

Joint Committee on Access and Forensic Services
FINAL DRAFT: Meeting Minutes
Wednesday, July 28, 2021
9:00 a.m.
Meeting Site: Microsoft Office Teams Live

Agenda Item 1: Opening remarks and introductions

The Joint Committee on Access and Forensic Services (JCAFS) meeting was called to order at 9:01 a.m. by Mr. Stephen Glazier, Chair. Mr. Glazier welcomed everyone to the meeting and announced a meeting change from the posted public agenda.

Mr. Gilbert Chavez, facilitator with the Advisory Committee Coordination Office (ACCO), Health and Human Services Commission (HHSC), announced that the meeting was being conducted in accordance with the Texas Open Meetings Act, and conducted the member roll call. The presence of quorum for the meeting was announced.

Table 1: JCAFS member attendance at the Wednesday, July 28, 2021 meeting.

MEMBER NAME	YES	NO	MEMBER NAME	YES	NO
Allison, Jim - Representing County Judges and Commissioners Association of Texas	X		Johnson, Windy – Representing the Texas Conference of Urban Counties	X	
Alsop, Bill – Texas Municipal League	X		Johnston, Judge Robert – County Judges and Commissioners Association of Texas		X
Beach, Doug - Representing as BHAC Chair		X	McLaughlin, Darlene MD – Representing the Texas Municipal League		X
Carr, Shannon - Representing the Austin Area Mental Health Consumers, Inc.		X	Saenz, Vanessa – Representing as consumer of or advocate for mental health services (joined at 10:29 am)	X	
Cogbill, Sherri – Representing Texas Department of Criminal Justice (TDCJ)	X		Smith, Shelley – Representing the Texas Council of Community Centers	X	
Evans, David – Representing the Texas Council of Community Centers	X		Taylor, Sally MD – Representing the Texas Hospital Association as a physician (joined at 10:29 am)	X	
Fagan, Donna - Representing as a family member of or advocate for persons with mental health and substance abuse disorders		X	Wagner, Judge J.D. - Representing the Texas Association of Counties		X
Glazier, Stephen M. – Representing the Texas Hospital Association	X		Wilson, Sheriff Dennis – Representing the Sheriffs' Association of Texas	X	
Gray, Anna - Representing as consumer of or advocate for substance abuse treatment	X		Simpson, Jennie PhD– Forensic Director, Ex-Officio Member	X	
			Torres, Felix MD- Chief of Forensic Medicine, Ex-Officio Member	X	

Yes: Indicates attended the meeting in-person No: Indicates did not attend the meeting * Identifies a stand in

Agenda Item 3: Subcommittee Report: Data Analysis Subcommittee

Mr. Stephen Glazier, Chair, provided an update to the members regarding the Data Analysis Subcommittee.

Highlights of the update and committee member discussion included:

- The subcommittee met on June 8th and July 19th, 2021.
- The focus will be on analysis of data trends, capacity of Outpatient Competency Restoration (OCR) and Jail-based Competency Restoration (JBCR), reviewing the waitlist, and identifying best practices.
- Mr. Glazier encouraged members who are interested in data analysis to join the subcommittee.

Agenda Item 6: Review of JCAFS data dashboard

Mr. Stephen Glazier introduced Mr. Logan Hopkins, Director of Data Analytics for the State Hospital System, HHSC, to provide an update to the committee on the JCAFS data dashboard. Mr. Hopkins referenced handout and spreadsheet titled *JCAFS Data Dashboard*.

Highlights of the presentation and committee member discussion included:

- Ten beds back online in El Paso in May 2021.
- Correction: The temporary North Texas Vernon unit was incorrectly counted under the civil section. This was corrected and updated in March.
 - MSU numbers with Vernon unit correctly counted, numbers will be slightly affected from previous version of data dashboard.
- Increase in average daily census and occupancy rates.
- Previous error in formula for 365+ patients, has been corrected and number slightly reduced, but still high.
- MSU average length of time waiting and median length of time waiting, had huge jumps in May. Possibly due to a large number of people who had been on the list for a long time.
- Mr. Jim Allison, requested follow up on the numbers that went into calculating MSU average and median waiting for MSU. The Data Analysis Subcommittee will review data and look at outliers; who they were and where did they come from.
- Mr. Jim Allison had further questions about criteria on who comes off the MSU waitlist.
 - Dr. Felix Torres, MD responded, for MSU, whoever is waiting the longest is admitted first.
 - Due to COVID, some patients may have been skipped because they have not complied with restrictions (i.e. tested for COVID).
- Mr. Glazier stated that with regard to the Civil AVC data, we don't want to lose track on reviewing the civil patient census as well.

