



Annual Report on the Screening of Offenders with Mental Impairment

As Required by

**House Bill 1, 86th Legislature,
Regular Session, 2019 (Article II,**

Health and Human Services

Commission, Rider 53)

Health and Human Services

September 2021



TEXAS
Health and Human
Services

Table of Contents

Table of Contents	ii
Executive Summary	1
2. Background	3
3. Data Exchange System	5
Matching	5
Matching Criteria	6
Information Exchanged	7
Automated Match Notification to the LMHAs and LBHAs	7
Continuity of Care	7
4. Prevalence Rates	8
5. Conclusion	9
List of Acronyms	10

Executive Summary

The 2020-2021 General Appropriations Act (GAA), House Bill (H.B.) 1, 86th Legislature, Regular Session, 2019 (Article II, Health and Human Services Commission, Rider 53) requires an *Annual Report on the Screening of Offenders with Mental Impairment* summarizing the exchange of information between agencies to:

- Support continuity of care services for people with mental impairment involved with the criminal justice system; and
- Supplement local post-booking jail diversion activities.

Texas Health and Human Services Commission (HHSC) and the Texas Department of Public Safety (DPS) use a web-based data exchange process using DPS' Texas Law Enforcement Telecommunications System (TLETS) and HHSC's Clinical Management for Behavioral Health Services (CMBHS), providing a real-time method of identifying special needs offenders. Jail staff enter people into TLETS for whom criminal charges are pending, or who after conviction or adjudication, are in custody, or under any form of criminal justice supervision. The TLETS/CMBHS electronic data exchange process matches county jail inmates' personal information with records of people who have received mental health services from state-funded mental health programs.

Between September 1, 2020, and June 17, 2021, 644,795 mental health (MH) requests for matches using TLETS were made. Of those, 31,053 were exact matches and 178,149 were probable matches. During this same period, 372,544 intellectual and developmental disabilities (IDD) requests for matches using TLETS were made. Of those, 368 were exact matches and 14,087 were probable matches. Matched people were screened to ensure they were still eligible for state-funded mental health, IDD and substance use services and linked to community-based mental health services.

The TLETS/CMBHS electronic data exchange process has continued to facilitate collaboration and communication between jails and state-funded mental health and IDD service providers for jail diversion.

Rider 53 requires HHSC to submit the *Annual Report on the Screening of Offenders with Mental Impairment* to the Legislative Budget Board by September 1 of each year.

The report must discuss the exchange of information between agencies to support jail diversion and continuity of care for people with mental impairment involved with the criminal justice system, including but not limited to the:

- Manner in which information is exchanged between agencies;
- Frequency with which the information is exchanged;
- Type of information most frequently exchanged; and
- Agencies frequently involved in the exchange of information.

The fiscal year 2021 report summarizes data sharing between HHSC and other participating agencies using the TLETS/CMBHS electronic data exchange process.

2. Background

The following agencies have a Memorandum of Understanding (MOU) to exchange information to support jail diversion and continuity of care for people with mental impairment involved with the criminal justice system¹:

- HHSC and the Department of State Health Services (DSHS)
- Community centers, as defined in Health and Safety Code Section 534.001(b)
- DPS Bureau of Identification and Records²
- Texas Department of Criminal Justice
- Local mental health authorities (LMHAs)
- Local behavioral health authorities (LBHAs)
- Local Intellectual and Developmental Disability Authorities (LIDDAs)
- Community supervision departments
- Community corrections departments

Data sharing under the MOU is used to:

- Identify offenders with mental impairments in the criminal justice system;
- Collect and report prevalence data; and
- Accept and disclose information relating to a special needs offender if the disclosure serves the purpose of Health and Safety Code, Chapter 614.

HHSC annually updates the MOU to institute a continuity of care and services program for people with mental impairment involved in the criminal justice system.

In addition to promoting the sharing of information between agencies, HHSC provides ongoing technical assistance to LMHAs and LBHAs in engagement, jail diversion, and other evidence-based practices.

