

**Joint Committee on Access and Forensic Services  
Meeting #3 Minutes  
Tuesday, February 22, 2016  
9:00 a.m. to 3:00 p.m.**

**Austin State Hospital Campus  
Building 552  
Training Room 125  
909 West 45<sup>th</sup> Street  
Austin, Texas 78714**

**Agenda Item 1: Opening remarks and introductions**

The Joint Committee on Access and Forensic Services (JCAFS) meeting commenced at 9:27 a.m. Committee Chair, Donald Lee, welcomed everyone to the meeting.

**Agenda Item 2: Public comment**

Mr. Lee asked staff to make a change to the agenda to include public comments earlier in the agenda to allow contribution and provide insight before Committee discussion. At the recommendation of the staff, public comment will also be heard near the end of the meeting.

Ms. Cassandra Marx, Enterprise Facilitation Services Office, Health and Human Services Commission (HHSC) announced that the meeting was being conducted in accordance with the Texas Open Meetings Act, and noted that a quorum was not present for the meeting. Table 1 notes Committee member attendance.

Table 1: The Joint Committee on Access and Forensic Services member attendance at the Monday, February 22, 2016 meeting.

MEMBER NAME	YES	NO	MEMBER NAME	YES	NO
Allison, Jim		X	Lewis, Kathryn	X	
Burkeen, Honorable Daniel		X	McLaughlin, Darlene MD		X
Cusumano, Sherry	X		Oncken, Denise	X	
Davis, Lorie	X		Schnee, Steven PhD	X	
Davis, Mike		X	Smith, Shelley	P	
Desai, Tushar MD		X	Smith, James	X	
Faubion, Matthew MD	X		Suiter, Honorable Wes		X
Gentry, Michael		X	Switzer, Gyl		X
Gray, Anna	X		Taylor, Sally MD	X	
Hall, Jerry		X	Wilson, Sheriff Dennis		X
Holcomb, Valerie	X		Wilson, Stacy JD	X	
Lee, Donald	X		Zamora, April		X

Yes: Indicates attended the meeting  
P: Indicates phone conference call

No: Indicates did not attend the meeting

Mr. Tom Best, Deputy Assistant Commissioner, Department of State Health Services (DSHS), introduced Ms. Erin Foley as the new Forensic Director. Ms. Foley is a clinical psychologist who previously worked as the Director of Health Services for the Travis County Juvenile Probation Department.

No public comment was heard at this time.

**Agenda Item 5: Discuss and formulate plan to implement recommended allocation methodology and utilization review protocol\***

Ms. Tamara Allen, Adult Mental Health Services, DSHS, reviewed the handout entitled *Implementation Tasks*. Ms. Allen noted that the allocation subcommittee will be working with staff to help finalize necessary tasks before implementation in September.

**Agenda Item 4: Overview of current forensic services system and review of legislative charges pursuant to Senate Bill 1507, 84<sup>th</sup> Legislature, Regular Session, 2015**

Ms. Allen noted that the task before the Committee is the development of recommendations for the creation of a comprehensive plan for effective coordination of forensic services. The report is due to the legislature July 1, 2016. The Committee will need to submit recommendations for the report to staff by April 1, 2016 so that the report may be completed by staff by the middle of April. The Forensic subcommittee will be working to complete this in accordance with the timeline.

Ms. Tamra Boyd, Statewide Clearinghouse Coordinator, DSHS, provided a recap from the Forensic subcommittee meeting held the previous week. The subcommittee discussed the history of the growth in forensic capacity over the past decade as well the clearinghouse and maximum security unit (MSU) waitlist.

Ms. Boyd referenced the chart in the packet entitled *Forensic Waiting Lists for State Mental Hospitals: February 2006-January 2016* with data provided by Mr. Bill Manlove, Director of Decision Support, DSHS, who also spoke briefly about the document.

**Agenda Item 2: Approval of minutes from December 15, 2015, and January 22, 2016, joint committee meetings**

Mr. Lee noted that a quorum was present and asked for a motion to approve minutes from the previous meetings.

**MOTION 1:**

Ms. Sherry Cusumano motioned to approve the minutes from the December 15, 2015 meeting. Ms. Stacy Wilson seconded the motion. The Committee members unanimously approved the minutes by voice vote, with no nays and no abstentions.

**MOTION 2:**

Ms. Anna Gray motioned to approve the minutes from the January 22, 2016 meeting. Ms. Cusumano seconded the motion. The Committee members unanimously approved the minutes by voice vote, with no nays and no abstentions.

**Agenda Item 4: Overview of current forensic services system and review of legislative charges pursuant to Senate Bill 1507, 84<sup>th</sup> Legislature, Regular Session, 2015 (continued)**

Mr. Jim Smith referenced the handout entitled *Overview of North Texas State Hospital - Vernon Campus* and presented on the Vernon campus programs.

