



State Hospital Forensic Waitlist Report Fiscal Year 2024

**As Required by
the 2024-25 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
September 2024**



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1. Introduction

The 2024-25 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 2024.

2. Background

The 2024-25 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^a, 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

^a 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 2024 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 (non-MSU) 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-MSU 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](#).

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 captured in this category.

Maximum Security (MSU)

This category consists of adults served on a maximum-security unit (MSU) who are typically 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 2024

Table 1 shows the average daily census per month for fiscal year 2024 for each HHSC-operated state hospital broken down by adult civil and voluntary non-MSU, adult forensic non-MSU, adult MSU, and child and adolescent.

Table 1. Average Daily Census Fiscal Year 2024

State Hospital	Type	Sep-23	Oct	Nov	Dec	Jan-24	Feb	Mar	Apr	May	Jun	Jul	Aug
ASH	Civil/ Voluntary	69.37	68.10	71.10	72.30	73.40	72.40	73.40	71.80	71.80	70.90	71.10	68.60
ASH	Forensic	95.27	95.70	98.50	96.00	95.40	99.30	98.40	99.50	98.80	100.80	101.20	103.20
ASH	Child/ Adolescent	18.37	15.90	12.70	12.30	11.30	13.20	12.30	10.50	14.90	20.70	20.00	19.80
ASH	TOTAL	183.01	179.70	182.30	180.60	180.10	184.90	184.10	181.80	185.50	192.40	192.30	191.60
BSSH	Civil/ Voluntary	43.43	43.10	44.50	47.10	46.80	44.30	42.40	41.30	35.60	32.60	32.50	33.30
BSSH	Forensic	90.10	93.00	94.30	94.90	95.10	92.70	94.60	99.20	102.60	103.10	105.80	104.80
BSSH	TOTAL	133.53	136.10	138.80	142.00	141.90	137.00	137.00	140.50	138.20	135.70	138.30	138.10
EPPC	Civil/ Voluntary	56.00	51.00	46.50	48.70	46.90	47.50	50.90	50.40	48.20	42.40	33.50	35.80
EPPC	Forensic	13.27	14.90	17.00	19.80	21.90	20.70	19.10	17.80	19.40	24.80	25.90	30.70
EPPC	TOTAL	69.27	65.90	63.50	68.50	68.80	68.20	70.00	68.20	67.60	67.20	59.40	66.50
KSH	Civil/ Voluntary	5.97	5.00	4.50	5.00	6.00	6.00	6.00	6.00	6.00	6.80	7.00	7.00
KSH	Forensic	173.40	178.40	181.50	184.90	186.70	190.00	192.40	195.90	200.70	202.90	203.10	204.60
KSH	MSU	10.50	18.00	19.60	21.00	18.50	21.40	24.30	23.80	22.50	21.50	18.70	19.50
KSH	TOTAL	189.87	201.40	205.60	210.90	211.20	217.40	222.70	225.70	229.20	231.20	228.80	231.10
NTSH-V	MSU	147.53	155.60	167.00	176.10	175.80	176.80	176.80	176.60	176.70	177.20	180.10	194.10
NTSH-V	Child/ Adolescent	23.73	24.20	23.70	24.50	22.70	21.40	23.80	24.00	24.50	23.60	22.80	20.80
NTSH-V	TOTAL	171.26	179.80	190.70	200.60	198.50	198.20	200.60	200.60	201.20	200.80	202.90	214.90
NTSH-WF	Civil/ Voluntary	46.67	43.80	40.80	40.00	38.70	34.10	34.60	36.30	38.00	39.20	34.90	28.00
NTSH-WF	Forensic	165.43	163.50	166.85	168.70	171.20	172.90	173.30	181.60	190.70	190.10	189.20	188.40

