

## 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

Thursday, August 25, 2023, at 10:00 a.m.

### MINUTES

#### Board Members Present

Christy Jack, Chair  
Jose Aliseda

Katie McClure  
Robert Dominguez

Rona Stratton Gouyton

#### TCCO Staff

Marsha McLane  
Jessica Marsh  
Hayley Glisson

Robert Crimalis  
Brittney Winters

Janet Latham

#### Governor's Office

Tamela Griffin

#### Representative Sherman's Office

Dawn Freeman and Kelton Davis

#### Representative Howard's Office

Kristen Ylana

#### Legislative Budget Board

Nicole Delaney and Samantha Brock

#### Management and Training Corporation

Gilbert Campuzano

#### 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

Board Chair, Christy Jack stated she did not have a formal report.

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

Executive Director Marsha McLane began by announcing that the TCCO is fully staffed.

Ms. McLane stated VA (Veteran Affairs) appointments have resumed at the facility. About a year ago there was a disagreement between TCCO and MTC in regard to the VA seeing TCCO clients. Last year, medical expenses for Veteran clients were over \$100,000.00 and if those clients went to the VA there would have been no cost to us.

The Director of the Corrections Committee and a Chief of Staff for a member of the Corrections Committee recently visited the facility. They spent a lot of time talking to the clients, and hopefully they will have another visit so they can see the whole program.

Ms. McLane discussed the State Audit Report, agreeing with some of the findings and strongly disagreeing with others. The auditors' concern was a contract amendment that was not put into the HHS SCOR system, making us not transparent, The Chairman of Corrections was at the meeting when the amendment was approved, and the two Senate Members and the Governor's Office were immediately notified. Ms. McLane mentioned how much work TCCO does that is not put on paper, how this has changed, and that a policy was published showing specifically what is done. Due to conflicting information from the State Auditor's Office, we asked the LBB to do a training. The training was very informative, and the LBB was not at all concerned on the audit findings.

The tablets will be rolling out and the clients will be able to buy the tablets or check them out. There is a big educational component as well as staff communication. Instead of filling out forms, they can be submitted directly on the tablets. The programming will be expanded, and ultimately there could be video visitation done on the tablets.

Ms. McLane closed by stating last week there were two more clients released to the community, and two more will be released as soon as we can confirm housing. The family meeting is scheduled for Saturday, September 23<sup>rd</sup> at 10am.

### **Chief Financial Officer's Report Regarding FY 2023 Budget and Expenditures, FY 2023 healthcare costs; and proposed FY2024/2025 operating budgets**

Chief Financial Officer Robert Crsalis noted that as of August 17<sup>th</sup>, there was a remaining budget of about 7%, although this may be misrepresented due to unforeseen offsite medical care expenses. Initially, the GAA (General Appropriations Act) appropriated \$771,080.00 and HHSC (Health and Human Services Commission) provided an additional \$700,000.00 to meet the disparity. There is a remaining amount of \$485,000.00, and between now and the end of July we will be paying \$1.9 million dollars in offsite medical costs. Mr. Crsalis stated we will be short \$682,668.86, but this number can significantly increase. The top medical expenses for 2023 are for individual expenses that account for a substantial amount. Based on our current estimate, the cost is projected to be \$650,000.00 to \$750,000.00 more than we were originally allocated, as a result we could exceed the budget, and in order to fulfil any obligations in FY23 we would have to request those months be appropriated.

Currently, all funding for FY2023 is done through one strategy in the GAA. For FY2024, in order to distinguish the difference in operational needs, we have been appropriated two different strategies. The first strategy will account for the funding to keep the Texas Civil Commitment Center operational, and the second strategy will account for the main office operations.

In the total budget, we were awarded \$23,730,369.00 for FY2024, which is an increase of approximately 7.5%. Although this is a generous increase in funding, it may not be sufficient to meet the continued deficit, which will only increase as the client population continues to grow.