Agenda Item 3: Subcommittee Report: Access Subcommittee

Mr. Stephen Glazier introduced Ms. Shelley Smith, JCAFS Member, to provide a report from the Access Subcommittee and referenced a presentation titled *Subcommittee Reports: Access*.

Highlights of the update and committee member discussion included:

- Met June 30, 2021
- Discussed supportive housing, OCR, JBCR, state hospital restoration programs, as well as length of stay and restoration percentages.
- The subcommittee will be looking at trends for 365+ patients.
- Reviewed summary of findings from FY 2021 Utilization Review Protocol. Included feedback from LMHAs who were thought to be underutilizing or over utilizing state beds and state hospital superintendents. Findings include:
 - Lack of control of bed-day utilization;
 - Lack of access to state hospital beds;

- Need for private psychiatric beds, there are short-term stays;
- Need for long-term residential facilities;
- Improved communication between LMHAs, jails, state hospitals, and court regarding forensic waitlist;
- Need increased availability of transition support services; and
- Need for community education
- Proposed FY 2022 protocol:
 - Analyze growth trends for patients who have been in the hospital for 365 days or longer, identify options for more appropriate placements;
 - Identify factors driving number of incompetent to stand trial patients who are in the hospital for more than 180 days and identify strategies to be able to discharge these patients.

MOTION:

Ms. Windy Johnson moved to approve the Utilization Review Protocol FY 2022 as presented. Mr. Bill Alsop seconded the motion. After conducting a roll call vote of the members, the motion passed with 9 yeas, no nays and no abstentions.

Agenda Item 2: Consideration of the April 27, 2021, committee meeting minutes

The consideration of the April 27th minutes was delayed in order to meet quorum requirements. Mr. Stephen Glazier asked members to review the minutes and for a motion to approve the minutes from the April 27, 2021 committee meeting.

MOTION:

Mr. Jim Allison moved to approve the minutes from the April 27, 2021 committee meeting as presented. Sherriff Dennis Wilson seconded the motion. After conducting a roll call vote of the members, the motion passed with 9 yeas, no nays and no abstentions.

Agenda Item 4: 2020 JCAFS Recommendations Update and Monitoring

Mr. Stephen Glazier introduced Dr. Jennie Simpson, HHSC Forensic Director, to provide an update to members. Dr. Simpson referenced a document titled *JCAFS 2020 Recommendations*.

Highlights of the update and committee members discussion included:

- Sequential Intercept Model Mapping report maps out recommendations, gaps, and needs across the state based on feedback of over 140 summit participants.
- Behavioral Health Services leading a TLET improvement project to improve the matching algorithm to produce a more accurate match for individuals who have received LMHA/LIDDA services within the last year when they are booked.
- SAMHSA’s GAIN Center Community of Practice, focused on intercept 0 and 1 and identify strategies to improve diversion, is coming to a close. HHSC will be reporting to SAMHSA the strategic plans developed by participating LMHAs.
- HHSC committed to working on medical clearance. August 16th HHSC is hosting a virtual round table to develop guiding principles on medical clearance that can reduce the access to care issue.
- Funding for development of a survey focused on challenges to utilization of diversion by law enforcement, local providers, and individuals working on diversion. Working with Texas institute of Excellence in mental Health to develop the survey. Survey will be sent to through various law enforcement associations.
- Collaborating with the Judicial Commission on Mental Health to implement a community diversion coordinator pilot.
- HHSC received learning opportunity for rural mental health crisis services.

