

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, September 24, 2020, at 2:30 p.m.

VIA VIDEOCONFERENCE

MINUTES

Board Members Present

Christy Jack, Chair
Jose Aliseda

Katie McClure
Robert Dominguez

Rona Stratton Gouyton

TCCO Staff

Marsha McLane
Mike Necker

Stanley Muli
Scott Merchant

Jessica Marsh

House Corrections Committee

Roel Benavides

Office of the Attorney General

Adam Fellows

Management and Training Corporation

John Cochran

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

Board Chair, Christy Jack convened the meeting at 2:30 p.m. Roll was taken and it was noted that a quorum was present. Ms. Jack went on to note that this meeting was being held via webinar to comply with the Governor's order to minimize in-person contact, and members of the public have the opportunity to join the meeting via telephone or video.

Board Chair report

Board Chair, Christy Jack, gave no formal report.

Executive Director's report concerning program operations and the routine functioning of the TCCO

TCCO Executive Director, Marsha McLane began noting staffing changes that have occurred since the previous Board Meeting. Jessica Marsh was promoted from Director of Operations to Deputy Director. There is a new Operations Specialist, Kenneth Jolley, who possesses extensive correctional security experience. Patrick Flaherty was hired as the part time Internal Auditor.

There was no incidence of COVID-19 at the facility in Littlefield until the end of August, when a cook at the facility tested positive and gave the virus to three clients who were working in the kitchen. Those clients and the clients they are housed with were immediately quarantined. Fourteen days later they were all tested and the three who had been positive for COVID-19 were now negative; however, four other clients now tested positive. Those clients were quarantined to an area where they were in a room that included a bathroom and a shower and they would not need to leave the room for any reason. These clients were re-tested for COVID-19 two days ago and we are currently awaiting those results.

None of the TCCO staff at the facility have tested positive and, so far, only one TCCO staff member in the Austin office tested positive. He was out of the office and quarantined until he had no symptoms and two negative COVID-19 tests and has since retired.

TCCO staff have been vigilant about following proper protocols to prevent the spread of the virus and it has been stressed that, if anybody feels sick, they do not come to work. Anybody who exhibits symptoms of COVID-19 must go get tested and not return to the office until testing negative and symptoms have subsided.

As of September 1, 2020, Texas Tech is no longer responsible for medical care at the facility and those services have been taken over by MTC. Additionally, HHS has given their mental health contract to MTC as well; therefore, MTC is responsible for all healthcare and mental healthcare services at the facility.

TCCO has been having issues with the Wi-Fi at the Austin office and found out it is because the current Wi-Fi system is quite outdated, so TCCO is in the process of getting a new Wi-Fi system as soon as possible.

Since certain clients have been allowed to have cell phones, only one client has been caught downloading inappropriate pictures that were not pornography but inappropriate nonetheless. This client has been demoted in tier and is working to turn around his behavior. The good thing about allowing clients to have cell phones while they're at the facility is that, in instances such as this, the client's behavior can be addressed and corrected while he is still at the facility rather than after his release to the community.

In June, one of TCCO's clients at the facility committed suicide by hanging himself on his bed. This is the first time something like this has happened at the facility. About two weeks prior to this incident, TCCO staff at the facility noticed that the client seemed to be having some mental health difficulties and referred him to the mental health program that was, at the time, being operated by Texas Tech who failed to see the client. TCCO required Texas Tech to conduct a thorough investigation of the incident and disciplinary action was taken but this issue is indicative of the types of issues Texas Tech was having with their delivery of mental health services.

After the client's suicide, TCCO immediately reached out to HHS for help getting grief counseling for the other clients at the facility. When HHS failed to respond immediately, TCCO and MTC made a plan to get the Licensed Professional Counselors at the facility to provide counseling to the clients focused on grief and how to deal with it for a whole week.

HHS closed a nursing home in the Fort Worth area; however, there was one TCCO client and several TDCJ Parole clients, as well as some probation clients living there. Because of this, TCCO staff had to make over 400 telephone calls to nursing homes in Texas to find one that would accept a COVID-19 positive sexually violent predator. During this time, TCCO worked very closely with TDCJ-TCCOOMI because they were also looking for homes for their clients. It took about a week before a nursing home was found in Killeen, Texas that would accept the clients.