Highlights of member discussion included:

- Members expressed safety concerns with regards to individuals with intellectual and developmental disabilities (IDD), who are often sent back to jail for long periods of time after being treated at Vernon. The committee should identify the statutory and resource issues that need to be addressed to ensure the needs of this population are appropriately met.
- Members discussed the feasibility of using telemedicine to connect the expertise of staff at the Vernon campus with staff at Mexia.

The Committee adjourned for lunch at 11:15 a.m. and reconvened at 11:35 a.m.

Dr. Matthew Faubion referred to the handout entitled *Overview of the Non-MSU Forensic State Hospital Function* and presented information on the KSH program.

Highlights of member discussion included:

- One option to facilitate transition out of the state hospital system is to establish six to eight regional facilities specialized in transitional care of long-term NGR1 patients. These intermediate step-down units could provide community reintegration services closer to home with staff who have specific expertise in working with this population.
- There is a need for regionalized step-down community-integration programs, and the gap between that program and the community needs to be permeable.
- At all levels, peer-support is essential.
- Many people with serious psychiatric illness that end up in the criminal justice system have offenses that prevent them from holding jobs or becoming peer-support counsellors in the state hospital system.

Ms. Courtney Harvey, Ph.D. referenced the handout entitled *Forensic Services System: Outpatient Programs*.

Highlights of member discussion included:

- Outpatient competency restoration (OCR) programs may be underutilized. In Harris County, it has been helpful to have cases consolidated under one judge.
- One of the main reasons individuals are not served in OCR programs is refusal to take medication. After a court orders medication some individuals can be taken off the waiting list because they are deemed competent.
- The availability of housing might be a factor in both utilization and successful completion of OCR programs.
- Some judges recommit individuals to OCR programs who are not restorable because they know the patients will be closely supervised.

**Action Items:**

- Ms. Harvey will provide the number of individuals that have been served in the OCR program to exclude duplicates.

**Agenda Item 6: Discuss issues related to forensic services: strengths, needs, challenges, and opportunities\***

Dr. Erin Foley referenced the handouts entitled *Key Points from the Forensic Subcommittee Meeting 2/19/2016* and *JCAFS: Previously Identified Issues* dated 2/19/2016 and presented on the issues related to forensic services. Discussion included an exploration of strengths in the system, weaknesses and gaps, opportunities, and potential threats or unknowns as they relate to forensic services. Group engaged in a brainstorming activity to address these areas. Some of the highlights that emerged from this discussion include:

- **Strengths** of the system include: quality of inpatient care that forensic patients receive; forensic training opportunities (e.g., conferences); and specialization of services for forensic patients (e.g., Kerrville State Hospital).
- **Weaknesses / gaps** exist in the system in areas such as: workforce recruitment and retention; access to inpatient care when needed; community capacity and access to appropriate level of care; crisis services; and resources in rural versus urban areas.
- **Opportunities** in the system include: an interested legislature; Medicaid coverage for peers and wrap-around services for this population; the use of telemedicine;

partnerships with academic institutions; recovery oriented practices; and an openness to consider substance use needs.

- **Threats** identified for the system include: decreased state revenue; transitions in the HHS system; the end of the 1115 DSRIP Project waiver program; the number of forensic patients overwhelming civil capacity; population growth; and lack of enforcement of mental health parity laws.

**Agenda Item 7: Discuss future direction for forensic services\***

Dr. Foley asked members to volunteer potential improvements to the forensic services system.

Ideas generated centered on a vision for forensic services that included:

- Focus on rehabilitation.
- Divert people from incarceration and have a more robust and adequate system of care to prevent recycling over time.
- Reservation of inpatient beds in state hospitals for individuals who cannot be served in the community.
- Adequate and available resources for all LOCs. If a lesser LOC is needed, those resources are made available.
- Decreased use of forensic beds for misdemeanor level offenses.
- Serve people in the most appropriate and least restrictive setting.
- Diminish recidivism in this population.
- Decrease LOS for 46B.102 civil commitments.
- Expand consumer-operated service programs (COSPs), where recovery is the expected outcome and where peers can hold individuals accountable.
- Regionalization.
- Address specialized populations, such as those with IDD.
- Provide step-down services.
- Expand the total pie if possible.

Upcoming Events:

- The Allocation subcommittee has a conference call meeting on Wednesday.
- The Hogg Foundation event is Friday, March 4, 2016 in the morning and the Forensic subcommittee meeting will follow.

**Agenda Item 8: Adjourn**

Mr. Lee adjourned the meeting at 2:49 p.m.