### **Chief Financial Officer's Report concerning an updated Case Manager Career Ladder**

Mr. Crsalis discussed the Case Manager Career Ladder, which is a predetermined pay level based on time of service and satisfactory performance. The Legislature passed an across the board pay increase for all full-time state employees for either a minimum of 5%, or \$3,000.00 per year, whichever is greater. As a result, the career ladder pay scale levels will need to be revised to account for the salary increase.

**Discussion, Consideration, and Possible Action Concerning the FY 2024/2025 Operating Budgets and Case Manager Career Ladder**

Ms. Jack stated section 420A.009 of Government Code requires the board to adopt a salary career ladder for Case Managers; the career ladder must base the Case Manager’s salary on classification and years of service with TCCO. Ms. Jack moved to adopt the Case Manager Career ladder as presented, and the motion was seconded by Ms. McClure and passed without opposition.

Ms. Jack moved to adopt the FY 2024 operating budget as proposed, and authorize adjustments of up to \$1 million dollars, if any such adjustments are made they are to be presented to the Board at the next scheduled meeting. The motion was seconded by Mr. Dominguez and passed without opposition.

**Report from the Audit Committee Chair regarding FY 2023 Internal Audit and proposed FY 2024 Internal Audit Plan**

Internal Auditor Patrick Flaherty began by stating last year the target was outside medical costs, which is what the State Auditor’s Office elected to review. The State Auditor’s office concluded there were no discrepancies, and the system was operating effectively.

Mr. Flaherty stated we are currently in a peer review, which every agency is required to do every three years. A peer review is completed by an independent audit group from another Texas agency, and they look at policies, procedures, management, and the Board.

For FY 2024, we are proposing 200 hours. First, to review client funds to ensure they are handled properly. Second, is to enhance documentation of different reviews and reports.

**Discussion, consideration, and possible action concerning the FY 2024 Internal Audit Plan.**

Mr. Dominguez moved to adopt the FY2024 Internal Audit Plan, that motion was seconded by Ms. Jack and passed without opposition.

**Presentation from TCCO staff regarding Reentry Reboot Grant Program Overview**

Janet Latham stated the implementation plan was approved by the BJA (Bureau of Justice Assistance) and we were able to begin ordering equipment and supplies, which have started to come in. Ms. Latham stated there is a weekly internal meeting, and each month there is a meeting with the Technical Advisor.

Ms. Latham stated the eligible clients were given an overview of the program, applications, and the first fifteen to take part in the program were selected. Assessments have been done, and next week they will be doing individual education plans.

**Presentation from TCCO staff regarding Contract Compliance Review Activities**

Jessica Marsh discussed the different types of Contract Compliance Reviews the contract monitoring team utilizes including onsite observation compliance reviews, unannounced site visit compliance reviews, announced site visit compliance reviews, monthly 100% treatment and grievance compliance standard penalty reviews, desk audit compliance reviews, and external reviews.

There is a review schedule for each fiscal year and the compliance reviews are done based on this schedule. The schedule is not set in stone and additional reviews can be added, or the schedule can be changed based on observed issues.

There is a monthly invoice compliance review to ensure services were provided in order to process invoices for service providers. There is a multi-layer checking system and a full compliance review takes place once a year.

Onsite observation compliance reviews focus on one particular area and can run concurrent with an unannounced or announced site visit. These observations are documented in an internal report.

The purpose of unannounced site visit compliance reviews is to review compliance with contractual requirements as well as both TCCO and MTC policies and procedures. These are the most beneficial type of compliance reviews, and can be done through observation, interviews with staff and clients, and record reviews.

For an announced site visit compliance review, there is a 10 day notice prior to the review to ensure the vendor has time to gather the necessary documents. To begin there is an in briefing with facility leadership and relevant department heads to discuss the review, and at the end of the review there is an exit briefing.

Each month there is a monthly treatment and grievance compliance standard penalty review. Documents that are reviewed include group session documentation, individual session documentation, and various types of assessments that are completed such as treatment plans, progress reports, and grievances. Any missing or late documents result in a sanction.

Desk audit compliance reviews can be done with or without advanced notice and are completed with records that have been entered into the case management system or vendor records.

External reviews are conducted by a third party such as TDCJ security staff, disability rights, or the health department.

