

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, May 3, 2024, at 10:00 a.m.

MINUTES

Board Members Present

Christy Jack
Jose Aliseda

Katie McClure
Robert Dominguez

Rona Stratton Gouyton

TCCO Staff

Marsha McLane
Jessica Marsh
Hayley Glisson

Britney Winters
Kenneth Biddle

Governor's Office

Tamela Griffin

Senator Perry's Office

Rob Callan

Legislative Budget Board

Samantha Brock

Convene the Board of the Texas Civil Commitment Office (TCCO)

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 Report

Ms. Jack began by stating she was appointed to the Board by the Governor in September of 2011 and was appointed as the Chair of the Board in 2014. In April of 2014 Ms. McClure was appointed to the Board and in May of 2014 Ms. McLane was hired as the Executive Director. Ms. Jack then discussed the strides that have been made in the past ten years. In terms of the Board, there were originally three members who each served a two-year term. The Board has grown to five members, each serving a six-year term, which has made the ability to discuss and evaluate different ideas much more robust. Ms. Jack stated she is grateful to the Legislature for this.

Ms. Jack stated the caseload has tripled from FY 2014 to FY 2024. In FY 2014 there were 174 sexually violent predators and as of FY 2024 there are 522. In terms of releases, in May 2014 no one had been released from civil commitment. As of 2024, there have been twenty-one people released from civil commitment. Ms. Jack stated this is something to be proud of. In tier five, the least restrictive and most advanced clients, there are six clients who have been approved for independent living. In May 2014 there was no one approved for independent living.

In terms of budget, in 2014 the budget was approximately six million dollars. Today the budget is \$22.9 million dollars. Ms. Jack stated when we compare to other civil commitment programs around the country, it is well documented we are one of the most, if not the most, cost effective programs in the country.

Ms. Jack stated that in 2014 there were one hundred and ten possible rule violations, each amounting to a third-degree felony, which could result in two to ten years in prison and a ten thousand dollar fine. So in 2014 there were one hundred and ten ways to commit a third-degree felony. Ms. Jack stated it's a testament to Ms. McLane and her staff that we have been able to consolidate those rule violations and focus on the things that matter, resulting in only thirty-two concrete rules and only four of which are punishable as a third-degree felony offense. In 2014 there were forty-three clients returned to prison for rule violations and in 2023 there were no clients returned to prison for rule violations.

In terms of treatment, in 2014 clients received three hours of group treatment per week which has doubled to roughly six hours of treatment per week in 2024. In terms of continuity of care, in 2014 there was no continuity of care program for clients released from TDCJ (Texas Department of Criminal Justice). Today, we have what is considered a robust continuity of care program which includes pre-release sex offender programming specifically designed to align with the tiered program, information sharing with TDCJ, and TDCJ staff provide treatment to the client in prison and a phone call to orient the client to the Texas Civil Commitment Center.

Ms. Jack stated that in terms of housing she wishes we were further along, but nevertheless, in 2014 we were facing a major housing crisis with vendors requesting clients be removed. Ms. McLane and her staff were looking all over the state of Texas to find a place where the clients could be housed that was not anywhere close to a child safety zone. We now have a stable contract and although we still have a bit of a housing space problem, it is not because of lack of effort on our part. Ms. Jack stated the contract with MTC has resulted in a cost savings for the state. Ms. Jack stated the expansion of the facility, which will cost the vendor twenty-three million dollars at its conclusion, was at no cost to the state.

Ms. Jack stated we are working to improve the offsite healthcare. As it stands now MTC is responsible for the first twenty-five thousand dollars for offsite healthcare each fiscal year, and the state pays for the remainder. This is an growing concern with the age of the population at the TCCC. In FY 2022 the offsite healthcare cost was \$1,021,719.91, in FY 2023 the offsite healthcare cost was \$1,204,748.47 and in FY 2024 the cost is already \$820,202.63 and only through March.

Ms. Jack stated we have achieved quite a bit in the last ten years and thanked the Board, Ms. McLane, and her staff for their efforts.

Executive Director's Report Concerning Program Operations and the Routine Functioning of the TCCO

Ms. McLane stated that on May 1st the twenty-first person was taken off civil commitment. He was living with two other people who had left the facility and had been off civil commitment for about a year. Ms. McLane stated they've decided to continue living together and are all doing well at work.

