93.778

**STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT
MEDICAID MANAGED CARE SERVICES AGREEMENT
PROFESSIONAL SERVICES CONTRACT- CENTENNIAL CARE 2.0**

AMENDMENT No. 3

This Amendment No. 3 to PSC: 18-630-8000-0035 (the “Agreement” or the “Contract”) is made and entered into by and between the **New Mexico Human Services Department** (“HSD”); the **New Mexico Behavioral Health Purchasing Collaborative** (the “Collaborative”); and **Western Sky Community Care, Inc.** including any successors and/or assignees (“CONTRACTOR”); and is to be effective upon signatures by all parties.

WHEREAS, there are certain clarifications and revisions to the Contract that are necessary;

UNLESS OTHERWISE SET OUT BELOW, ALL OTHER PROVISIONS OF THE ABOVE REFERENCED AGREEMENT REMAIN IN FULL EFFECT AND IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT THE FOLLOWING PROVISIONS OF THAT AGREEMENT ARE AMENDED AS FOLLOWS:

Section 6, Payments to CONTRACTOR, Paragraph 6.6, Capitation Rates, is expanded with the addition of sub-paragraph 6.6.3, to read as follows:

Should any part of the scope of work under this Contract relate to a state program that is no longer authorized by law (e.g., which has been vacated by a court of law, or for which CMS has withdrawn federal authority, or which is the subject of a legislative repeal), the CONTRACTOR must do no work on that part after the effective date of the loss of program authority. The state must adjust capitation rates to remove costs that are specific to any program or activity that is no longer authorized by law. If the CONTRACTOR works on a program or activity no longer authorized by law after the date the legal authority for the work ends, the CONTRACTOR will not be paid for that work. If the state paid the CONTRACTOR in advance to work on a no-longer-authorized program or activity and under the terms of this Contract the work was to be performed after the date the legal authority ended, the payment for that work should be returned to the state. However, if the CONTRACTOR worked on a program or activity prior to the date legal authority ended for that program or activity, and the state included the cost of performing that work in its payments to the CONTRACTOR, the CONTRACTOR may keep the payment for that work even if the payment was made after the date the program or activity lost legal authority.

All other Sections and Deliverables in PSC 18-630-8000-0035, as amended, remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date of signature by all parties.

CONTRACTOR

DocuSigned by:
By: Tony Hernandez
26C8271ABD8341D...

Date: 10/21/2020

Title: President & CEO

STATE OF NEW MEXICO

DocuSigned by:
By: David R. Searse, M.D.
3099783D14F842D...
David Searse, M.D., HSD Cabinet Secretary

Date: 10/28/2020

DocuSigned by:
By: Danny Sandoval
8389FE70F40119...
Danny Sandoval, HSD Chief Financial Officer

Date: 10/21/2020

THE NEW MEXICO BEHAVIORAL HEALTH PURCHASING COLLABORATIVE

DocuSigned by:
By: David R. Searse, M.D.
3099783D14F842D...
David Searse, M.D., HSD Cabinet Secretary

Date: 10/28/2020

DocuSigned by:
By: [Signature]
Kathleen Kunkel, DOH Cabinet Secretary Billy Jimenez
Acting Secretary

Date: 10/29/2020

DocuSigned by:
By: Brian Blalock
Briancblalock@cmfd...
Brian Blalock, CMFD Cabinet Secretary

Date: 10/29/2020

Approved as to Form and Legal Sufficiency:

DocuSigned by:
By: [Signature]
Paul Ritzma, HSD Chief Legal Counsel

Date: 10/26/2020

The records of the Taxation and Revenue Department reflect that the CONTRACTOR is registered with the Taxation and Revenue Department of the State of New Mexico to pay gross Receipts and compensating taxes.

TAXATION AND REVENUE DEPARTMENT

ID Number: 03-247670-00-1

DocuSigned by:
By: Ann Marie Lucero
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Date: 10/28/2020