

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

Friday, February 2, at 12:00 p.m.
4616 West Howard Lane
Building 2, Suite 350
Austin, Texas 78728

MINUTES

Board Members Present

Kathryn “Katie” McClure
Rona Stratton Gouyton

Jose Aliseda

Roberto “Robert” Dominguez

TCCO Staff

Marsha McLane
Stuart Jenkins

David Flores
Mike Necker

Jessica Marsh

Convene the Board of the Texas Civil Commitment Office

Vice Chair, Katie McClure convened the meeting at 12:04 p.m., roll was taken and it was noted that a quorum was present.

Board Chair’s report and update concerning current operations and the functioning of the TCCO Board

Vice Chair, Katie McClure noted Board Chair, Christy Jack, was not present at the meeting and there would be no Board Chair’s report, rather, this report would be deferred to the Executive Director.

Executive Director’s update concerning program operations and the routine functioning of the TCCO

Ms. McLane began by introducing new TCCO employees hired since the previous Board Meeting, including the Management Support Specialist, Staff Services Administrator, Systems Administrator, and Director of Program Operations.

There is a newly signed contract in place for Substance Abuse treatment to be provided at the facility in Littlefield for those clients with substance abuse issues. Additionally, there is a new teacher at the facility responsible for adult basic education and GED classes. All clients 60 years old or under without a GED will be required to participate in the program and those over 60 that wish to earn a GED will be allowed to participate but not required to do so.

There are currently 303 TCCO clients total throughout the state, 281 of which are at the facility in Littlefield. There are four clients that TCCO would like to send home to live independently; however there have been obstacles to finding them places to live. TCCO case managers throughout the state are diligently searching for places to live that will accept TCCO clients. Another client was ready to go home but his PPG, which is required prior to moving into Phase 5, indicated that he had some issues and was not quite ready to go home, so TCCO has intensified his treatment, increasing the contact between the client, his case management staff and treatment providers to help prepare him to successfully move on to independent living.

Ms. McLane presented information regarding how many TCCO clients returned to prison for violations prior to the current TCCO administration taking over in May 2014 and how many went back to prison after that date. At the time the current TCCO administration took over, there were over 200 rules that civil commitment clients were expected to follow and violating these rules usually meant going back to prison. The new administration put the focus on treatment by cleaning up the civil commitment rules and utilizing treatment sanctions rather than criminal charges for violations not involving new criminal offenses. Prior to the date the new administration took over there were 243 clients returned to prison between 2001 and 2014, with 171 of those occurring between 2010 and 2014. Since May of 2014 there have only been 13 clients returned to prison.

Audit Committee Chair's report concerning TCCO audits and contract monitoring

Audit Committee Chair, Robert Dominguez, began by noting that the audit committee has been receiving and reviewing copies of all audits conducted by TCCO staff since the beginning of the contract with Correct Care Recovery Solutions. He stated that TCCO's audit staff is doing an excellent job monitoring compliance with the contract. There have been some recurring compliance issues at the facility and, for the first quarter of Fiscal Year 2018 (September, October and November 2017), there is a total of \$167,470.00 in sanctions that will be withheld from TCCO's payments to CCRS. These sanctions are based upon several issues of the Contractor not meeting the compliance standards in the contract such as providing individual and group treatment, documentation of treatment provided, and documentation of client progress in progress notes. TCCO staff has been closely working with CCRS administration as well as their treatment staff to help address and reduce the issues of noncompliance. Continued monitoring will help to ensure the citizens and lawmakers in Texas know and understand that TCCO is doing everything possible to see that the funds being expended on this program are being expended properly and to make sure that our clients get the proper treatment and can make it to such a level that they can be released from the program.

Budget Director's report regarding FY 2018 Budget/Expenditures & Rider 185 Healthcare Costs

TCCO Budget Director, David Flores noted that TCCO's budget for this fiscal year was just over \$16.9 million. There is slightly more than \$11.2 million in encumbrances, the bulk of which goes to the CCRS contract. While the budget shows over \$2.9 million remaining, this amount does not take into account expenses that are not already encumbered, such as salaries, travel and the grant because it is dedicated to grant purposes. Because of this, the remaining budget at the end of this fiscal year is actually expected to be about \$1.23 million, which will roll over into the FY 2019 budget.