State Hospital	Type	Sep-23	Oct	Nov	Dec	Jan-24	Feb	Mar	Apr	May	Jun	Jul	Aug
NTSH-WF	Child/Adolescent	13.37	13.30	10.90	9.70	8.10	11.80	11.00	11.40	12.50	9.10	10.60	8.50
NTSH-WF	MSU	21.40	21.10	21.30	22.50	23.20	22.50	23.80	25.40	24.30	24.00	25.50	24.10
NTSH-WF	TOTAL	246.87	241.70	239.85	240.90	241.20	241.30	242.70	254.70	265.50	262.40	260.20	249.00
RGSC	Civil/Voluntary	37.70	38.00	37.80	37.00	34.70	34.80	36.60	41.10	40.60	38.20	36.10	35.50
RGSC	Forensic	15.93	16.80	16.60	16.90	19.60	20.00	18.40	13.20	13.70	15.10	18.50	19.10
RGSC	TOTAL	53.63	54.80	54.40	53.90	54.30	54.80	55.00	54.30	54.30	53.30	54.60	54.60
RSH	Civil/Voluntary	55.70	57.90	56.80	53.70	50.20	51.40	51.50	50.10	45.10	44.40	44.60	43.50
RSH	Forensic	104.77	110.60	110.00	110.40	110.30	114.20	113.40	114.10	115.00	116.50	116.50	113.70
RSH	MSU	37.50	51.90	67.50	69.20	74.00	77.60	84.90	92.30	85.10	82.30	86.60	91.30
RSH	TOTAL	197.97	220.40	234.30	233.30	234.50	243.20	249.80	256.50	245.20	243.20	247.70	248.50
SASH	Civil/Voluntary	67.67	61.30	56.30	60.40	61.30	60.70	59.60	57.80	55.00	52.40	51.00	48.80
SASH	Forensic	159.53	164.80	166.30	184.50	191.20	190.30	193.80	197.00	196.80	184.80	187.40	198.50
SASH	TOTAL	227.20	226.10	222.60	244.90	252.50	251.00	253.40	254.80	251.80	237.20	238.40	247.30
TSH	Civil/Voluntary	73.97	72.00	77.60	70.20	72.30	79.00	79.00	75.10	64.60	71.50	72.40	64.00
TSH	Forensic	57.57	92.20	92.70	88.50	88.30	91.10	97.80	101.30	103.00	103.00	100.20	105.50
TSH	Child/Adolescent	32.60	30.70	28.40	29.70	26.30	27.80	35.80	34.30	34.90	28.40	28.70	30.80
TSH	TOTAL	164.14	194.90	198.70	188.40	186.90	197.90	212.60	210.70	202.50	202.90	201.30	200.30
WCY	Child/Adolescent	70.10	69.80	72.40	69.90	68.70	67.60	68.20	70.10	69.30	69.10	69.10	67.90
WCY	TOTAL	70.10	69.80	72.40	69.90	68.70	67.60	68.20	70.10	69.30	69.10	69.10	67.90
ALL	Civil/Voluntary	456.48	440.20	435.90	434.40	430.30	430.20	434.00	429.90	404.90	398.40	383.10	364.50
ALL	Forensic	875.27	929.90	943.75	964.60	979.70	991.20	1,001.20	1,019.60	1,040.70	1,041.10	1,047.80	1,068.50
ALL	MSU	216.93	246.60	275.40	288.80	291.50	298.30	309.80	318.10	308.60	305.00	310.90	329.00
ALL	Child/Adolescent	158.17	153.90	148.10	146.10	137.10	141.80	151.10	150.30	156.10	150.90	151.20	147.80
ALL	TOTAL	1,706.85	1,770.60	1,803.15	1,833.90	1,838.60	1,861.50	1,896.10	1,917.90	1,910.30	1,895.40	1,893.00	1,909.80

4. Conclusion

The overall net increase from September 2023 to August 2024 was 202.95 or approximately 11.9 percent.

The forensic non-MSU average daily census and the MSU average daily census accounted for 1,397.5 or approximately 73 percent of the total average daily census for August 2024. This is an increase from September 2023 when the forensic non-MSU average daily census and the MSU average daily census accounted for 1,092.2 or approximately 64 percent of the total average daily census.

The increase in average daily census resulting from increased number of state hospital beds online has had a positive impact on the state hospital forensic waitlist. The forensic waitlist reached its peak on December 23, 2022, with 2,571 individuals waiting. As of August 30, 2024, at the end of fiscal year 2024, the forensic waitlist had decreased to 1,790 individuals. This is a decrease of 781 individuals or approximately 30.4 percent.

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

List of Acronyms and Initialisms

Acronym	Full Name
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