



# **State Hospital Forensic Waitlist Report Fiscal Year 2023**

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**As Required by  
the 2024-2025 General  
Appropriations Act, House Bill 1, 88th  
Legislature, Regular Session, 2023  
(Article II, Health and Human  
Services Commission, Rider 109)**

**Texas Health and Human Services  
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**TEXAS**  
Health and Human  
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# 1. Introduction

The 2024-2025 General Appropriations Act (GAA), House Bill (H.B.) 1, 88th Legislature, Regular Session, 2023 (Article II, Health and Human Services Commission, Rider 109) requires the Health and Human Services Commission (HHSC) to prepare and submit a report on the census at each mental health state hospital with a breakdown of civil, forensic, and maximum-security patients to the Legislative Budget Board, Office of the Governor, Senate Finance Committee, House Appropriations Committee, and permanent committees in the Senate and House of Representatives with jurisdiction over health and human services by October 1 of each fiscal year for the previous fiscal year.

This report presents the average daily census per month for each state hospital with a breakdown of the data by adult civil and voluntary non-maximum security, adult forensic non-maximum security, adult maximum security (MSU), and child and adolescent patients for fiscal year 2023.

## 2. Background

The 2024-2025 GAA, H.B. 1, 88th Legislature, Regular Session, 2023 (Article II, HHSC, Rider 109) states it is the intent of the Legislature that HHSC prioritize admissions to mental health state hospitals for forensic patients to address the state hospital forensic waitlist.

### The State Hospital Forensic Waitlist

After a person is arrested and alleged to have committed a crime, either party or the court may raise the issue of the person's competence to stand trial in accordance with Texas Code of Criminal Procedure Article [46B.004\(a\)](#). If the court determines evidence exists to support a finding that the person may be incompetent to stand trial, the court orders an examination of the person to determine whether the person is incompetent to stand trial in accordance with Texas Code of Criminal Procedure Article [46B.005](#).

According to Texas Code of Criminal Procedure Article [46B.003](#), a person is incompetent to stand trial if the person does not have:

1. Sufficient present ability to consult with the person's lawyer with a reasonable degree of rational understanding, or
2. A rational as well as factual understanding of the proceedings against the person.

When a person is examined, deemed incompetent to stand trial by the court and court-ordered to inpatient competency restoration services<sup>a</sup>, the court creates a commitment packet and submits it to HHSC. HHSC then places that person on the appropriate forensic waitlist in the order in which their commitment packet is received.

Although the majority of persons on the forensic waitlist are persons found incompetent to stand trial, a small number of persons on the forensic waitlist have been committed to receive inpatient mental health services at a state hospital after being found not guilty by reason of insanity under Texas Code of Criminal Procedure Chapter [46C](#). According to Texas Code of Criminal Procedure Article

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<sup>a</sup> Persons deemed incompetent to stand trial by the court may be committed to an inpatient mental health facility under Texas Code of Criminal Procedure Article [46B.073](#) or [46B.102](#).

[46C.153](#), a determination that the person is not guilty by reason of insanity means that it has been established that the person both:

1. Committed the alleged offense, and
2. Was insane at the time of the alleged offense.

Minors may be court-ordered to a state hospital under Family Code Chapter [55](#), which is also considered a forensic commitment; however, minors are not placed on the forensic waitlist.

## Census Categories

Table 1 shows the average daily census per month for fiscal year 2023 broken down by category. Each category consists of multiple commitment types.

### Civil/Voluntary

This category consists of adults served on a non-maximum security unit who:

- Voluntarily requested admission to a state hospital in accordance with Texas Health and Safety Code Chapter [572](#), or
- Are a substantial risk of serious harm to self or others due to their mental illness and civilly committed to a state hospital under:
  - an emergency detention in accordance with Texas Health and Safety Code Chapter [573](#),
  - an order of protective custody in accordance with Texas Health and Safety Code Chapter [574](#), Subchapter B, or
  - an order for temporary or extended inpatient mental health treatment in accordance with Texas Health and Safety Code Chapter [574](#), Subchapter C.

Minors may be voluntarily admitted to a state hospital under Texas Health and Safety Code Chapter [572](#); however, minors are not captured in this category.

## Forensic

This category consists of adult served on a non-maximum security unit who are committed:

- Incompetent to stand trial under Texas Code of Criminal Procedure Chapter [46B](#) (primarily Articles [46B.073](#) or [46B.102](#)), or
- Not guilty by reason of insanity under Texas Code of Criminal Procedure Chapter [46C](#).

## Maximum Security (MSU)

This category consists of adults served on a maximum security unit who are mostly under a forensic commitment. A small number within this category are patients under a civil commitment who have been determined to be manifestly dangerous by the Facility Review Board in accordance with Title 25, Texas Administrative Code, Chapter 415, Subchapter [G](#).

## Child/Adolescent

This category consists of anyone under age 18 served at a state hospital who may have been admitted as voluntary, civilly committed or under a Family Code Chapter [55](#) commitment.

### 3. Texas State Hospitals - Average Daily Census - Fiscal Year 2023

Table 1 shows the average daily census per month for fiscal year 2023 for each state hospital broken down by adult civil and voluntary non-maximum security, adult forensic non-maximum security, adult MSU, and child and adolescent.