Ms. McLane stated today is the last day for the clients in the computer class. They are finishing up their final exams and the first segment of the smart computer class will be ending, with the next segment starting soon. There was a little delay due to the instructor getting sick and resigning, but we are continuing the soft skills. There are a few clients who are learning new skills, while assisting the other clients with basic skills.

Ms. McLane stated we recently gave a presentation to the LBB (Legislative Budget Board) on programming. We provided a history and may have gone overboard providing a seventy-page report.

Ms. McLane stated we are waiting to hear back on dates for contract negotiations and will start the negotiations within the next two months.

Ms. McLane stated two weeks ago there was a mobile dentist at the facility. We have requested what the cost for self-pay is because there are clients at the facility who haven't gotten their teeth cleaned in ten to thirty years who may be interested in self-pay. Mr. Schmoker is getting information on getting a cardiologist to go to the facility, which will save money and reduce client transport, and can get additional services to the clients quicker.

Ms. McLane stated we've completed thirty-two compliance reviews since September 1st. We've hired two additional biennial examiners. Ms. McLane stated we're continuing legislative discussions for the next session. Ms. Marsh recently met with the Health Services Administrator for the Lamb County Hospital to discuss how we can get Lamb County more involved and avoid taking clients to Lubbock each time they need emergency services. Lamb County Hospital recently admitted one client for the first time in years, and hopefully we can keep this relationship moving in the right direction.

Ms. McLane stated at the next Board Meeting in July we will have the Rider recommendations and the Exceptional Item recommendations ready for the Board.

Budget Manager's Report Concerning FY 2024 Operating Budget and Expenditures and Supplemental Appropriations Request

Budget Manager Kenneth Biddle began by stating in the 88th Legislature the TCCO budget was divided into two strategies; \$18,300,000.00 was put into the Civil Commitment Client Services strategy and \$4,600,000.00 was put into the Administration Strategy for the Austin headquarters primarily. Mr. Biddle stated we are in the process of moving money around into the correct strategy. The estimated cost for Client Services is roughly \$4,000,000.00 and the total budget surplus for Administration is \$3,200,000.00. Mr. Biddle stated we've requested from the LBB to move \$3,000,000.00 between strategies.

Mr. Biddle discussed the projected shortfall, stating it goes back to the five percent request from the 88th Legislature to recover the five percent reduction that happened in 2020-2021 biennium; estimating the operating strategy shortfall at about \$816,000.00. Mr. Biddle stated this will change based on penalties charged to the contractor and any salary savings between now and the end of the year.

Mr. Biddle stated the offsite medical cost is projected to be about \$4,200,000.00, stating the estimated shortfall assumes there was \$3,300,000.00 in FY 2023. The growth rate is estimated at about \$1,200,000.00, which sums up the FY 2024 budget as of now.

Mr. Biddle requested to transfer funding from FY 2025 to FY 2024 to cover the FY 2024 shortfall, stating we have rider authority to do this with the LBB and Governor's office approval. Mr. Biddle stated as part of HHSCs (Health and Human Services Commission) supplemental request for funding, we would ask the Legislature to provide \$7,400,000.00 of supplemental funding to TCCO to cover the FY 2025 shortfall.

Ms. McClure stated the Finance Committee met this morning, and the majority of the shortfall has to do with extremely high offsite medical costs. Ms. McClure stated for FY 2024 the cost is \$2,300,000.00 and the cost for FY 2025 is \$3,200,000.00. Ms. McClure stated there are strategies in place but we need supplemental appropriation, which the Finance Committee recommends.

Ms. Jack made a motion to approve the supplemental appropriations request as proposed and to authorize any adjustments up to \$1,000,000.00, stating if any adjustments are made they will be presented to the Board at the next scheduled meeting. The motion was seconded, voted on and passed without opposition.

Update from MTC Medical Staff Regarding Efforts to Reduce Cost While Maintaining a High Level of Client Care at The Texas Civil Commitment Center

Senior Director with MTC Medical, Keith Smith, began by stating he would discuss what MTC is doing in regards to cost savings. Mr. Smith stated out of the roughly four hundred and eighty client population, four hundred and thirty receive chronic care. This is a very unhealthy population that comes from TDCJ, and there is a lot of work to do to get the clients healthy. Mr. Smith stated TCCC averages around eight thousand labs a month, because of all the different medications the clients are on. MTC utilizes a vendor who provides cost savings, and the only time a different vendor is utilized is for urgent needs.

