

Council on Sex Offender Treatment

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Council Policy 06-001

Division of Policy and Management Responsibilities

Section 110.103, Occupations Code, requires the council to develop and implement policies that clearly separate the policy-making responsibilities of the council and the management responsibilities of the executive director and the staff of the council.

Responsibilities of the Council

1. The council shall ensure that an effective sex offender treatment provider regulatory program and the outpatient sexually violent predator treatment program are carried out using the facilities and staff of the Department of State Health Services (DSHS). The council's primary responsibilities are to:

- A. serve on the multidisciplinary team and administer the Civil Commitment Outpatient Sexually Violent Predator Treatment Program per Chapter 841.007, Health & Safety Code;
- B. study the ways sexually violent predators, as defined in Section 851.002, Health & Safety Code, and other persons use the internet to meet or otherwise establish contact with potential victims;
- C. establish, develop, or adopt an individual risk assessment tool or group of individual risk assessment tools that evaluates the criminal history of a person required to register and seeks to predict the likelihood that the person will engage in criminal activity and continuing danger that the person poses to the community under Article 62.403, Penal Code;
- D. develop strategies for assessing, managing, and treating sex offender under Section 110.502, Occupations Code;
- E. develop, implement, research, and deploy dynamic risk assessment tools and protocols for use under Section 11(i), Article 42.12, Code of Criminal Procedures;
- F. report to the criminal justice division of the governor's office on the progress of implementing the pilot program;
- G. work with the Legislative Budget Board to study recidivism of sex offenders treated under the pilot program;
- H. collect and disseminate information regarding the treatment and management of sex offenders and sexual assault;
- I. provide resource information to Legislators regarding sex offenders, treatment, and victim advocacy agencies;
- J. Develop treatment strategies for sex offenders by evaluating in-state and out-of-state programs for sex offender treatment, set standards for treatment of sex offenders that must be met by sex offender treatment providers to be eligible for inclusion in the council's database, and recommend to licensing and regulatory boards and to the directors of current programs methods of improving programs to meet council standards;
- K. collect and disseminate information to judicial officers, community supervision

or parole officers, appropriate state and municipal agencies, and the general public about management and containment of sex offenders;

- L. distribute money appropriated to the council by the legislature for that purpose to political subdivisions, private organizations, or other persons to be used for the development, operation, or evaluation of sex offender treatment programs;
 - M. advise and assist agencies in coordinating procedures to provide treatment services that may include community-based programs;
 - N. establish and maintain a database of sex offender treatment providers in accordance with Section 110.152, Occupations Code;
 - O. design and conduct continuing education programs for sex offender treatment providers;
 - P. file biennially a report with the governor, lieutenant governor, and speaker of the house of representatives about the activities of the council; and
 - Q. develop and implement by rule licensing requirements and procedures for treatment providers.
2. The council shall be responsible to the public for the overall conduct of council activities and shall exercise its responsibility to interpret its programs and policies to the public and defend its actions. The council shall also represent and interpret the public to the council's staff, providing and explaining public reactions to council staff.
 3. The council shall establish policy to guide the routine operations of the regulatory program and to assist administrative staff in efficiently carrying out the council's objectives. The council shall also provide specialized or technical information and advice specific to sex offender treatment to assist administrative staff in efficiently carrying out the council's mission and objectives.
 4. The council shall adopt rules necessary to administer and enforce the sex offender treatment providers (Chapter 810, Texas Administrative Code (TAC), and Chapter 110, Occupations Code), including rules that establish standards of ethical practice, guidelines for complaint investigations, and procedures for imposing disciplinary action. The Council shall adopt rules, policies, and procedures necessary to administer Chapter 841, Health & Safety Code.
 5. The council shall become familiar with the federal and state constitutional provisions, statutes, and regulations directly affecting the council's program. The council shall seek advice and recommendations from its general counsel as appropriate.
 6. The council shall provide services and make decisions in the discharge of its statutory authority without discrimination based on any person's race, creed, sex, religion, national origin, age, physical condition, or economic status.
 7. The council shall impose appropriate disciplinary action authorized by law, up to and including license revocation, against a licensee who is found to have violated TAC 810 or the council's rules issued under TAC 810.
 8. The council shall assume responsibility, as appropriate, for implementing legislative amendments to further the existing regulatory program or to provide for new or additional sex offender legislation that would benefit of Texas citizens.
 9. The council shall hold at least four (4) regular meetings each year. Meetings shall be announced and conducted under the provisions of Texas law relating to open meetings.
 10. The council shall make all official decisions according to parliamentary procedure as set forth in *Robert's Rules of Order, Revised*. If a question arises concerning the interpretation of *Robert's Rules of Order, Revised*, the chair shall make the decision in the matter.
 11. The council, with the assistance of DSHS staff, shall keep records and minutes necessary to the orderly administration of each Act and in accordance with applicable law. The council's records are public documents subject to the provisions of Texas law relating to open records.

