

## 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, July 20, 2018, at 10:00 a.m.  
4616 West Howard Lane  
Building 2, Suite 350  
Austin, Texas 78728

### MINUTES

#### Board Members Present

Christy Jack, Chair	Jose Aliseda	Roberto “Robert” Dominguez
Rona Stratton Gouyton		

#### TCCO Staff

Marsha McLane	David Flores	Jessica Marsh
Stuart Jenkins	Mike Necker	

#### Convene the Board of the Texas Civil Commitment Office

Board Chair, Christy Jack convened the meeting at 10:00 a.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

Board Chair, Christy Jack deferred to Executive Director, Marsha McLane to present a formal report.

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

Ms. McLane began by introducing new TCCO staff including Systems Administrator III, Alex Al Ani and Internal Auditor, Hector Gonzales.

Next, Ms. McLane gave an overview of the last several years at TCCO as she does every year around this time. In 2014, Ms. McLane began her tenure as Executive Director. At that time, all the residential contracts were being cancelled, so an RFP was issued. There was no agency infrastructure, employees were working from home at various hours and locations, and the receptionist had the authority to approve up to a million dollars in purchases. There were no policies and procedures to be found and the agency was under investigation by the Texas Rangers, the State Auditor’s Office, and the Public Integrity Unit.

In 2015, Senate Bill 746 passed and changed the agency’s name along with changing the program to the current tiered program. An RFP was issued for a facility to house and treat the clients, a vendor was selected, the contract was negotiated and awarded, and the Texas Civil Commitment Center in Littlefield opened within a 90-day timeframe. TCCO coordinated a massive amount of client movement from five halfway houses throughout the state to Conroe, in Montgomery County for due process hearings and then on to the new facility in Littlefield. TCCO accomplished this task without incident.

In 2016 the very first compliance review was conducted at the facility by TCCO. It was found that the Contractor had not conducted several groups and no individual treatment was given. The President and Vice President of Correct Care Recovery Solutions and the Facility Administrator at Littlefield came before this Board to outline changes they intended to make in order to ensure compliance. Due process hearings for civilly committed clients still in prison were continued in 2016, and TCCO continued revising and writing

agency policies. When Lamb County denied residents' voting rights, TCCO worked with the Attorney General's Office to inform Lamb County voting officials that TCCO's clients had the right to vote and ensure that residents were allowed to vote.

In 2017 Senate Bills 1576 and 613 were passed and implemented, and an MOU was drafted outlining the administrative attachment of TCCO to HHSC, which was signed by the Executive Commissioner of HHSC and the Executive Director of TCCO. Additionally, a joint policy regarding Senate Bill 613 cases, which are those clients deemed to be incapable of effectively participating in sex offender treatment due to their mental illness. Such clients become the responsibility of HHSC.

In 2017 TCCO also negotiated an amendment to the contract with CCRS and added compliance standards that would require financial sanctions for non-compliance. Additionally, TCCO secured free Hepatitis C medications for 13 of the 14 clients diagnosed with Hepatitis C, after being denied twice, saving the state of Texas nearly a million dollars. TCCO also refocused on tier movement of the clients in the program and continued writing and revising policies.

In 2018, TCCO added substance abuse treatment to the program for those clients having such a need. Additionally, TCCO used video conference equipment for court hearings, saving time and money for all involved; removed GPS for the highest tier of clients at the facility; transferred three clients to a state hospital under Senate Bill 613; and continued writing and revising policies. Additionally, tier movement of the clients has increased.

Since the last Board Meeting, TCCO has implemented the Case Manager career ladder; has received the first gender dysphoric client; worked with TDCJ to develop and implement a caseload model that will more accurately reflect the number of TCCO clients who will be getting out of prison and moving to the facility in Littlefield; and issued and launched the first emergency detention order for a TCCO client to be brought to Littlefield after an arrest. The Harris County Jail accepted the order, held the client and released him to CCRS staff when they went to the jail to pick him up.

TCCO is currently in the process of amending the MOU between HHSC and TCCO as it is set to expire on August 31, and the amendment will specify that the MOU will remain in effect and not require further amendment until one of the parties requests it. TCCO had a vacant Unit Supervisor position at the facility which they changed to the title Unit Administrator, enhancing the duties to include some contract monitoring, allowing TCCO to have a monitor on site. TCCO has also started plans for the 86<sup>th</sup> legislative session and welcomes any input from the Board. Also, a Case Manager auditing process has been implemented, and additional substance abuse treatment services in the community have been secured for clients located in the community.

TCCO has released eight clients to Tier 5, four of them coming from TCCC and four who were already in the community when the TCCC opened. One client was released from civil commitment, four remain in Tier 5 and three were returned to TCCC for more intensive treatment due to violations. In total, five clients have been totally released from civil commitment and, prior to the current TCCO administration; no client had ever been released from civil commitment in Texas. Nearly every TCCO employee has spent a considerable amount of time at the facility in Littlefield in the past four to five weeks because there was a major staff change there and an uptick in incidents at the facility, so TCCO maintained staff at the facility nearly every single day, including weekends and holidays, to ensure there were no issues.

Ms. McLane added that during meetings to discuss the IRDR process, she found out that HHSC Information Technology is volunteering to develop a new and more accessible website for TCCO which is scheduled to launch in early September.

