

## Texas Civil Commitment Office



Christy Jack, Chair  
Board Members:  
Kathryn "Katie" McClure, Vice Chair  
Jose Aliseda  
Roberto "Robert" Dominguez  
Rona Stratton Gouyton  
Marsha McLane, Executive Director

Thursday, April 28, 2022, at 10:00 a.m.

### MINUTES

#### Board Members Present

Christy Jack, Chair  
Jose Aliseda

Katie McClure  
Robert Dominguez

Rona Stratton Gouyton

#### TCCO Staff

Marsha McLane  
Tucker Furlow

Stanley Muli  
Darcie Keith

Jessica Marsh

#### Management and Training Corporation

Leann Bertsch

#### Convene the Board of the Texas Civil Commitment Office (TCCO)

Board Chair, Christy Jack convened the meeting at 10:00 a.m. Roll was taken and it was noted that a quorum was present.

#### Texas Civil Commitment Center (TCCC) Client Led Band, House of Music

The client band, House of Music performed "Taking Care of Business" to open the meeting.

#### Executive Director's Report Concerning Program Operations and the Routine Functioning of the TCCO

Executive Director Marsha McLane stated that since the last Board Meeting, TCCO has launched housing information on the TCCO website to allow anyone who has housing out there that would allow sex offenders to live there then they can submit the information on our website for one of the TCCO staff to investigate whether we can house our clients there.

Currently, no staff or clients at the TCCC have COVID. The TCCC was able to get the second booster for the facility and 299 clients received a second booster. Only 5 clients remain unvaccinated.

One client was released from the TCCC to Tier 5 a month ago and two clients will be released to Tier 5 in the coming days. TCCO has applied for one reentry grant and we are also looking into a federal grant for reentry resources.

The TCCC currently has vacant positions for the Clinical Director, Human Resources Manager, Lead Sex Offender Treatment Provider and six other Sex Offender Treatment Provider positions. A dedicated recruiter has been assigned for the TCCC and TCCO has worked with her regarding targeted postings and the language in the job descriptions. Ms. McLane introduced TCCC Facility Administrator Wayne Schmoker who stated they have received applications as a result of the recruitment and are interviewing multiple applicants.

TCCO has been working with MTC regarding facility expansion; the TCCC is scheduled to have no vacant beds on May 23, 2022. Portable buildings have been ordered and should arrive the first week of May. The plan is for the Case Manager offices to be moved into the portable buildings.

Ms. McLane closed her report by recognizing Mike Necker's retirement. Ms. McLane presented Mr. Necker with a State of Texas flag that flew over the Capitol and thanked him for his years of service with Texas Civil Commitment Office. Board Chair Christy Jack thanked Mike for his service on behalf of the Board Members.

### **Board Chair report**

Board Chair Christy Jack spoke about her tour of the TCCC after the previous board meeting. During the tour, Ms. Jack met with MTC staff and also met with a group of clients who had concerns they wanted to bring up to the board. Ms. Jack stated she was also able to talk to the client that was about to transition to Tier 5 about the treatment he received at the TCCC. He shared that wanted to mentor other clients and hopefully return to the TCCC to talk to the clients.

Ms. Jack met on April 6, 2022 with MTC leadership and TCCO staff regarding the TCCC contract. The agenda for the meeting included requests for modification of the contract, COVID, outstanding medical bills, and the FY 2019 medical bill that the payment got lost in the mail as referenced at the board's previous meeting. Right before meeting, MTC submitted the outstanding documentation for medical bills which was then quickly reviewed by TCCO staff and the invoice submitted for payment. TCCO submitted the response to MTC's contract modification request after the meeting and a response is pending.

### **Presentation from the Deputy Director and Director of Case Management Services Concerning Project Change: Change Beyond the Classroom**

Deputy Director Jessica Marsh and Director of Case Management Services Kara Gougler presented information regarding Project Change. The program started as a mechanism to ensure supplemental programming was in place while MTC was short staffed. This culminated in the development of an eight-week program called Project Change: Practice Change Beyond the Classroom. The goal is for clients to have a chance to show what they have learned in treatment through this additional program.