When the last four clients with COVID-19 are no longer positive and there are no more positive clients, TCCO will entertain the possibility of resuming visitation; however, there will be very strict guidelines including having visitation outdoors, making sure any visitors have had a recent negative COVID19 test and that they are wearing full personal protective equipment (PPE) at the facility.

Regarding the cyber security framework project at the TCCO office, although TCCO scored better than expected, they still need to write some cybersecurity and IT policies. They were provided the name of a similar agency with similar issues to consult with and find out things they did to alleviate the issues.

Last week there was an incident that caused the very first use of pepper spray at the facility. The client involved was ultimately charged with assault on a security officer and is currently in the county jail.

Last week there were two clients released from civil commitment, making a total of nine since the new administration took over.

Chief Financial Officer's report regarding FY 2020 Budget and Expenditures Report and Rider 117 Healthcare costs; FY 2021 Operating Budget; and Proposed FY 2022/2023 Legislative Appropriations Request

TCCO Chief Financial Officer, Stanley Muli, began by noting that the FY 2020 budget has increased to \$18,179,000.00 due to the collection of cost recovery fees from the clients and was able to process a budget increase this past week. TCCO collected \$255,685.00 in cost recovery and the total increase to the budget was \$195,000.00 because \$62,000 in cost recovery is already built into the beginning budget.

This year, the State mandated all state agencies to identify 5 percent in cuts to the budget due to the COVID-19 pandemic. TCCO has identified \$1,982,892.00 across the biennium for this purpose; however, the state has not mandated that the budget cuts be made, only that the cuts be identified. TCCO has spent a total of \$4,425.00 on COVID-19 related expenditures and expects that there will be approximately \$1,000,000.00 rolled over into the FY 2021 budget.

TCCO's FY 2021 starting budget will be \$19,781,089.00 and based upon caseload projections it is expected that 99 percent of the budget will be spent; therefore, the budget for FY 2021 will be very tight. TCCO also expects to see a budget reduction implemented based upon the 5 percent reduction they have identified.

The Legislative Appropriations Request for the next biennium totals \$35.8 million for the baseline with five exceptional items including caseload growth, off-site medical care, the case manager career ladder, professional services pertaining to utilizing an outside firm to provide TCCO's internal auditing and the hiring of two new case managers to expand the area of the state where TCCO clients can live when they are released to the public. This brings the total for the biennium to \$40,097,642.00.

Discussion, consideration and possible action regarding the TCCO FY 2022 and FY 2023 Legislative Appropriations Request

After ensuring that the board members had no further questions or discussion regarding the FY 2022 and 2023 Legislative Appropriations request, Board Chair, Christy Jack asked if there was a motion to approve it. A motion was made, seconded, voted on and approved with no opposition.

Deputy Director report regarding revisions to the case manager career ladder

TCCO Deputy Director, Jessica Marsh noted that, when the case manager career ladder for the Program Specialist II Case Managers was created about two and a half years ago, there was not a Program Specialist III, Senior Case Manager position. This position has been added so that an experienced Case Manager can fill the position and provide training, additional support and mentorship to the Case Managers. The proposed adjustment to the career ladder would be to create a career ladder for this position which uses the same methodology as the Program Specialist II career ladder with steps up every year provided that the performance of the duties is satisfactory and there is no disciplinary action or other issues.

Discussion, Consideration and possible action regarding revisions to the case manager career ladder

After ensuring that the Board Members had no further questions or discussion regarding the revisions to the case manager career ladder, Board Chair, Christy Jack asked if there was a motion to approve it. A motion was made, seconded, voted on and approved with no opposition.

Report regarding potential, contemplated and pending litigation

The Board went into Executive Session at 3:06 p.m. to take up this agenda item. The Board Members were required to log out of the videoconference session and log into the private executive session. Members of the public were allowed to remain logged into the open session to await the return of the Board Members.

The Board reconvened in open session at 3:31 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 June 18, 2020 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 June 18, 2020 meeting minutes; the motion was made, seconded, voted on and passed without opposition.

The Board reconvened in open session at 3:31 p.m. with no formal action taken during the executive session

Discussion, consideration, and possible action regarding future meeting dates

The next meeting of the TCCO Board was tentatively scheduled for February 5, 2021 at 10:00 a.m. at the Texas Civil Commitment Office in Austin.

Public Comment

There was no member of the public requesting to address the Board.

Meeting Adjourned at 3:37 p.m.

SIGNATURE ON FILE

Christy Jack, Chair

Date

SIGNATURE ON FILE

Marsha McLane, Executive Director

Date