### **Budget Director's report regarding Information Resources Deployment Review (IRDR) process**

Budget Director, David Flores began by explaining the Information Resources Deployment Review (IRDR) process the agency has been going through. The IRDR allows the State to gather information regarding what kind of information resources the agency has at its disposal and is utilizing. The process is quite extensive but is designed to ensure that agencies are complying with state laws and policies related to IT and

standardizing processes and equipment to help ensure costs efficiency<sup>1</sup>. The IRDR consists of 306 questions that TCCO has to submit to the Department of Information Resources responses to. There are 16 areas of noncompliance for which TCCO has to submit a corrective action plan to DIR, including a timeline for the implementation of corrective action. Additionally, TCCO will have to provide DIR periodic progress reports on the implementation of corrective action. The process is complicated by the fact that, while TCCO has a few of their own applications that they utilize, they also utilize many applications through HHSC; therefore, for those areas, HHSC is responsible for compliance and TCCO is merely one of the many users of their system. It will be a long and intensive process with most of the corrective action taking place throughout 2019; however TCCO will report progress to the board throughout the process.

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

Mr. Flores stated that, since our last Board Meeting, TCCO's budget has gone up to \$17,021,973.00 and the reason for this increase is because as TCCO collects cost recovery fees from the residents of the facility, the money recovered becomes part of TCCO's budget. TCCO's legislative appropriation requires that TCCO collect a minimum of \$62,000 in cost recovery fees for the year and, as of now, TCCO has collected approximately \$180,000. Mr. Flores estimates that at the end of the year TCCO will have about 13% of its budget remaining, which will be rolled over into the budget for Fiscal Year 2019. One of the biggest reasons why there is money left in the budget at the end of the year is because caseloads are not quite as high as projected. Prior to the last LAR, TCCO projected the caseload would be at 340 clients by the end of this year and right now the projection is 321.

#### **Budget Director's report regarding Proposed FY 2019 Operating Budget**

Mr. Flores began by noting that the part of the proposed budget having to do with the grant from the Governor's office is blank due to the fact that, although there is roughly \$130,000.00 left of the \$169,000.00 grant and, although TCCO will be filing for another extension to that grant, until the extension is approved, it is not guaranteed and, therefore, it is not included in the budget at this point. The amount of money left on the grant is due to the fact that projections were based on having to hire outside contractors to provide training and consultation; however, TCCO hired a part-time Sex Offender Program Specialist with many years of experience and expertise in administration of sex offender treatment programs who can provide a majority of that training internally at a much lower cost than a contract vendor. This has allowed TCCO to greatly exceed the performance measures required by the grant at a much lower cost than projected.

TCCO's projected budget for FY 2019 is \$16.3 million. This is less than the \$17 million for this year's budget due mostly to the fact that TCCO received over \$560,000 for healthcare costs for this biennium when the biennium began in Fiscal Year 2018. Additionally, the budget does not include the funds that will be left at the end of this year to be rolled into next year's budget. The caseload for next year is projected to be 370 which is lower than originally projected so there will likely be some money left at the end of the biennium. After inquiring as to whether there were any more questions regarding the proposed budget, Board Chair, Christy Jack made a motion that the Board approve the proposed Fiscal Year 2019 operating budget as proposed and to allow TCCO to make adjustments of up to \$1 million and advise of the Board of such adjustments at the next scheduled Board Meeting. The motion was seconded, voted on and passed without opposition.

#### **Budget Director's report regarding FY 2020/2021 Legislative Appropriations Request (LAR) and caseload projections**

Baseline funding for TCCO's LAR will be \$16.5 million for each year of the biennium. Exceptional items include \$2.4 million for caseload growth, \$1.9 million for expanding capacity at the existing facility or opening a new facility because it is expected that the current facility will be at capacity by the end of FY 2019, \$535,000.00 for off-site healthcare, and \$60,000.00 for funding the salary increases due to the implementation of the Case Manager career ladder, which TCCO has funded thus far. This brings the total of exceptional items to about \$4.9 million for the biennium, bringing the total of the LAR from \$33 million to \$38 million. Ms. Jack made a motion to approve the Fiscal Year 2020 and 2021 LAR as presented, with adjustments as necessary to comply with the Legislative Budget Board and the Governor's office instructions and guidelines, the motion was seconded, voted on and passed without opposition.

**Executive Session for report regarding potential, contemplated, and pending litigation and personnel matters related to the evaluation and classification of the Executive Director**

The Board went into Executive Session at 11:38 a.m. and all members of the public were asked to leave the meeting. The open session reconvened at 1:04 p.m., with no formal action taken by the Board during the closed session.

With regard to the personnel matter, Ms. Jack asked if there was a motion. Board Member Rona Stratton Gouyton made a motion that the Board more closely align the classification and salary of the Executive Director’s position with the requirements of the position as a result of programmatic and legislative changes and that the Executive Director’s position be reclassified from a Deputy Director I position to a Deputy Director III position and the salary increased to \$180,000.00 per year. The motion was seconded, voted on and passed without opposition.

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

Ms. Jack noted that Board Member Jose Aliseda’s absence at the last Board Meeting had already been excused at that meeting and Vice Chair, Katie McClure’s absence from this meeting has been excused.

**Discussion, Consideration, and Possible Action Regarding May 4, 2018 Meeting Minutes**

Board Chair Christy Jack asked if all board members had a chance to review the minutes from the May 4, 2018 meeting. When all Board Members affirmed their review of the minutes, a motion was made to adopt the May 4, 2018 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 Friday, October 26, 2018 at 10:00 a.m.

**Public Comment**

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

**Meeting Adjourned at 1:07 p.m.**

**Signatures on File**

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

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Marsha McLane, Executive Director

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Date

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Date