

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, January 13, 2017, at 1:00 p.m.
4616 West Howard Lane
Building 2, Suite 350
Austin, Texas 78728

MINUTES

Board Members Present

Christy Jack, Chair
Kathryn "Katie" McClure

Jose Aliseda
Rona Stratton Gouyton

Roberto "Robert" Dominguez

TCCO Staff

Marsha McLane
David Flores

Jessica Marsh
Mike Necker

Cathy Drake

Office of the Governor

Preston Streufert

Office of the Attorney General

Syreeta Alexander

Richard Huntpalmer

Convene the Board of the Texas Civil Commitment Office

Board Chair, Christy Jack, convened the meeting at 1:00 p.m., roll was taken and it was noted that a quorum was present.

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

There are currently 250 residents in the Littlefield facility, making the total number of clients in the community 265. There are also 147 civilly committed individuals who are still in prison.

The first week in December, TCCO coordinated two and a half days of training conducted in the Austin office for all staff, including all the case managers located throughout the state. The training included; the role and daily duties of a case manager, how to work with GPS monitors and straps, safety of the case managers and training on what to do in the event there is an active shooter in the building. Additionally, the Texas Department of Criminal Justice Office of the Inspector General (TDCJ-OIG) conducted gang training and provided valuable information about gangs.

There are several TCCO clients who have Hepatitis C and our contract does not require the vendor to pay for medications for Hepatitis C which can range from \$53,000 to \$81,000 per person. Three TCCO clients are at the point where they require the medication according to their doctors. Two TCCO case managers worked with pharmaceutical companies to get free medication for two of the clients, which is about \$160,000 in savings. The case managers are waiting to get a prescription for the third client which will identify the specific medication needed.

TCCO is currently working with legislative staff and the Governor's office on TCCO's legislative agenda. Bills are being drafted but nothing has been filed at this point. When something gets filed, it will be provided to the board immediately. TCCO's administrative attachment has transitioned from the Department of State Health Services (DSHS) to the Health and Human Services Commission (HHSC), and they are including TCCO on their bill tracking system and provided training so that TCCO can be kept abreast of proposed legislation affecting them.

TCCO received another SVP who had been declared incompetent to stand trial and unable to gain competency. Ms. McLane has tried to stress that these types of clients need mental health treatment before anyone can attempt to provide sex offender treatment and mental health personnel have agreed to provide the clients extra mental health treatment but, so far, that has not been happening. This will be one of the legislative issues that TCCO will be focusing on.

Some TCCO clients at the Littlefield facility asked for a public hearing so that they could provide input regarding the proposed changes to the administrative code that are on the agenda for today's meeting. TCCO conducted a public hearing at the Austin office and ensured that the clients in Littlefield could attend via telephone. There were only a few members of the public in attendance.

There was a meeting held between TCCO, the Lamb County District Attorney, the Lamb County Sheriff, the Littlefield Police Chief and the DPS Commander for the Lubbock area to discuss the timing on the issuance of warrants, the issuance of PR bonds and the length of time it takes for trials to be held. Ms. McLane suggested that perhaps legislation could be drafted that would allow SPU to go to counties to conduct the violation trials for civil commitment clients.

Another issue that occurred was during the presidential election in November. Residents at the Littlefield facility who wanted to vote did so by mail and Lamb county election officials kicked back over 80 votes cast by TCCO clients. They allowed some votes to count but a majority of the votes were not counted. Ms. McLane has reached out to the county election officials to find out why TCCO clients were not allowed to vote. This will likely force TCCO to have the vendor's staff take the clients out into the community to vote in the next election because the clients have a right to vote.

TCCO General Counsel, Jessica Marsh, presented at the TDCAA Elected District Attorneys' Conference to explain who TCCO is and what they do. Additionally, a meeting was held by TCCO last Monday with the Contractor's President, Vice President, Operations Manager and Programs person in order to resolve some documentation issues that are occurring at the facility.

TCCO is currently working on an MOU with HHSC to outline the administrative attachment between them and to specify what each party's duties are under the attachment. The MOU has been held up in the legal department due to some issues with IT, which have been resolved. Ms. McLane has spoken to the legal department and it is expected that the MOU will begin moving more rapidly through the approval process. Another MOU TCCO has been working on is an MOU between TCCO, TDCJ and OIG so that OIG can help out with the investigation, which is their area of expertise, in case there is a death at the facility.

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

Board Chair, Christy Jack, indicated that she did not have an independent report at this time.

Budget Director's report regarding FY 2016 Budget/Expenditures, grant funding, and FY 2017 Budget/Expenditures

TCCO Budget Director, David Flores, began by noting and explaining the difference in the structure of his reports from the reports that used to be provided when TCCO was administratively attached to DSHS. The overall TCCO FY 2017 budget is \$16,067,390 with \$11,074,080 encumbered and \$1,379,126 expended at this time. There is \$3,613,905 remaining in the budget. This remainder is due to the fact that salaries and travel expenses are not encumbered, and these amounts go straight to the expended amount so they will not be deducted until they actually occur. This budget was based upon a projected caseload count of 332 clients in the program; however, TCCO's caseload continues to remain around 249 clients, with projections now

indicating an end of the year caseload count of about 289 clients. Because the caseload counts were not as high as projected, there was \$1,843,103 remaining in the FY 2016 budget and projections indicate there will be about \$2 million remaining in the budget at the end of Fiscal Year 2017. The amount of money that TCCO is spending per SVP is in line with projections.