- Children's Mental health and Behavioral Health Services has expanded partnership with Texas Juvenile Justice Department to focus on juvenile justice.
- Children's Mental Health will be presenting at the 2021 Judicial Summit on Mental Health.
- Forensic and jail diversion team provided technical assistance to jail on the jail match report as a tool for diversion.
- Working to develop data strategy focused on forensic population as well as 365+ population.
- Adult Mental Health working with two LMHAs on hospital step down pilot program.
- Forensic and Jail Diversion Services working to develop a webinar training for state hospital and LMHA staff about outpatient management plans and continuity of care for individuals leaving state hospitals.
- Awarded grantees for children's crisis respite will participate in OMHC's Policy Academy hosted by the Texas System of Care to focus on youth crisis respite.
- Expansion of Outpatient Competency Restoration program to five additional communities: Bluebonnet Trails, Center for Life Resources, Pecan Valley, LifePath, and Concho Valley.

Agenda Item 5: Update from Health and Human Services Commission Forensic Director

Dr. Jennie Simpson, HHSC Forensic Director, provided an update to members and referenced a presentation titled *Update from the HHSC Forensic Director*.

Highlights of the update and committee member discussion included:

- Ms. Catie Bialick provided an update on the forensic strategic plan:
 - Strategy sessions held with the Statewide Behavioral Health Coordinating Council, HHSC Forensic Workgroup, and state SIM mapping summit.
 - Identified overarching vision and mission for strategic plan and getting feedback during the summer for goals. Hosting listening sessions with LMHAs, Judicial Commission on Mental Health, NAMI, State Hospital Superintendents, peers.
 - Will be sharing a public survey in the summer to get feedback from the public.
 - Hope to publish plan by the end of the year.
 - Strategic plan will be a five-year plan, a separate action plan will be developed.
- Action plan tracker: as objectives of strategic plan are solidified, HHSC will be tracking the initiatives projects, objectives they map to, project lead, status, start/end date. Tracker will be used to report how agency is meeting goals and objectives of strategic plan. Suggestion to include action points for initiatives/projects and have a priority weight or ranking to identify top priority initiatives. Also include key partners, methods of finance, outcomes, and sub-steps under projects.
- Development of Mental Health & Justice Technical Assistance Center, three phases, currently in phase 1:
 - Phase 1- Planning and research: Working with Hogg Foundation to conduct interviews to understand what the technical assistance and training needs are. Texas Institute for Excellence in Mental Health will develop website. Internal HHSC workgroup and external stakeholder advisory group to help set priorities for the TA center.
 - Phase 2-Process & Website Development: begin in September, SIM mapping, promoting diversion.
 - Phase 3 – Implementation: Implement in January 2022.

- MacArthur Foundation IMPACT Network: A few of the LMHAs will also participate in the IMPACT network.
- Law enforcement listening sessions done on July 8th, discussed mental health needs of law enforcement.

Agenda Item 7: Updates on HHSC Forensic Data Strategy

Mr. Stephen Glazier introduced Ms. Amy Chandler, Intellectual Developmental Disabilities and Behavioral Health Services (IDD-BHS) System Integration Team, to provide an update to members. Ms. Chandler referenced a presentation titled *Data Dashboards*.

Highlights of the update and committee member discussion included:

- Continuum of Care Workgroup is internal to HHSC and seeks to close gaps in the public mental health system.
- Developing dashboard subsets for 365+ population and the forensic population.
- Story boards developed: state hospital patients admitted over a year ago, looking at those same people after they were discharged in a community based setting, forensic population in state hospitals and community based services, looking at people waiting in county jails waiting for competency restoration. Will identify data across continuum of care.

Agenda Item 8: Updates from Health and Specialty Care System (HSCS)

Mr. Stephen Glazier introduced Dr. Felix Torres, MD, Chief of Forensic Medicine Health and Specialty Care System. Dr. Torres provided an update and referenced a presentation titled *State Hospital Forensic Services Update*.

Highlights of the update and committee member discussion included:

- Full implementation of 562 review process, the new Competency to Stand Trial report template is now live as is a mechanism to monitor the timeframes for each of the six steps of competency.
- As of June 30th, there were 571 MSU commitment packets reviewed in FY21 to date, 560 have been reviewed. Of those reviewed, 88 were recommended for waiver consideration. Of those recommended for waiver, Dr. Torres recommended 72, which have all been approved by the associate commissioner.
- Forensic Services Subcommittee Workgroups: there are 5 workgroups that will provide a report on April 7th. Currently sifting through their recommendations.
 - **Competency Restoration Curriculum Workgroup:** development of a simplified and standardize of competency restoration curriculum and development of train-the-trainer workshop for implementation. Recommended development of an 8-module curriculum that would allow instructors to use modules in a customizable way, include factual and rational competency components, and include notes for the instructor. Eight modules have been completed and undergoing review, look to implement by the second quarter of FY 2022.
 - **Outpatient Management Plan Workgroup:** develop standardized OMP, algorithm of the process, and train-the-trainer program for use of universal template. Completed work, universal outpatient management plan has been approved by FSCS governing body. Universal OMP and operating procedure to address use of OMP has been implemented as of 7/22. Train-the-trainer webinar recorded and will be made available.
 - **Forensic Evaluator Credentialing and Registry workgroup:** develop of evaluator registry for state hospital system with recommended review process. Have developed an application that verifies required training and