**Table 1. Average Daily Census Fiscal Year 2023**

State Hospital	Type	Sep-22	Oct	Nov	Dec	Jan-23	Feb	Mar	Apr	May	Jun	Jul	Aug
ASH	Civil/ Voluntary	70	70	68	66	69	71	68	66	65	69	68	67
ASH	Forensic	68	74	76	76	79	83	85	87	86	93	95	97
ASH	Child/ Adolescents	9	13	14	12	10	12	15	17	18	20	19	19
ASH	TOTAL	147	156	158	154	158	166	168	171	170	181	182	183
BSSH	Civil/ Voluntary	45	46	46	43	42	43	42	40	39	40	40	41
BSSH	Forensic	84	88	88	93	94	95	90	97	101	102	102	98
BSSH	TOTAL	129	133	134	135	136	138	133	137	140	142	142	139
EPPC	Civil/ Voluntary	41	43	43	47	46	48	46	44	50	51	49	52
EPPC	Forensic	10	12	12	9	10	12	15	19	19	17	20	18
EPPC	TOTAL	51	55	55	56	56	61	61	63	69	68	68	70
KSH	Civil/ Voluntary	4	4	4	5	5	5	4	3	3	2	2	3
KSH	Forensic	153	152	152	152	152	154	154	160	167	169	170	169
KSH	MSU	0	0	0	0	0	0	0	2	6	8	10	14
KSH	TOTAL	157	156	156	157	157	158	158	165	175	179	182	185
NTSH-V	MSU	108	112	112	108	103	105	114	116	123	136	140	146
NTSH-V	Child/ Adolescents	17	17	15	14	18	20	20	20	21	23	22	24
NTSH-V	TOTAL	125	130	127	122	122	126	134	136	144	159	162	169

NTSH-WF	Civil/ Voluntary	50	46	39	40	35	33	36	31	34	41	37	34
NTSH-WF	Forensic	143	142	149	146	145	154	159	159	157	161	161	163
NTSH-WF	Child/ Adolescents	0	0	0	0	0	0	0	0	0	0	3	13
NTSH-WF	MSU	0	0	1	1	3	6	7	17	24	22	23	22
NTSH-WF	TOTAL	193	188	189	187	183	193	202	207	215	224	223	231
RGSC	Civil/ Voluntary	37	37	39	37	36	36	37	36	35	33	33	37
RGSC	Forensic	14	14	12	13	18	19	18	18	20	21	22	18
RGSC	TOTAL	52	51	51	50	54	55	55	54	55	54	55	54
RSH	Civil/ Voluntary	58	58	58	57	55	56	56	54	54	53	53	50
RSH	Forensic	82	79	80	80	83	84	84	86	100	106	105	105
RSH	MSU	12	14	18	20	18	19	24	34	35	36	36	32
RSH	TOTAL	152	151	155	156	156	160	164	175	188	195	194	188
SASH	Civil/ Voluntary	62	59	59	58	61	63	59	60	65	63	58	61
SASH	Forensic	122	124	121	126	124	126	130	136	144	157	163	164
SASH	TOTAL	185	183	180	183	185	189	189	196	209	220	222	225
TSH	Civil/ Voluntary	69	63	57	62	73	75	69	69	67	71	68	68
TSH	Forensic	65	64	83	106	103	96	102	101	97	99	94	94
TSH	Child/ Adolescents	37	40	35	33	38	44	43	42	40	38	36	27
TSH	TOTAL	170	167	175	201	214	215	214	212	203	208	199	190
WCY	Child/ Adolescents	40	38	41	41	41	42	43	50	62	67	70	69
WCY	TOTAL	40	38	41	41	41	42	43	50	62	67	70	69
ALL	Civil/ Voluntary	435	425	413	414	423	430	417	404	412	423	407	413
ALL	Forensic	741	749	773	800	807	823	837	864	890	926	931	926
ALL	MSU	120	126	130	128	125	130	146	169	188	202	210	213



ALL	Child/ Adolescents	102	109	105	100	107	119	121	129	140	148	151	151
ALL	TOTAL	1,399	1,409	1,420	1,442	1,462	1,502	1,521	1,565	1,630	1,698	1,699	1,703

## 4. Conclusion

The systemwide average daily census increased each month of fiscal year 2023. The overall net increase from September 2022 to August 2023 was 304 or approximately 22 percent.

The forensic non-maximum security average daily census and the maximum-security average daily census accounted for 1,139 or approximately 67 percent of the total average daily census for August 2023. This is an increase from September 2022 when the forensic non-maximum security average daily census and the maximum-security average daily census accounted for 862 or approximately 62 percent of the total average daily census.

In conclusion, the Texas State Hospitals continue to prioritize and increase forensic admissions to address the forensic waitlist.

## List of Acronyms and Initialisms

<b>Acronym</b>	<b>Full Name</b>
ASH	Austin State Hospital
BSSH	Big Spring State Hospital
GAA	General Appropriations Act
EPPC	El Paso Psychiatric Center
H.B.	House Bill
HHSC	Health and Human Services Commission
KSH	Kerrville State Hospital
MSU	Maximum Security Unit
NTSH-V	North Texas State Hospital – Vernon Campus
NTSH-WF	North Texas State Hospital – Wichita Falls Campus
RGSC	Rio Grande State Center
RSH	Rusk State Hospital
SASH	San Antonio State Hospital
TSH	Terrell State Hospital
WCY	Waco Center for Youth