Texas Health and Safety Code, Section 533.035(a), defines LMHA as a local component of the mental health system designated to carry out the legislative mandate for planning, policy development, coordination, resource development,

¹ Per the 2020-2021 General Appropriations Act, H.B. 1, 86th Legislature, Regular Session, 2019 (Article II, Health and Human Services Commission, Rider 53) and Health and Safety Code Section 614.013 and Section 614.017.

² Per Chapter 614 of the Health and Safety Code, as amended by S.B. 839, 80th Legislature, Regular Session, 2007.

allocation, and supervision of the provision of services to people with mental impairment in one or more local service areas.

In accordance with Texas Health and Safety Code, Section 533.0356, an LBHA provides mental health services and chemical dependency services and may also be delegated the authority and responsibility for planning, policy development, coordination, resource allocation, and resource development for and oversight of mental health and chemical dependency services.

3. Data Exchange System

To facilitate information sharing between the agencies, Senate Bill (S.B.) 839, 80th Legislature, Regular Session, 2007, amended Health and Safety Code, Section 614.017 to require DSHS and DPS to exchange information. This led to the development of a real-time identification and data exchange system. As a result, DSHS, now HHSC, and DPS operate a web-based data exchange process using DPS's TLETS and HHSC's CMBHS, providing a real-time method of identifying special needs offenders.

HHSC oversaw the implementation of funding from the 2020-2021 GAA, H.B. 1, 86th Legislature, Regular Session, 2019, related to one of the agency's exceptional item (EI) requests (referred to as EI 44). EI 44 expanded real-time data sharing among jails, LMHAs, LBHAs and LIDDAs, to more quickly address the needs of justice-involved persons with behavioral health or IDD-related conditions. These data system improvements also address an identified continuity of care gap for individuals exiting county and local jails, as well as services for special populations.

Implementation of EI 44 has enhanced data sharing between TLETS and LMHAs, LBHAs, and LIDDAs and includes two components:

- 1) Capturing people with IDD: The current data identification and exchange process identifies people with an IDD who have been served by a LIDDA. When a match occurs, TLETS sends a Continuity of Care Query (CCQ) return report to the authorized TLETS user, typically county jail personnel, that indicates whether an exact or probable match has occurred for mental health and/or IDD.
- 2) Developing automated reports for LMHAs/LBHAs and LIDDAs: When the CCQ process results in a match, TLETS sends a CCQ return report to the authorized TLETS user at the jail. It is then the authorized TLETS user's responsibility to notify the LMHA/LBHA or LIDDA of the match. HHSC developed reports that send daily notifications to LMHAs and LBHAs when matches are identified. LIDDAs began receiving daily notifications effective August 2020.

Matching

When people are booked into a county jail, jail staff enter the person's information (i.e., last name, first name, date of birth, social security number, gender, and race) into a search function within the TLETS systems which matches against HHSC's CMBHS database.

CMBHS is a web-based integrated electronic data management system for state-funded mental health and substance use providers.

HHSC uses the following criteria to identify offenders with a history of mental impairment. Offenders identified through the TLETS/CMBHS web-service process are those who have been:

- Hospitalized in a state psychiatric hospital;
- Admitted to an HHSC-funded contracted psychiatric hospital bed; or
- Assessed for, been authorized for, or received a mental health community-based service by an LMHA, LBHA or LIDDA.
 - ▶ For adults 18 years old and older, the search goes back three years.
 - ▶ For youth under 18 years old, the search matches any historical records without a time limitation.