Since 2019, there has been 85 compliance reviews, resulting in \$3,999,951.00 in financial penalties.

For each type of review, there is a formal review checklist that is utilized by staff, who document each item they review. Any areas that are not in compliance are documented in a report that goes to the vendor, who is required to submit a corrective action plan.

### **Texas Civil Commitment Center updates concerning Building and Facility Expansion and Treatment Programming and Staffing Levels**

Gilbert Campuzano discussed the progress that has been made on the facility expansion, including pictures. Ms. Jack questioned the major delay, and Mr. Campuzano stated the delay was due to incorrect products being delivered, and a chain of unfortunate events. Ms. Jack stated she would like the next Board Meeting to be held in Littlefield, and instructed Mr. Campuzano to inform Ms. McLane when the proper material is delivered. Christy Jack stated this has been a constant source of frustration, and asked if the education building can be used as dorms in a crisis. Gilbert Campuzano confirmed yes, and said there is 12 classrooms, and we can safely house 8-10 clients per classroom.

Ms. McLane provided an update regarding security staffing shortages. Ms. McLane stated surrounding cities have increased salaries, and this has resulted in a high turnover. Ms. McLane has discussed this with Mr. Campuzano and Mr. Schmoker who have a plan. Ms. McLane stated recently they have experienced staffing shortages for treatment providers, but they include being a licensed sex offender treatment provider in the Clinical Director job description, so they can assist until the positions are filled to ensure treatment is still taking place.

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

The board went into executive session at 11:15 a.m. to cover this agenda item. The board reconvened in open session at 11:32 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 May 25, 2023 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 May 25<sup>th</sup>, 2023 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 November 30 at 10:00 a.m. at the Texas Civil Commitment Center in Littlefield.

**Public Comment**

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

Mandi Brandy began by discussing the things she has done since the last board meeting, such as seeing a therapist, writing a treatment plan, becoming a resident, and completing chaperone training. Ms. Brady stated none of this was her choice, and in order to speak to her spouse she had to do these things. She stated she believed TCCO was going to work with her to regain communication with her husband, but she was wrong. Ms. Brady stated she is on a one to two month waiting list to see a treatment provider, because the TCCO plan for family members is not developed. The treatment provider in Fort Worth only offers one hour a day, one day a week, and she has to complete at least seven hours. Another treatment provider offers online treatment, but will cost \$750. Ms. Brady discussed the mistake she made two years ago, prior to getting married, stating she is beyond frustrated, and noting her husband’s exceptional behavior is due to her.

Irene Rubio discussed ongoing issues with getting her husband to his VA appointments. She noted how frustrated she is, and the VA is now getting frustrated. Ms. Rubio stated her husband has a major medical issue, and this was brought up during the last board meeting.

Lonnell Hanks stated she has been accused of having third party contact, and she wants to face her accusers. She stated she has never been removed from having contact with her son, so why would she need to have third party contact. Ms. Hanks stated she began emailing the case manager a few weeks ago, and recently got an email stating her contact has been removed due to third party contact, Ms. Hanks believes this is retaliation for the issues her son has caused. She stated every TCCO and MTC employee have access to her son's property. Ms. Hanks stated she has now done an open records request to find out who her accuser is.

Jennifer Williams stated instead of being mad, she wants to be helpful. She discussed a civil commitment program in Washington, with the same criteria as Texas, which has released 250 men to transitional housing since 2017. Ms. Williams discussed the many obstacles that the men in the Texas Civil Commitment Center face, stating she wants her son to be released before he is 50. Ms. Williams discussed the five-tiered program, noting this program does not work, and requested the Board talk to the clients in tier five. Ms. Williams discussed the dangerous locations the clients in tier five are forced to live in, stating the program is not a success.

Mello Scott stated her brother, who is a veteran, had been in the facility for four years. She stated he has ongoing medical issues, and should be taken to the VA for treatment.

**Meeting Adjourned at 11:45 a.m.**

**SIGNATURE ON FILE**

Christy Jack, Chair

**SIGNATURE ON FILE**

Marsha McLane, Executive Director

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Date

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Date