

## TEXAS CIVIL COMMITMENT OFFICE



### POLICY AND PROCEDURE

**NUMBER:** 3.5  
**EFFECTIVE DATE:** 09/10/2021  
**SUPERCEDES:** 08/11/2021

**SUBJECT:** COST RECOVERY FOR SERVICE

**PURPOSE:** Health and Safety Code §841.084

**POLICY:** Pursuant to Health & Safety Code §841.084 non-indigent clients are responsible for payment for services for housing, treatment and GPS tracking. The Texas Civil Commitment Office (TCCO) has determined a client shall pay twenty-five percent (25%) of their income or the actual cost of services each month, whichever is less, to defray the cost of services. Any exceptions to this policy require the approval of the TCCO Executive Director or designee.

#### DEFINITIONS:

**“Exclusions to Income”** includes funds or property received from a judgment; an inheritance; funds or property received from a divorce decree; insurance proceeds; transfers of funds from a spouse which shall not exceed \$100.00 monthly; or proceeds from the sale of property acquired prior to being civilly committed.

**“Income”** includes but is not limited to money received from employment, to include wages, salaries, tips and other taxable employee pay; disability benefits; net earnings from self-employment; net gain from the sale of property purchased while under civil commitment; net income from rental property or an ownership in an on-going business; interest or dividend income; retirement income; social security income; unemployment benefits; proceeds from lottery winnings and gifts of cash.

**“Indigent”** for the purpose of this policy is when a client’s monthly income is zero.

**“Spouse”** legally married couples, whether opposite-sex or same sex, or married under common law.

## **PROCEDURES:**

### **I. Cost Recovery for Clients in a Contracted Facility**

- A.** Except as otherwise provided in this policy, clients shall be required to pay 25% of their monthly income to defray the cost of housing, treatment and GPS tracking as required by statute. The Case Manager shall have the client sign the Cost Recovery Worksheet for Clients in a Contracted Facility (TCO-01-16) acknowledging the amount the client is required to pay. Indigent clients are not required to pay for services.
- B.** The Case Manager shall complete the TCCO-01-16 by the twenty-fifth (25<sup>th</sup>) calendar day of each month.
- C.** The Case Manager shall provide a copy of the completed TCCO-01-16 to the client. The Case Manager or designee shall scan the TCCO-01-16 into the case management automated system within two (2) working days of completion.
- D.** Non-indigent clients residing at the TCCC shall complete a Resident Bank Trust Fund Withdrawal Form for the required payment and submit it to the TCCC Business Office within two (2) working days of receipt of the TCCO-01-16. Clients who maintain an external bank account shall initiate the required payment to TCCO within two (2) working days of receiving the TCCC-01-16. Payments shall be sent to the Texas Civil Commitment Office, 4616 W. Howard Lane, Building 2, Suite 350, Austin, Texas 78728.
- E.** For clients at the TCCC, the TCCC Business Office will provide:
  - 1.** The client with a receipt; and
  - 2.** The Case Manager and the client with a monthly statement of the client's trust fund that shows the client's income and the cost recovery payment to TCCO.
- F.** The Case Manager shall review the monthly trust fund statement and utilize the trust fund statement for cost recovery review and calculations. The Case Manager or designee shall scan the trust fund statement to the case management automated system each month.
- G.** The Case Manager or designee shall enter the required information regarding the client's cost recovery for that particular month in the Case Manager Cost Recovery spreadsheet in SharePoint by the twenty-fifth (25<sup>th</sup>) calendar day of each month.
- H.** Clients residing in a contract facility other than the TCCC shall mail a cashier's check or money order for the required amount made payable to the Texas Civil Commitment Office, 4616 W. Howard Lane, Building 2, Suite 350, Austin, Texas 78728 within two (2) working days of receipt of the TCCO-01-16 .

- I. The TCCO Central Office Accountant or administrative staff, within three (3) working days, shall:
  - 1. Complete a receipt for any money order or cashier's check received and scan a copy of both in the case management automated system.
  - 2. Maintain a copy of the payment and receipt.
- J. The TCCO Central Office Accountant or administrative staff shall document the client's payment in the Fiscal Year (FY) Cost Recovery spreadsheet in SharePoint within three (3) working days of receipt of payment.

## **II. Clients Residing in the TCCC Receiving Income**

- A. Cost recovery will not be collected on funds provided to a client by the client's spouse up to \$100.00 per month.
- B. Cost recovery will be collected on cash gifts received from someone other than a spouse.
- C. The TCCC Business Office will include the name of the person providing the funds or cash gifts on the client's trust fund statement to be used by the Case Manager when calculating cost recovery.
- D. The TCCC shall notify the client of any funds or cash gifts received.

## **III. Cost Recovery for Clients Not Residing at the TCCC**

- A. The Case Manager shall complete the Cost Recovery Worksheet for Clients Not Living in a Contracted Facility (TCCO-14-16) by the twenty-fifth (25<sup>th</sup>) calendar day of each month.
- B. Clients shall be required to pay 25% of their monthly income to defray the cost of treatment and GPS tracking as required by statute. If the established percentage of the total monthly income exceeds the amount for treatment services and GPS tracking, the client will pay the lesser amount.
- C. The Case Manager shall have the client sign the TCCO-14-16 acknowledging the amount the client is required to pay, provide a copy to the client and scan it into the case management automated system within two (2) working days of the client signature .
- D. The Case Manager shall send an email to the TCCO administrative support staff advising the amount the client owes. The TCCO administrative support staff shall enter the amount in the Cost Recovery spreadsheet in Sharepoint.
- E. The client shall mail a cashier's check or money order with the required amount made payable to the Texas Civil Commitment Office, 4616 W. Howard Lane, Building 2,

Suite 350 Austin, Texas 78728 within two (2) working days of receipt of the TCCO-14-16 .