Matching Criteria

The following criteria are used to match people in a TLETS query to a person in CMBHS who has a history of being served by an LMHA/LBHA or LIDDA. Depending on the number of criteria that match, the system determines either an exact or probable match:

- Exact match: the data inquiry matches last name, first name, date of birth, social security number, gender and race.
- Probable match: the data inquiry matches a subset of criteria (e.g., last name, first name, date of birth, gender, race) and seven of nine digits in the social security number. The probable match is based on one of the following:
 - ▶ Option 1: last name, first initial, date of birth, and gender;
 - ▶ Option 2: last name, first initial, birth year, gender, and social security number
 - ▶ Option 3: the first three letters of the last name, first initial, the year and month of birth, gender, or social security number;
 - ▶ Option 4: last name, first name, date of birth (current age calculation is within 5 years), gender, and social security number; or
 - ▶ Option 5: date of birth, gender, and social security number.

Information Exchanged

If the TLETS/CMBHS electronic data exchange process identifies an exact or probable match, CMBHS:

- Includes the county of the last mental health service provider in an automated, real-time response to the jail;
- Identifies the LMHA, LBHA or LIDDA associated with the county; and
- Sends the LMHA, LBHA or LIDDA contact information in the TLETS response.

Automated Match Notification to the LMHAs and LBHAs

In fiscal year 2020, HHSC developed system functionality to generate direct notifications to LMHAs, LBHAs and LIDDAs when exact and probable matches are identified between TLETS and CMBHS for people who receive mental health services from LMHAs/LBHAs. This enhancement will increase opportunities for collaboration between LMHAs/LBHAs and county jails to ensure continuity of care.

Continuity of Care

After receiving the TLETS/CMBHS electronic data exchange response, jail staff will notify the LMHA, LBHA or LIDDA with exact and probable match information. The LMHA or LBHA will use the TLETS response information to determine screening eligibility for continued services through their respective agencies and provide linkage to community-based mental health services.

4. Prevalence Rates

For the adult population, county jails and detention facilities in 227 counties³ initiated 644,795 MH match requests and 372,544 IDD match requests between September 1, 2020, and June 17, 2021. Of the 644,795 MH requests, there were:

- 31,053 exact matches (5 percent), and
- 178,149 probable matches (28 percent).

Of the 372,544 IDD requests, there were:

- 368 exact matches (0.1 percent), and
- 14,087 probable matches (4 percent).

During the same period, there were 9,193 MH match requests and 4,238 IDD match requests for the adolescent population. Of the 9,193 MH requests, there were:

- 229 exact matches (3 percent), and
- 4,441 probable matches (48 percent).

Of the 4,238 IDD request, there were:

- 7 exact matches (0.2 percent), and
- 361 probable matches (9 percent).

³ Of the 254 counties in Texas, per the Texas Commission on Jail Standards (July 2021), 19 counties do not operate a county jail facility and 8 counties are operated by private providers and do not participate in the Continuity of Care Query TLETS/CMBHS electronic data exchange process.

5. Conclusion

Between September 1, 2020, and June 17, 2021, 644,795 MH and 372,544 IDD requests for matches using TLETS were made. Of those, 31,053 MH requests (5 percent) and 368 IDD requests (0.1 percent) were exact matches. 178,149 MH request (28 percent) and 14,087 IDD requests (4 percent) were probable matches. Matched people were screened and linked to state-funded, community-based mental health services.

The TLETS/CMBHS electronic data exchange process continues to facilitate collaboration and communication between local jails and state-funded mental health and IDD providers for jail diversion.

List of Acronyms

Acronym	Full Name
CCQ	Continuity of Care Query
CMBHS	Clinical Management for Behavioral Health Services
DSHS	Department of State Health Services
DPS	Texas Department of Public Safety
EI	Exceptional Item
GAA	General Appropriations Act
H.B.	House Bill
HHSC	Health and Human Services Commission
IDD	Intellectual and Developmental Disability
LBHA	Local Behavioral Health Authority
LIDDA	Local Intellectual and Developmental Disability Authority
LMHA	Local Mental Health Authority
MH	Mental Health
MOU	Memorandum of Understanding
S.B.	Senate Bill
TLETS	Texas Law Enforcement Telecommunications System