Each week of the program has a theme with different activities for the clients to participate in, handouts to review, and worksheets to complete. While this is not sex offender treatment specific, all the concepts relate back to their sex offender treatment. The program also involves peer-led activities which are run by the Tier 4 and AGE clients and weekly classes taught by the TCCC teacher regarding the weekly theme. The program was kicked off with a BBQ for clients and staff. Additional activities will continue every week and there is a plan for a talent show at the end of the program. About 90% of clients are participating. During this first three weeks of the program, there has been a 70% reduction in disciplinary incident reports as compared to the previous three weeks. While this was built to fill a gap in staffing, TCCO intends to keep this momentum going with additional programs throughout the year.

### **Presentation from Management and Training Corporation (MTC) Senior Vice President Leann Bertsch Regarding TCCC Expansion and Programming**

Ms. Bertsch stated that the classroom area housing modification is scheduled to be completed the week of May 9, 2022 and portable buildings for temporary classrooms are expected next week. Ms. Bertsch thanked TCCO staff for support in recruitment efforts and states that good applications have been received and interviews scheduled to include a Clinical Director candidate.

MTC is working on the contract modification to send to TCCO and working on the bids for the phased construction. Ms. Bertsch discussed potentially transitioning to 24-hour nursing coverage rather than the 16 hours currently covered due to the medical needs of the clients. MTC believes that by arranging the staffing pattern, they will be able to go to 24-hour operations and this will make financial sense and potentially reduce offsite medical transports.

The delay in bids for expansion was discussed. Ms. Bertsch stated a contractor is in place and the cost of a phased construction approach is being finalized. There is a budget estimate for the construction expansion and the contracts should be able to be signed quickly. However, breaking ground on the expansion will be dependent on signing the contract extension. Ms. Bertsch stated they hope to submit the draft modifications to TCCO tomorrow and that the modification should be able to be resolved quickly. When the modification is signed, it could only be weeks to break ground.

Clarification was requested regarding the construction bids. Ms. Bertsch stated that no additional bids are needed and a contractor has been selected. MTC was reminded of the agreement that the expansion would be at no cost to

the state and that the state relied upon that commitment. Ms. Bertsch confirmed that the modification did not include cost to the state for the expansion, only per diem increases related to the extension of the contract period.

### **Chief Financial Officer's Report Regarding FY 2022 Budget/Expenditures and Offsite Healthcare Costs**

TCCO Chief Financial Officer, Stanley Muli, noted that the Fiscal Year 2022 budget as of April 18, 2022 a total of \$19,351,962 and this represents a \$55,797 increase over the previous presentation as a result of cost recovery amounts collected in January through March. Mr. Muli reviewed the categories of expenditures and remaining budget. Mr. Muli stated there is a comfortable cushion to get through the rest of the fiscal year.

Mr. Muli presented the offsite medical costs for the second quarter which include \$437,105 covered by the contract with MTC and \$271,640 that is not covered. From the 1<sup>st</sup> quarter to 2<sup>nd</sup> quarter there has been an increase of \$337,719 in offsite medical costs. The amount not covered by MTC's contract is within TCCO's allotted budget.

Mr. Muli provided an overview of the FY 2019 offsite medical cost payment. This invoice was processed and paid but the check was lost in the mail. The process to address such payments, known as a miscellaneous claims process, is ongoing. The FY 2020 medical payment was paid on March 9, 2022. The first FY 2021 payment of \$1.4 million is scheduled to pay on May 6, 2022 and a second payment is being processed this week. TCCO is currently reviewing the final payment and pending additional information to process that invoice. COVID-19 is the cost driver for most of the offsite medical costs in FY 2020 and FY 2021. Federal funds were made available to hospitals to support that payment. TCCO asked MTC to first attempt to leverage those federal dollars and then if unable to do so, to provide TCCO with documentation of the attempted efforts. That documentation has been received. MTC received \$2,000 out of \$835,000. This amount may have been higher if requested at the time the individual was in the hospital. TCCO is working with FEMA to see if any funding can be repaid for the COVID-19 expenses.