required experience and asks about experience using assessment tools and future training topics. Workgroup has accomplished its task, forensic evaluator registry credentialing and peer review operating procedure under development likely to be voted on at the FSC meeting then go through internal process towards approval by governing body.

- **Trial Competency Evaluation Peer Review Workgroup:** development of peer review tool to be used throughout state hospital system and recommendation on who should sit on the peer review board. Have completed work and developed a peer review tool that includes 10 domains. Peer review tool approved by governing body. Peer review process to be implemented in first quarter of 2022.
- **Forensic Data Workgroup:** recommend full set of forensic data points for possible locations for data mining within the electronic medical record. Ultimate goal is creation of forensic dashboard/report card. Has recommend a long set of data, implemented by radio button on RTC template.
- **State Hospital/LMHA Jail In-Reach Collaborative:** focus on alternative dispositions to inpatient/competency restoration services for individuals found incompetent to stand trial. Support coordination between LMHA, state hospitals system, jail administration, courts, and JCMH Diversion Coordinators; provide expert consult on medication management for restoration; and provide competency re-evaluations. Currently 9 LMHAs committed to learning collaborative who must select one county to partner with on the collaborative. Learning collaborative will kick off on August 13th followed by training in September, and implementation of Jail in-reach pilot in October.
- **Forensic Treatment Planning Workgroup:** focus on specific forensic treatment planning needs with built in policies currently in place or that will be put into place. Have done literature review, compiled articles, and pre-read National Association of State Mental Health Program Directors Forensic Group. Will get technical assistance from SAMHSA in August.
- Suggestions to have updates at future JCAFs meetings about what forensic workgroups are doing.

Mr. Stephen Glazier introduced Ms. Rachel Samsel, Deputy Associate Commissioner to provide an update to the committee on Texas State Hospital System.

Highlights of the update and committee member discussion included:

- Received operational funding for expansion of Kerrville maximum security, adding 70 beds. Unit to start admitting patients towards end of November/early December.
- Received operational funding for John S. Dunn Behavioral Health Sciences Center in Houston.
- Secured additional funding for completion of construction for Austin and San Antonio state hospitals through supplemental bill.
- Received funding to begin planning process and purchase land in Dallas-Fort Worth area for a new hospital. Will be done in partnership with UT Southwestern.
- Received funding for Hepatitis C treatments.
- Not able to secure funding to renovate spaces currently offline.
- COVID and staffing challenges impacting state hospital operations.

Agenda Item 9: Updates from Health and Human Services Commission (HHSC) Behavioral Health Services

Mr. Stephen Glazier introduced Ms. La Quinta Swan, Outpatient Program Subject Matter Expert to provide the committee an update and referenced a presentation titled *Outpatient Competency and Jail-Based Competency Restoration Outcomes*.

Highlights of the update and committee member discussion included:

- Two competency restoration opportunities: outpatient competency restoration (OCR) and Jail-based competency restoration (JCBR).
- OCR provide community-based competency restoration services and education for those found incompetent to stand trial. OCR serves as an alternative to commitment to a state hospital or state supported living center.
- OCR services consists of curriculum-based competency restoration, peers support, access to housing resources, psychosocial rehabilitative services, psychiatric and medical medications, cognitive processing therapy, substance use inpatient or outpatient treatment, and residential treatment.
- Currently, eighteen LMHAs operationalize OCR programs.
- 2,388 individuals served since the inception of OCR programs in 2008 through FY20.
- Working on gathering data on demographics on individuals who did not restore to competency, those who did restore, as well as, percentage restored of individuals who did complete the program, and number of individuals admitted to the program.
- Currently, have one JBCR pilot program in Harris County. Intended to provide competency restoration education and individualized behavioral health treatment and services to individuals determined IST.
- JBCR services include a multidisciplinary team, cognitive behavioral therapy, curriculum-based competency restoration education, motivational interviewing/treatment plan, and coordination of general healthcare.
- Currently six locations for JBCR programs with no current plans of expansion due to lack of funding.