Mr. Smith stated from September 1, 2023 to April 30, 2024 there were 3,703 sick call requests from four hundred and eighty clients. Most of these clients are on multiple medications to manage various conditions. The average daily medication count is nearly four hundred thousand.

Mr. Smith stated we have found a resource for the dental side. The vendor has a mobile unit and saw 175 clients in just a few days. The cost for this per client is a little more than if we were to send the client out locally, but we save on the cost and time of transportation.

Mr. Smith stated he met with the new administrator at the Lamb County Hospital in attempt to expand services with them, and while there are some reluctances, they did admit one client. Mr. Smith has offered to meet with the hospital staff to educate them on the benefit if we increase our activity volume.

Mr. Smith stated they are negotiating a contract with a cardiologist to be able to offer onsite services. There is a physical therapist who comes onsite and offers physical therapy. Both of these offer a relief on transport. Mr. Smith stated there is a contract with a vendor who provides hearing aids, providing a major cost savings. Mr. Smith stated MTC tries to bring as many specialties as possible into the facility to help with cost savings, while still proving quality care.

Ms. Jack asked how many specialists are under contract and what medical fields they are in. Mr. Smith stated he would provide a full list, but offhand there are thirty-one specialists to include physical therapy, optometry, cardiology, and oncology. Ms. Jack asked what Mr. Smith is specifically doing to increase the number of specialists under contract and Mr. Smith stated they continue to look around the area for vendors who are willing to negotiate.

Ms. Stratton-Gouyton asked if they are looking for specialists only in the Littlefield/Lubbock area or are they looking into more rural areas. Mr. Smith stated they look in rural areas as well and are currently negotiating with Brownfield Regional Medical Center, which has a lot of services that will benefit the clients. Ms. McLane requested a list of what services Brownfield Regional Medical Center provides.

Mr. Dominguez asked if Lamb County Hospital doesn't accept the clients because they aren't qualified to handle the specialty cases or because they don't want to accept these particular clients. Mr. Smith stated Lamb County Hospital is a small regional hospital who doesn't offer many services, but there was a time where they did not want the clients and would only accept them on an emergency basis. Mr. Smith stated the new administrator is very open to potentially accepting the clients, and again Mr. Smith has offered to speak to the hospital staff.

Mr. Dominguez asked if transportation is an issue when contracting with facilities further away, and Mr. Campuzano stated there is a commitment to take the clients to their appointments as long as there is not a staffing issue or an emergency issue.

Ms. Jack asked who is responsible for negotiating discounted bills with the hospital and what the average discount is. Mr. Smith stated the MTC procurement department does all the negotiations and the discount

depends on how cooperative the different vendors are. Ms. Jack asked how often Mr. Smith meets with the procurement department about negotiations, and Mr. Smith states they meet at least once a month.

Ms. Jack asked if we are charged in the event a client has to miss an appointment or procedure due to things not being processed at MTC, and Mr. Smith stated he would look into this and provide Ms. Jack the information.

Ms. Stratton-Gouyton asked how they track if someone misses their medication and is there any follow up. Mr. Smith stated they have an EMR system that tracks ordering and distribution, and if a client misses a critical medication they are followed up with.

Texas Civil Commitment Center updates concerning building and facility expansion

Gilbert Campuzano and Wayne Schmoker discussed the progress that has been made on the facility expansion, including pictures. Mr. Schmoker stated he met with the construction company on April 21st, and Josh Dixon with Collier Construction assured the project would be completed by the end of June. Mr. Schmoker stated beds and mattresses have already arrived at the facility, wardrobes will be delivered by the end of May, and the couches and other items for the common area will ship out the first week of June with a three-day delivery window.

Ms. Jack asked if the building will be able to be occupied by the end of June, and Mr. Schmoker confirmed.

Staff Attorney's report regarding potential, contemplated and pending litigation

The Board went into executive session at 10:52 a.m. to cover this agenda item. The board reconvened in open session at 11:02 a.m. with no formal action taken by the Board during the executive session.

Discussion, Consideration, and Possible Action Regarding Excused Absences

Ms. Jack noted that all Board Members were present at the last meeting.

