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THE SUPREME COURT OF TEXAS

THE TEXAS COURT OF CRIMINAL APPEALS

# Judicial Commission on Mental Health

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April 23, 2021  
Meeting Notebook



**April 23, 2021  
Meeting Notebook**

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**Tab 1**  
**Agenda**



**Texas Judicial Commission on Mental Health**  
Virtual Meeting, Zoom Conference  
April 23, 2021  
**AGENDA**

9:00	<b>Welcome</b>	Justice Jane Bland Judge Barbara Hervey
9:10	<b>Announcements</b> <b>Collaborative Council Recognition</b> <b>Staff Introductions</b>	Judge Barbara Hervey
9:20	<b>Executive Director Report</b> Strategic Plan Budget 2021 Commissioner Survey Results JCMH Project Update <ul style="list-style-type: none"><li>• Legislative</li><li>• Educational</li><li>• Grants</li></ul>	Kristi Taylor  David Slayton  Patrick Passmore
9:40	<b>2021 JCMH Committees</b> <ul style="list-style-type: none"><li>• Bench Book Committee</li><li>• Juvenile Bench Book Committee</li><li>• Summit Curriculum Committee</li><li>• Legislative Research Committee</li><li>• Forms Committee</li><li>• Long-Term Planning Committee</li><li>• Data Committee</li></ul>	Justice Jane Bland Judge Camile DuBose Judge Cyndi Wheless Judge Brent Carr Justice Bill Boyce Judge Dave Jahn Judge John Specia Dr. Connie Almeida
10:10	<b>Break</b>	

10:15	<b>Statewide Agency Updates</b> <ul style="list-style-type: none"> <li>• HHSC Community</li> <li>• HHSC State Hospital</li> <li>• Texas Juvenile Justice Department</li> <li>• Texas Correctional Office on Offenders Medical or Mental Impairments</li> <li>• Police Chief's Association</li> </ul>	Sonja Gaines Mike Maples Camille Cain April Zamora  Chief Stan Standridge
10:45	<b>Commissioner Announcements</b>  <b>Collaborative Council Announcements</b>	Judge Barbara Hervey
12:00	<b>Adjourn</b>	Justice Jane Bland Judge Barbara Hervey

**Tab 2**

**Executive Committee,  
Commissioners,  
& Collaborative Council**

**JUDICIAL COMMISSION ON MENTAL HEALTH**  
**Executive Committee & Commissioners**

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**Executive Committee**

**Hon. Jane Bland, Co-Chair**

*Justice*  
Supreme Court of Texas

**Hon. Barbara Hervey, Co-Chair**

*Judge*  
Texas Court of Criminal Appeals

**Hon. Bill Boyce, Vice-Chair**

*Justice (Former)*  
Fourteenth Court of Appeals  
Alexander, Dubose & Jefferson, LLP

**Hon. John Specia**

*Judge (Ret.)*  
Plunkett, Griesenbeck & Mimari, Inc.

**David Slayton**

*Administrative Director*  
Office of Court Administration

**Commissioners**

**Dr. Connie Almeida**

*Director of Behavioral Health*  
Fort Bend County Behavioral Health  
Services

**Camille Cain**

*Executive Director*  
Texas Juvenile Justice Department

**Hon. Cory Carlyle**

*Justice*  
Fifth Court of Appeals, Dallas

**Hon. Brent Carr**

*Judge*  
Tarrant County, Criminal Court No. 9

**Hon. Francisco Dominguez**

*District Judge*  
El Paso County, 205th Judicial District  
Court

**Hon. Camile DuBose**

*District Judge*  
Medina County, 38th Judicial District

**Dr. Melissa Eshelman**

*Associate Professor*  
University of Texas at Austin Dell  
Medical School

**David Evans**

*Chief Executive Officer*  
Integral Care

**Dr. Tony Fabelo**

*Senior Fellow for Justice Policy*  
Meadows Mental Health Policy  
Institute

**Alyse Ferguson**

*Chief Counsel*  
Collin County Managed Health

**Sonja Gaines**

*Deputy Executive Commissioner for  
Intellectual and Developmental  
Disability and Behavioral Health  
Services*  
Texas Health and Human Services  
Commission

