

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, June 28, 2017, at 10:00 a.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
Scott Hornung

Cathy Drake
Mike Necker

David Flores

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 10:00 a.m., roll was taken and it was noted that a quorum was present.

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

TCCO Executive Director, Marsha McLane began by presenting a legislative update on the two major bills that were considered critical to the operation of the TCCO for the recent legislative session, which saw 10,672 bills filed and only 4,960 passed. Senate Bill 613, authored by Senator Whitmire, and Senate Bill 1576, authored by Senator Perry, were both passed in spite of the fact that it was the session with the smallest number of bills passed in the last 20 years. The major areas of updates affecting TCCO operations in these bills are safety and security, confidentiality, Chapter 841 of the Health and Safety Code, ID's and sex offender registration, and the TCCO Board and Administration.

Safety and security includes enhanced criminal penalties for assaults on staff, including TCCO staff as well as Contractor staff at the facility. Additionally, it is now a crime to bring alcohol, drugs or weapons into the facility and TCCO clients can no longer be released back to the facility on PR bonds when arrested for a new crime. A major change is that facility staff will now be allowed to use chemical and mechanical restraints under extreme circumstances in order to maintain safety of staff and other clients at the facility. Emergency detention orders, similar to Parole warrants will now be implemented for clients returning to Littlefield from the community.

Confidentiality is another issue where changes were brought about. Now employee personal information for both TCCO staff and Contractor staff will be confidential and as such not included in public information for open records requests, as will be security and monitoring procedures. TCCO will now be allowed to run

criminal histories on potential collateral contacts and chaperones for TCCO clients as well as have access to expunged records.

Changes to Chapter 841 of the Health and Safety Code include a stipulation that clients will be required to pay for GPS equipment that they damage, and they can now appear in court via videoconference thus eliminating the need to pay for transport and monitoring of these clients when they must physically appear in court.

Additionally, this law allows TCCO clients to be released to counties other than their last county of conviction in cases where there are not adequate resources within the county for the client to be able to support himself. Clients in more advanced program tiers at the facility will no longer be required to wear GPS monitoring equipment while they are at the facility. This law also clarifies that the court that civilly commits the client is the court that handles any modifications to the commitment, and allows the Special Prosecutions Unit to assist with criminal offense prosecutions for Lamb County, where TCCO's clients at the facility reside. Any facilities housing TCCO clients are now required to give TCCO three days' notice prior to moving the client.

Previously, TCCO's clients have been required to complete sex offender registration monthly, however, now they are only required to register yearly while at the facility. Additionally, ID renewals were required yearly, and will now only be required every six years while at the facility thus saving the agencies involved time and money. An MOU will be drafted and adopted between DPS, DSHS and TCCO to exchange information for the ID's. TCCO also plans to acquire the equipment to make the ID's which will reduce the cost from \$21 per client to \$5 per client.

TCCO Board members will now serve six year terms and, after September 1, 2017, lots will be drawn to decide when terms will expire. One will expire in 2019, two in 2021 and two in 2023. Additionally, through this legislation, TCCO became officially administratively attached to HHSC rather than DSHS.

A major change created by Senate Bill 613 was that the bill clarified that the Health and Human Services Commission is now responsible to provide in-patient treatment for those clients who cannot effectively participate in the treatment program due to their mental health status.

Overall, there were over 35 changes in provisions of law included in these bills. TCCO's next steps will be to revise operational policies to incorporate all the legislative changes and focus on ensuring that the Contractor formulates a strong training program that provides staff with adequate training to do so, especially on the use of mechanical and chemical restraints while ensuring safety of staff and clients.

TCCO's contract with Correct Care Recovery Resources will expire on August 31, 2017 and negotiations will be taking place. TCCO has made it clear to the Contractor that there will be no per diem rate increase with the new contract. There have been some compliance issues with the vendor and TCCO has made amendments to the existing contract to ensure that performance measures are in place so issues of non-compliance can be addressed and payment can be withheld for such issues. These amendments will become part of the new contract. TCCO will ask that the Board give the Executive Director the authority to sign the contract when terms have been negotiated and finalized.

TCCO is also looking more closely at tier movement of their clients. Staff members have been visiting other states to look at their programs and see which practices are working for them and which may not be. TCCO also plans to discuss hosting a meeting with state directors from all 21 states that have civil commitment programs to sit down and talk about their programs. Another plan is to work with the vendor on developing or utilizing an existing risk-needs assessment to use when assessing the clients to see in which tier level they should be placed in order to keep them working steadily toward moving out of the facility and home safely. TCCO is also working with TDCJ to try to ensure that the treatment clients receive while in prison is applicable to the treatment they will receive in TCCO's program which may allow the clients to enter the TCCO program at a higher tier level or to spend less time overall in the program.

TCCO continues to focus on ways to keep the medical care for clients from becoming a burden on Lamb County. Additionally, there has been a push to identify every TCCO client with Hepatitis C, as treatment for

the condition is very expensive, averaging between \$50,000 and \$81,000 per person. There were 13 people identified as having Hepatitis C. TCCO Case Managers made contact with several pharmaceutical companies and filled out applications for free medication for the clients. Even though the first few were initially denied, TCCO staff persisted and, out of the 13 clients identified as needing the medication, TCCO obtained free medication for 12, which saved the State of Texas a large sum of money.