Internal Auditor's report regarding FY 2017 Audit Plan

TCCO Internal Auditor, Scott Hornung stated that in preparing an audit plan, he performed a risk assessment of the agency and, because of the small size of the agency's audit staff, any issues will not be difficult to find. The sole audit on the 2017 audit plan is an audit of the case management system, Corrections Software Solutions, utilized by TCCO. Data is entered by TCCO staff, Contractor Staff, and treatment providers. The data needs to be reliable as well as timely. The plan is to focus on the Case Managers in Littlefield to ensure that they are doing their part to ensure the data is entered timely and accurately. The audit process should be started within the next two weeks.

Audit Committee Chair's report regarding audits and contract monitoring

Audit Committee Chair, Robert Dominguez, began by noting that a meeting of the audit committee along with TCCO staff was conducted just prior to the Board Meeting. This meeting was to go over all the compliance reviews that have been conducted by TCCO thus far. TCCO monitoring staff have been taking care to ensure that all areas of the contract have been reviewed and the Contractor is being held accountable for compliance. Chief Dominguez further stated that TCCO audit staff is very thorough with their reviews and have great attention to detail.

Discussion, consideration and possible action regarding proposed changes to the Administrative Code governing TCCO

TCCO General Counsel, Jessica Marsh, began by noting that at the last TCCO Board Meeting she reviewed proposed administrative rule repeals, adoptions and amendments based upon changes brought about by Senate Bill 746. Since that time the proposed changes to the administrative rules were published on the Secretary of State's website on September 30, 2016, so that the public could review them and provide comment. TCCO did not receive any written public commentary, but did receive a request by a number of residents at the Texas Civil Commitment Center in Littlefield to hold a public hearing. Since the Administrative Procedures Act requires that TCCO hold a public hearing if a certain number of people request it and the number of requests exceeded that number, the public hearing was held on December 9, 2016. The public was allowed to attend either in person at the Austin TCCO Office or via telephone. Ms. Marsh relayed any commentary that was received on each section and each was voted on, as follows:

- Section 810.121 Introduction – Proposed amendment
- Section 810.122 Definitions – Proposed amendment
- Section 810.151 Administration of the Act – Proposed amendment
- Section 810.152 Civil Commitment of Sexually Violent Predators – Proposed repeal
- Section 810.153 Outpatient Treatment and Supervision Program – Proposed amendment
- Section 810.211 Biennial Examination – Proposed repeal
- Section 810.241 Authorized Petition for Release – Proposed repeal
- Section 810.242 Unauthorized Petition for Release – Proposed repeal
- Section 810.271 Release or Exchange of Information – Proposed repeal
- Section 810.272 Office Appointment of Multidisciplinary Team Members – Proposed amendment
- Section 810.273 Cost of Tracking Service – Proposed amendment
- Section 810.274 Contracts Requiring Enhanced Monitoring – Proposed adoption
- Section 810.275 Contract Monitoring Responsibilities – Proposed adoption
- Section 810.291 Access to Criminal History Records – Proposed repeal
- Section 810.282 Records – Proposed repeal
- Section 810.283 Destruction of Criminal History Records – Proposed repeal

All proposed adoptions, repeals and amendments to the administrative rules were adopted by the Board without opposition. Ms. Marsh then stated that she would post all the signed orders to the Texas Register for the required 20 days before they become effective.

Discussion, Consideration, and Possible Action Regarding September 9, 2016 Meeting Minutes

Board Chair Christy Jack asked if all board members had a chance to review the minutes from the September 9, 2016 meeting. A motion was made by Board Member, Jose Aliseda, to adopt the September 9, 2016, meeting minutes; the motion was seconded and passed without opposition.

Executive Session for report regarding potential, contemplated, and pending litigation

The Board went into Executive Session at 2:03 p.m. and all members of the public were asked to leave the meeting. The open session reconvened at 2:25 p.m. with no formal action taken by the Board during the closed session.

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. Jack noted that she had been required to be in court on September, 9, 2016 and could not attend that meeting. A motion was made to excuse Ms. Jack’s absence and passed without opposition.

Discussion, Consideration, and Possible Action Regarding Future Meeting Dates

The next meeting of the TCCO Board was tentatively scheduled for April 7, 2017 at 10:00 a.m.

Public Comment

Ms. Jack noted that Attorney William Marshall, who represents several residents at the Littlefield facility, had indicated informally that he would like to address the board earlier in the meeting. Mr. Marshall stated that he believed that, although the meeting agenda was posted on the Secretary of State’s website in accordance with the Government Code, it was not posted on the agency’s website and he objected to the board taking any action.

Meeting Adjourned at 2:30 p.m.

Signatures on File

Christy Jack, Chair

Marsha McLane, Executive Director

Date

Date