### **Discussion, Consideration, and Possible Action Regarding the Salary Career Ladder for Case Managers**

Chief Financial Officer Stanley Muli presented a proposed change to the case manager career ladder to recognize the hard work of TCCO's case managers and increase retention. The case managers are classified as Program Specialist IIs and the senior case manager is classified as a Program Specialist III. TCCO proposes a reclassification to Program Specialist III and IV, respectively which will include a \$200 a month salary increase. The total cost for this increase is \$28,800 per year, which is available in the budget.

A motion was made to adopt the proposed career ladder change, seconded by Mr. Aliseda and passed without opposition.

### **General Counsel's Update Concerning Open Enrollments**

General Counsel Tucker Furlow provided an update regarding open enrollments. Only the Comptroller's Office and those agencies that are given authority in statute are permitted to post open enrollments to obtain goods and services. TCCO does not have the statutory authority to issue its own open enrollments. Accordingly, TCCO requested a delegation of authority from the Comptroller's Office to post five open enrollments. The request was approved for TCCO, with the assistance of HHSC procurement, to issue five open enrollments are for: clinical examiners, sex offender treatment providers, polygraphers, community housing and substance abuse treatment services. The Comptroller's Office also requested that TCCO review any needed legislative changes for next session to obtain statutory authority for such enrollments going forward.

Mr. Furlow reviewed the expiration dates of the current contracts TCCO has for clinical examiners, sex offender treatment providers, polygraph examiners and substance abuse treatment providers. The enrollment for clinical examiners to obtain additional examiners has been published and will close on August 31, 2026. TCCO is working to publish the enrollments for sex offender treatment providers, polygraph examiners, substance abuse treatment services and community housing.

### **Discussion, Consideration, and Possible Action Regarding Revisions to Texas Administrative Code, Title 37, Public Safety and Corrections, Part 16, Texas Civil Commitment Office Chapter 810, Section 810.156**

General Counsel Tucker Furlow stated this proposal adopts an amendment to the existing rule to differentiate between Tier 2 and Tier 2-I. The proposed amendment was previously published in the Texas Register; no comments were received from the public. Ms. McClure moved to adopt the proposed change. The motion was seconded by Ms. Stratton Gouyton and passed without opposition.

**Discussion, Consideration, and Possible Action Regarding Revisions to Texas Administrative Code, Title 37, Public Safety and Corrections, Part 16, Texas Civil Commitment Office, Chapter 810, Section 810.123**

Mr. Furlow stated that TCCO is proposing this new rule 810.123 concerning a petition for adoption of rules. The proposed rule would adhere to the requirements set forth in Gov't Code § 2001.021 and is consistent with the rules adopted by other agencies to implement this requirement. Mr. Aliseda moved to approve the publication of the proposed rule for public comment. The motion was seconded by Ms. McClure and passed without opposition.

**Report Regarding Potential, Contemplated or Pending Litigation**

The Board went into executive session at 12:11 p.m. to cover this agenda item. The Board reconvened in open session at 12:43 p.m. with no formal action taken by the Board during the executive session.

**Discussion, Consideration, and Possible Action Regarding Excused Absences**

Ms. Jack noted that all Board Members were present at the last meeting.

**Discussion, Consideration, and Possible Action Regarding February 23, 2022 Meeting Minutes**

After determining that all Board Members present had reviewed the minutes from the previous meeting, Board Chair Christy Jack asked for a motion to adopt the February 23, 2022 meeting minutes; the motion was made, seconded, voted on and passed without opposition.

**Discussion, Consideration, and Possible Action Regarding Future Meeting Dates**

The next meeting of the TCCO Board was tentatively scheduled for August 26, 2022 at 10:00 a.m. at the Texas Civil Commitment Office in Austin.

**Meeting Adjourned at 12:43 p.m.**

**SIGNATURE ON FILE**

\_\_\_\_\_  
Christy Jack, Chair

\_\_\_\_\_  
Date

**SIGNATURE ON FILE**

\_\_\_\_\_  
Marsha McLane, Executive Director

\_\_\_\_\_  
Date