Discussion, Consideration, and Possible Action Regarding February 23rd Meeting Minutes

After determining that all Board Members present had reviewed the minutes from the previous meeting, Board Chair Christy Jack asked for a motion to adopt the February 23rd meeting minutes; the motion was made, seconded, voted on and passed without opposition.

Discussion, Consideration, and Possible Action Regarding Future Meeting Dates

The next meeting of the TCCO Board was tentatively scheduled for July 19th, 2024 at 10:00 a.m. at the Texas Civil Commitment Office in Austin.

Public Comment

There were four members of the public who wished to address the board.

Mandi Brady began by stating she is an advocate for the men at the TCCC. Ms. Brady stated her husband is being held at the facility and one of her biggest responsibilities is to bring forth changes, and there are several changes that need to be made. Ms. Brady stated although overcrowding and new construction is discussed at each board meeting, there is little talk about reform and release. Ms. Brady stated one of her biggest concerns is the outpatient men who were sentenced in Montgomery County who arrived in 2015, who are still at the facility. Ms. Brady stated she has an article from 2016 stating the program should take five to seven years, and these men have been at the facility for nearly a decade. Ms. Brady stated there should be an accelerated program for the men who meet certain criteria, one of the criteria being a favorable assessment from a licensed qualified individual. Ms. Brady stated her husband has two favorable assessments with no behavioral abnormalities from a licensed qualified individual. Ms. Brady stated one of the goals is to enhance the visitation experience for visitors, to include having their picture taken with their

loved one, as TDCJ does. Ms. Brady stated they would like to extend visitation due to the amount of time it takes to travel to the facility. Ms. Brady stated the advocates would like to raise funds to support future projects that would help individuals to be successful upon release. Ms. Brady provided a study on harsh punishments that do not work and thanked the Board for allowing her to speak.

Jennifer Williams stated her son is civilly committed and in 2021 he was found with an unauthorized cell phone, which she knew about, and therefore she was immediately removed from his collateral contact lists. Ms. Williams stated “it’s been three years and I am still not allowed to talk to, visit, or write to my son”. Ms. Williams stated in order to speak with her son she must seek out and pay for eight to ten sessions with a licensed sex offender treatment provider, which is between \$120 to \$150 a session, which her insurance does not cover. Ms. Williams stated she must waive her HIPAA rights and allow TCCO staff members to speak to the therapist, and once this is completed she will possibly be considered to write her son a supervised letter. Ms. Williams stated that although she will not be her son’s chaperone, she still must complete and pay for chaperone training. Ms. Williams stated she must provide a self-care report, because she was told she is codependent on her son, and questioned how a mother can be codependent on their son. Ms. Williams stated she is the only person who loves her son unconditionally and he needs her support. Ms. Williams stated she is willing to sign a contract stating she will never encourage contraband again, will follow the rules, and will encourage her son to do well. Ms. Williams stated everything with TCCO is an obstacle and she wants to make things better for the clients. Ms. Williams stated she does not want to hold protests and go to session. Ms. Williams acknowledged her son needs treatment, but he also needs his family, and she wants to hug her son and tell him everything will be ok, stating again she is the only one who loves her son unconditionally. Ms. Williams acknowledged she made a mistake and stated it will not happen again, and she does not promote this. Ms. Williams stated her son needs her, and she needs him, and this is not codependency because she is his mother, and brought him into this world. Ms. Williams asked the Board to reconsider the new collateral contact policy, stating she has asked for clarification but has only received a vague response.

Irene Rubio began by discussing medical issues, stating she does not feel she is being heard. Ms. Rubio discussed her husband’s ongoing medical issues, stating he is awaiting treatment. Ms. Rubio stated her husband is a veteran who is being ignored.

Lonnell Hanks stated she is an advocate for the men at the TCCC, including her son. Ms. Hanks stated the men have the right from protection from abuse including physical, emotional, and any form of exploitation. Ms. Hanks stated the men have the right to speak freely and express themselves in writing, which is a first amendment right. Ms. Hanks discussed her son’s ongoing medical issues, stating the time he receives his medication has changed, affecting her son. Ms. Hanks stated the men at the facility should be allowed to work through their issues themselves, and her son will give respect if he is given respect. Ms. Hanks stated her son is being denied law library and recreational time, and has been a tier one for nine years.

Meeting Adjourned at 11:26 a.m.

Christy Jack, Chair

Marsha McLane, Executive Director