When asked the status of the grant, Ms. McLane added information that the plan is for TCCO to invite heads of civil commitment programs from other states to meet at the TCCO office to discuss the different programs nationwide to identify best practices. Additionally, the TCCO Sex Offender Specialist, Janet Latham, will be attending a Council on Sex Offender Treatment conference at the beginning of March. Also, TCCO will be researching different types of PPGs to ensure that TCCO is using the most accurate tests for its program. Mr. Flores added that the grant has been utilized for providing training to TCCO staff.

During the last legislative session, TCCO requested \$1.6 million for off-site healthcare that is not covered by the contract with CCRS, which only covers the first \$25,000 in off-site medical care per client and does not cover Hepatitis C medication, which can cost about \$76,000 per individual. This was done so that the burden of healthcare costs would not fall upon the indigent healthcare program for the community where the facility is located. Out of the facility's population of 281, 108 TCCO clients have utilized off-site healthcare. The legislature granted \$561,000 for this purpose and TCCO is now required to report to the legislature and the Governor every quarter on what is being spent on off-site medical care.

Executive Session for report regarding potential, contemplated, and pending litigation and personnel matters related to the appointment or employment of an Internal Auditor

The Board went into Executive Session at 12:37 p.m. and all members of the public were asked to leave the meeting. The open session reconvened at 1:22 p.m. with no formal action taken by the Board during the closed session.

Discussion, consideration, and possible action regarding executive session under Section 551.074 of the Government Code to deliberate personnel matters related to the appointment or employment of an

Internal Auditor and further discussion and possible action on personnel matters considered in executive session

Vice Chair, Katie McClure asked if there was any further discussion of what was taken up during the executive session regarding the Internal Auditor. There was no further discussion, so Ms. McClure made a motion to appoint Steve Goodson as the Texas Civil Commitment Office Internal Auditor based upon the discussion of his credentials and the recommendation of the Executive Director and the Budget Director in accordance with Chapter 2102 of the Texas Government Code. The motion was seconded and passed without opposition.

Discussion, consideration, and possible action regarding the adoption of the following proposed amendments to Texas Administrative Code Title 37 Public Safety and Corrections Part 16 Texas Civil Commitment Office, Chapter 810 as published in the Texas Register

- a. Section 810.122 Definitions – Proposed Amendment
- b. Section 810.153 Tiered Treatment and Supervision Program – Proposed Amendment
- c. Section 810.154 Emergency Detention Orders – Proposed Adoption
- d. Section 810.155 Mechanical and Chemical Restraints – Proposed Adoption
- e. Section 810.156 Sexually Violent Predators Subject to GPS Monitoring – Proposed Adoption
- f. Section 810.273 Cost of Housing, Treatment, and Tracking Services – Proposed Amendment

TCCO General Counsel, Jessica Marsh explained each proposed change noting that there was no public comment received on any of the proposed amendments. Motions were made to adopt each proposed rule, seconded, and all passed without opposition.

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. McClure noted that Board Chair, Christy Jack, was not present at this meeting due to being in trial and a family illness. Ms. McClure made a motion to excuse Ms. Jack’s absence. The motion was seconded and passed without opposition.

Discussion, Consideration, and Possible Action Regarding October 27, 2017 Meeting Minutes

Vice Chair Katie McClure asked if all board members had a chance to review the minutes from the October 27, 2017 meeting. When all Board Members affirmed their review of the minutes, a motion was made to adopt the October 27, 2017 meeting minutes; the motion was seconded and passed without opposition.

Discussion, Consideration, and Possible Action Regarding Future Meeting Dates

The next meeting of the TCCO Board was tentatively scheduled for May 4, 2018 at 10:00 a.m. to be held at the Texas Civil Commitment Center in Littlefield.

Public Comment

There was one member of the public present who wished to address the Board. Attorney William Marshall, who represents several clients at the Littlefield facility and advises others that he does not represent, stated that he wished to convey concern about a resident being returned from the community to the facility in Littlefield. According to Mr. Marshall, the resident had been asked to talk in group about the sequence of events that brought him to Littlefield and Mr. Marshall claims that when the client was ready to speak in group, he was asked to leave the group.

Meeting Adjourned at 1:35 p.m.

Signatures on File

Christy Jack, Chair

Marsha McLane, Executive Director

Date

Date