Additionally, TCCO has sent a draft contract to Lamb County to pay them for the TCCO clients they house who are being held on civil commitment violations. TCCO intends to work closely with the Lamb County Sheriff to work out the details of this contract.

TCCO received a \$169,000 grant from the Governor's Office. This will be utilized to pay for training and program development. TCCO will host a family meeting on Saturday, July 29, 2017 at this office. The Facility Director, the Clinical Director and TCCO staff will be at the meeting to answer questions the families may have about the program, without including specific case information regarding the clients.

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

Board Chair, Christy Jack, indicated that she had met with Ms. McLane prior to the meeting and was filled in on the legislative session and how TCCO staff worked with the Legislature on getting the pertinent bills passed. Ms. Jack thanked Ms. McLane and her staff for their dedication and hard work during the process.

Budget Director's report regarding FY 2017 Budget/Expenditures, grant funding and FY 2018/2019 appropriations

TCCO Budget Director, David Flores, began by noting that TCCO applied for a grant from the Governor's Office last November and the grant of \$169,000 was awarded in April. \$20,000 of the grant money was incorporated into the FY2017 budget, with any remaining money rolling over to the FY2018 budget as well as the remaining \$149,000 being added to that budget. There will likely be about \$2.1 million left in the agency's total budget by the end of the year due to the caseloads not being as high as projected; however, caseloads are beginning to increase. Mr. Flores noted that the agency is doing very well from the budget standpoint. During the legislative session, TCCO requested just over \$8.3 million in appropriations for exceptional items for the biennium and was awarded just over \$3.1 million. TCCO's budget was increased by approximately 10.4%.

A motion was made that the board approve the Fiscal Year 2018 operating budget as presented and authorize TCCO to make adjustments of up to \$1 million and to advise the Board at the next scheduled meeting. The motion was seconded and passed without opposition.

Discussion, consideration and possible action regarding approval to execute an extension of Contract CCC-16-0001 between TCCO and Correct Care recovery Solutions for the Texas Civil Commitment Center

A motion was made that the Board approve an extension of the contract between TCCO and Correct Care Recovery Solutions for the operation of the Texas Civil Commitment Center and that Executive Director, Marsha McLane be authorized to execute the extension. The motion was seconded and approved without opposition.

Internal Auditor presentation of proposed FY 2018 Internal Audit Plan and discussion, consideration and possible action regarding review and approval of the FY 2018 Internal Audit Plan

Internal Auditor, Scott Horning stated that, in accordance with the Texas Internal Auditing Act, he is required to prepare an audit plan each year using a risk assessment methodology that looks at five control components of any organization including control environment; culture of the organization; risk assessment, control activities and communication in the organization; and monitoring and oversight to determine the most important things to look at from the audit perspective.

There are two items on the FY 2018 internal audit plan. One is Correct Care's monthly billing and the other is more specifically reviewing the healthcare costs for the clients, including the accuracy of the Contractor's tracking and billing for these costs as well as the access to healthcare for TCCO's clients.

A motion was made that the Board approve the Fiscal Year 2018 audit plan as presented in the Board Packet and that the Internal Auditor is authorized to perform work outside of the audit plan if, in his opinion, the work is warranted and he advises the Board of any deviations from the audit plan at the next scheduled Board Meeting. The motion was seconded and approved 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 11:43 a.m. and all members of the public were asked to leave the meeting. The open session reconvened at 1:14 p.m. with no formal action taken by the Board during the closed session.

Discussion, consideration ad possible action regarding personnel matters related to the evaluation and classification of the Executive Director.

A motion was made that, based upon the discussion during Executive Session and based upon several factors including the level of sole responsibility, constant growth and evolution of the agency, the level of supervision of a very dangerous population, the large growth in population of the SVP's since 2014, and the level of constant availability that the job demands, that the Executive Director's position be reclassified from a Director IV to a Deputy Director I, with a salary increase to \$165,000 per year. The motion was seconded and approved without opposition.

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. Jack noted that all Board Members were present at the previous meeting; therefore, there were no absences to excuse.

Discussion, Consideration, and Possible Action Regarding April 7, 2017 Meeting Minutes

Board Chair Christy Jack asked if all board members had a chance to review the minutes from the April 7, 2017 meeting. A motion was made to adopt the April 7, 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 September 22, 2017 at 10:00 a.m.

Public Comment

There was one member of the public present who wished to address the Board. Ms. Magdalena Salazar, whose brother is a TCCO client housed at the facility in Littlefield, wished to thank the board and the agency for their service and for the progress the program has made under Ms. McLane's direction. Ms. Salazar wanted to voice her concerns that clients coming out of the facility will have the availability of funds and housing to support them and she would like to know what TCCO is doing to ensure the clients are prepared financially when they are released from the facility. She also voiced concerns about the availability of healthcare for the clients and was assured that there is medical staff on site and the clinic is open to the clients over 16 hours a day.

Meeting Adjourned at 1:27 p.m.

Signatures on File

Christy Jack, Chair

Marsha McLane, Executive Director

Date

Date