Agenda Item 10: Schedule for election of JCAFS officers

Mr. Stephen Glazier introduced Mr. Jim La Rue, JCAFS Liaison, to provide members with an update on the schedule for election of JCAFS officers.

Highlights of the update and committee member discussion included:

- The one-year terms of JCAFS Chair and Vice Chair will expire in October of 2021.
- Per bylaws, committee must hold an election. The election will be held at the next meeting in October 2021.
- Members will receive an email for a call for nominations.
- Current Chair and Vice Chair are no longer eligible to serve in their current leadership positions. However, they are eligible to serve three one year term positions in another leadership position they have not yet been previously elected to.
- Mr. Glazier announced the retirement plans for Mr. Jim LaRue and thanked Mr. LaRue for his service to the committee.

Agenda Item 11: Review of legislation from the 87th Legislative Regular Session that impacts the JCAFS mission

Mr. Stephen Glazier introduced Ms. Jesse Moorehead, Legislative Liaison for IDD-BHS, HHSC, to provide an update on bills from the 87th Legislative Regular Session.

Highlights of the update and committee member discussion included:

- **HB 2107**: relates to services for children who are unfit or lack responsibility to proceed in juvenile court as a result of intellectual disabilities. LIDDAS may develop outpatient programs for fitness to proceed evaluation and treatment for children with IDD. Also, LIDDAS are to be consulted in treatment of a child when a judge orders competency restoration for a child with IDD. HHSC will provide technical assistance for LIDDAS who wish to set up this program.

- **SB49:** relates to a written report regarding the defendant suspected of having a mental illness or intellectual disability. Bill amends reporting procedures for defendant with mental illness or IDD, report distributed to more people.
- **SB 454:** relates to mental health services development plans updated by HHSC. HHSC will continue to post updated plans by December 1 of each year.
- **HB 3088:** a statutory initiative for HHSC to assist grant programs; the initiative includes consistent match requirements across BH matching grant programs, reducing match requirements for smallest counties to 25%. Up to 5% of grant funds can be used for administrative costs.
- **Rider 54:** strategy for additional mental health community hospital beds in urban and rural areas. \$15 million in general revenue for additional state purchase of in-patient psychiatric beds in rural areas, and \$15 million in general revenue for additional state purchase of psychiatric beds in urban areas.
- **Rider 57:** initiative for study on step down services diverting individuals from state hospitals to the community.
- **Rider 100:** initiative for step down housing pilot for individuals with serious mental illness. Must be an operational plan to transition long term state hospital patients using state hospital funding, developed by August 31, 2022.

Agenda Item 12: Public Comment

Mr. Gilbert Chavez read the public comment announcement. Mr. Chavez coordinated with the ACCO production team to conduct the oral registered public comments and any requests for public comment received during the live event. Written Public Comment received was forwarded to committee members for their consideration.

Written public comment received and forwarded to Committee Members:

- Ms. Marilyn Hartman

Oral public comment provided:

- Ms. Sonja Burns provided testimony on:
 - Recommendation to include patients with IDD on published wait lists for transparency.
 - Recommendation to include the Office of Ombudsman in the follow up of the 365+ population.
 - Recommendation that "true housing choices" need to focus on what the patient really needs and be realistic.
 - Ms. Windy Johnson asked a clarifying question with regards to Ms. Burns recommendation to include patients with IDD on published wait lists.

Adjournment Item 11: Adjournment

Mr. Stephen Glazier, Chair, announced that the next JCAFS meeting will be held Wednesday, October 20, 2021 at 9:00 am and adjourned the meeting at 12:30 pm.

Below is the link to the archived video of the July 28, 2021 Joint Committee on Access and Forensic Services meeting that can be viewed approx. two years from date of meeting.

(To view and listen to the entirety of the meeting and public comment provided click on the link below)

[Joint Committee on Access and Forensic Services](#)