- F. The TCCO Central Office Accountant or administrative staff shall enter the payment as received in the current FY Cost Recovery spreadsheet in SharePoint within three (3) working days of receipt.
- G. The TCCO Central Office Accountant or administrative staff shall complete a receipt for the payment and scan the receipt and payment into the case management automated system. The TCCO Central Office shall maintain a copy of the payment and the receipt.

#### **IV. Client Monthly Budget**

- A. Tier 4 and Tier 5 clients shall complete a Client Budget Worksheet (TCCO-35-16) for the previous month's expenses and review with the Case Manager when discussing cost recovery.
- B. The Case Manager shall encourage Tier 4 and Tier 5 clients to save money on a monthly basis by setting goals on the TCCO-35-16 regarding the amount to be placed in savings each month.
- C. The Case Manager shall scan the TCCO-35-16 with the TCCO-01-16 or TCCO-14-16, whichever applies, in the case management automated system each month.

#### **V. Delinquent Payment**

- A. In the event a client fails to make the required reimbursement and does not meet the requirements for an exception noted in Section VI of this policy, the Case Manager shall complete the Cost Recovery Delinquency Notification form (TCCO-01-17) by the twenty-fifth (25<sup>th</sup>) calendar day of the following month. The Case Manager shall identify any privilege limitations or suspensions in Section II of the form. The Case Manager shall inform the Treatment Provider when the client is chronically delinquent with cost recovery.
- B. Once the client becomes current with cost recovery or has entered into an approved payment plan and has submitted two (2) consecutive payments, the Case Manager shall review the case with the Director of Case Management Services (DCM). Upon approval of the DCM, the Case Manager shall notify the client his privileges have been reinstated.
- C. If a Tier 5 client fails to make the required payment, the Case Manager and DCM shall conduct a case staffing with the client. At this time, the client shall be restricted from all leisure activities. Approved activities include work, sex offender treatment, sex offender registration, mental health services, medical, legal appointments, and outings to purchase items necessary for daily living. Additional activities require the approval of the DCM.

- D. The Case Manager shall notify the DCM within three (3) working days if a Tier 5 client remains delinquent for two (2) consecutive months. The DCM shall notify the Executive Director of the delinquency to determine if alternate living arrangements will be required to include transferring the client to a more restrictive setting if TCCO considers the transfer necessary to further treatment and to protect the community.

## **VI. Exceptional Circumstances for Clients Living Independently**

- A. In the event a client has unexpected or increased necessary expenses or received a significant reduction in income in a given month and the client is not able to reimburse the TCCO for required services, the Case Manager shall review and verify the client's income and expenses to determine if a request to defer or waive payment for that month is appropriate.
- B. If the Case Manager determines a request for deferred or waived reimbursement is an appropriate request, the Case Manager shall send an email to the DCM by the twenty-fifth (25<sup>th</sup>) calendar day of the month. The email shall include a detailed reason for the request. The Case Manager shall also include a current or updated copy of the Client Budget Worksheet (TCCO-35-16), bills and expenses.
- C. The DCM shall review the request within two (2) working days with TCCO Management to determine if approval will be granted. Deferrals and waivers require written approval from the Executive Director. The duration of the deferral or waiver will be specified in the written approval.

## **VII. Reimbursement for Damaged or Lost GPS Equipment**

- A. Pursuant to §841.084(c) Health and Safety Code, a civilly committed client who is not indigent shall be responsible for reimbursing the TCCO for repairs or replacement of the tracking equipment required by Section 841.082, if the client intentionally caused the damage to or loss of the equipment as determined by TCCO.
- B. In the event a GPS unit is damaged to the extent that it is no longer operable, the Case Manager shall return the GPS unit to the vendor per established procedures.
- C. If the vendor determines the client damaged the GPS unit or the GPS unit has been lost, the Case Manager shall notify the DCM within two (2) working days. The Case Manager and DCM will review the circumstances that caused the unit to be damaged or lost to determine if it was intentional.
- D. The Case Manager shall provide the client with the Reimbursement for Damaged or Lost Global Positioning Satellite Equipment form (TCCO-16-17), identifying the amount owed and scan into the case management automated system within two (2) working days of approval from the DCM.

- E. The client may establish a payment plan, which requires approval from TCCO Management.
- F. If a client is indigent at the time the GPS unit is damaged or lost, the client shall begin reimbursement when he is no longer indigent.
- G. TCCO Management shall move a client who intentionally damages or loses their GPS equipment to more restrictive housing as determined appropriate.

**SIGNATURE ON FILE**

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Marsha McLane  
Executive Director

**Associated Forms:**

- Cost Recovery Worksheet for Clients in a Contracted Facility (TCCO-01-16)
- Cost Recovery Worksheet for Clients Not Living in a Contracted Facility (TCCO-14-16)
- Client Budget Worksheet (TCCO-35-16)
- Cost Recovery Delinquency Notification (TCCO-01-17)
- Reimbursement for Damaged or Lost Global Positioning Satellite Equipment (TCCO-16-17)