12. The council, with the assistance of DSHS staff, shall coordinate and oversee the administration of the provisions of each Act.
13. Council members shall act fairly, nonpartisan, nondiscriminatory, and unbiased in their role protecting the public. The basis or foundation of all council member decisions shall be in the interest of public protection.
14. Council members shall conduct themselves in a manner that respects the integrity of the council, its processes, and all participants, including council members, staff, registrants, and the public.
15. Council members shall not participate in council decisions in which they will realize direct or indirect financial benefit. Council members shall not participate in council decisions in which their bias compromises their objectivity or where an appearance of bias jeopardizes the credibility of the council's decision in the matter.
16. Council members shall not speak or act for the council without proper authorization from the council.
17. Each council member should:
 - A. understand the council's purpose and have conviction as to the importance of the program;
 - B. have the capacity to view the council and the program objectively in relation to changing needs and to be receptive to changes necessary to meet those needs;
 - C. understand the council's policy on the difference in function between the council and the DSHS staff and work in genuine accord with the policy;
 - D. keep informed of developments in the field as appropriate to the work of the council;
 - E. attend and actively participate in council meetings, committee meetings, and council training programs, carrying out council assignments promptly; and
 - F. become acquainted with the program operation and the staff and make constructive suggestions and criticism regarding the program operation and staff through appropriate channels.

Responsibilities of the Department of State Health Services

1. DSHS shall provide suitable office space to carry out the provisions of the Act and maintain permanent records.
2. DSHS shall provide administrative, human resources, communications and technology, investigative, clerical, financial, examination, and legal services, structure, and support necessary to operate the council's program and legislative mandates.

Responsibilities of Executive Director and DSHS staff

1. The Executive Director/Manager, Program Specialists, and Administrative Technician(s) shall function as council administrative staff, carry out all duties assigned to them in Chapter 110, Occupations Code, Chapter 841, Health & Safety Code, 810 Texas Administrative Code, and any other applicable law, and coordinate and execute the operations of the regulatory program.
2. The Executive Director/Manager shall exercise general supervision over individuals employed in the administration of each applicable law.
3. The Executive Director/Manager may delegate duties, but shall not relinquish responsibility for outcomes.
4. The Executive Director/Manager serves on the Risk Assessment Review Committee.
5. The Executive Director/Manager or designee serves on the Multidisciplinary Team per Health & Safety Code.
6. The Executive Director or designee shall provide training and conduct presentations to the public, law enforcement, supervision officers, treatment providers, child protective services,

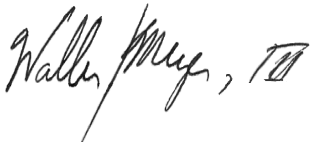
advocacy agencies, and others involved in the management and containment of sex offenders.

7. The Executive Director or designee shall attend meetings related to sexual assault, the management and containment of sex offenders, sex offender legislation, public policies, and the laws pertaining to sex offenders, sexually violent predators, and sex offender treatment providers.
8. Council staff shall act fairly, nonpartisan, nondiscriminatory, and unbiased in their role operating the regulatory program.
9. Council staff shall conduct themselves in a manner that respects the integrity of the council, its processes, and all participants, including council members, staff, licensees, and the public.
10. Council staff shall be responsible to the council, DSHS, and the public for the overall conduct of the regulatory program's activities, outpatient sexually violent predator treatment program, and shall exercise its responsibility to interpret the council's programs and policies to the public. The staff shall also represent and interpret the public to the council, providing and explaining public reactions to the council.
11. Council staff shall enforce or carry out the council's rules necessary to administer the Chapter 110, Occupations Code and 810 Texas Administrative Code, including rules that establish standards of ethical practice, guidelines for complaint investigations, and procedures for imposing disciplinary action.
12. Council staff shall carry out the provisions necessary to administer Chapter 841, Health & Safety Code and contact or establish agreements for the following services sex offender treatment, case management, global positioning satellite tracking, residential housing, substance use testing, transportation, and any other necessary service to treat the sexually violent predator,
13. Council staff shall track the budget of contacted services necessary to administer the outpatient sexually violent predator program.
14. Council staff shall monitor contracts for compliance, conducts audits, and provides remedial plans regarding deficiencies.
15. Council staff shall plan, coordinate, prepare, and develop educational conferences.
16. Council staff shall be knowledgeable of federal and state constitutional provisions, statutes, and regulations directly affecting each program's operation. The staff shall seek advice and recommendations from the council's general counsel as appropriate.
17. Council staff shall provide services without discrimination based on any person's race, creed, sex, religion, national origin, age, physical condition, or economic status.
18. Council staff shall not speak or act for the council without proper authorization from the council.
19. Council administrative staff shall handle all correspondence for the council and obtain, assemble, or prepare reports and information that the council may modify or authorize.
20. Council administrative staff shall research, prepare, and recommend to the council rules, policies, plans, and procedures necessary to implement the purposes and objectives of the Act.
21. Council administrative staff shall assemble, review, approve, and maintain materials submitted by applicants for licensure. Council administrative staff may request a review by the ethics or continuing education committee of the council and the committee shall make the final decision regarding eligibility of those applicants.
22. Council administrative staff should attend all meetings of the council as a non-voting participant.
23. Council administrative staff shall prepare and submit to each council member, prior to each meeting, an agenda which includes items requested by members, items required by law, unfinished business, and other matters of council business which have been approved for

discussion by the chair.

24. Council administrative staff shall prepare and maintain minutes of the council's proceedings and distribute them to staff, council members, the Texas State Library, and the Legislative Reference Library per Chapter 441 and 324, Government Code.
25. Council administrative staff shall be responsible for coordinating and implementing the complaint review and investigation process and for presenting verified complaints to the council for disciplinary action. Staff shall also establish and adhere to a schedule for conducting each phase of the complaint process.
26. Council administrative staff shall prepare and provide information via brochures and the website to the public regarding the management and containment of sex offenders and sexually violent predators.
27. Council administrative staff shall be the custodian of the records and files of the council's programs.

Approved as to form and content by the Council:



Walter J. Meyer, III, M.D.
Chairperson

Adopted – July 22, 2006