**Kevin Garrett**

*Peer Support Expert*  
Austin, Texas

**Dr. Courtney Harvey**

*State Mental Health Coordinator &  
Associate Commissioner*  
Office of Mental Health Coordination,  
Texas Health and Human Services  
Commission

**Hon. Bonnie Hellums**

*District Judge (Ret.)*  
Harris County, Texas

**Courtney Hjaltman**

*Policy Advisor*  
Office of the Governor

**JUDICIAL COMMISSION ON MENTAL HEALTH**  
**Executive Committee & Commissioners**

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**Hon. Yolanda Huff**

*Judge*

Bexar County Court at Law No. 12

**Hon. Joan Huffman**

*Texas Senate*

Senator, District 17

**Hon. Dave Jahn**

*Judge*

Denton County Criminal Court No. 1

**Hon. Oscar Kazen**

*Probate Judge*

Bexar County Probate Court No. 1

**Dr. Andrew Keller**

*President and CEO*

Meadows Mental Health Policy  
Institute

**Adrienne Kennedy**

*Immediate Past President*

National Alliance on Mental Illness

**Hon. M. Sue Kurita**

*Judge*

El Paso County Court at Law No. 6

**Beth Lawson**

*Chief Executive Officer*

StarCare Specialty Health System

**Major Mike Lee**

*Mental Health & Jail Diversion Bureau*

Harris County Sheriff's Office

**Hon. Elizabeth Byer Leonard**

*District Judge*

Midland County, 238th District Court

**Hon. Pam Liston**

*Municipal Judge*

Rowlett Municipal Court

**Mike Maples**

*Deputy Executive Commissioner for*

*Health and Specialty Care System*

Texas Health and Human Services  
Commission

**Dr. Octavio Martinez**

*Executive Director*

Hogg Foundation for Mental Health

**Hon. Stacey Mathews**

*District Judge*

Williamson County, 277th District  
Court

**Beth Mitchell**

*Supervising Attorney*

Disability Rights Texas

**Hon. Joe Moody**

*Representative, District 78*

Texas House of Representatives

**Hon. Nathaniel Moran**

*County Judge*

Smith County

**Hon. Tamara Needles**

*District Judge*

Travis County, 427th Criminal District  
Court

**Hon. Roxanne Nelson**

*Justice of the Peace*

Burnet County, Precinct 1

**Denise Oncken**

*Bureau Chief*

Harris County District Attorney's  
Office

Mental Health Bureau

**Lee Pierson**

*Chief Mental Health Prosecutor*

Dallas County District Attorney's  
Office

**JUDICIAL COMMISSION ON MENTAL HEALTH**  
**Executive Committee & Commissioners**

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**James Rasmussen**

*Chief Public Defender*

Wichita County Public Defender's  
Office

**Hon. Renee Rodriguez-Betancourt**

*District Judge*

Hidalgo County, 449th District Court

**Prof. Brian Shannon**

*Paul Whitfield Horn Professor*

Texas Tech University School of Law

**Shelley Smith**

*Chief Executive Officer*

West Texas Centers, Howard County

**Chief Stan Standridge**

*Chief of Police*

San Marcos Police Department

*President*

Texas Police Chiefs Association

**Hon. Charles Stephens**

*Judge*

Comal County Court at Law No. 2

**Hon. Cynthia Wheless**

*District Judge*

Collin County, 417th Judicial District  
Court

**Brandon Wood**

*Executive Director*

Texas Commission on Jail Standards

**Wayne Young**

*Chief Executive Officer*

The Harris Center

**April Zamora**

*Director*

Reentry and Integration Division  
Texas Correctional Office on  
Offenders with Medical or Mental  
Impairments, Texas Department of  
Criminal Justice

# JUDICIAL COMMISSION ON MENTAL HEALTH

## Collaborative Council

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### **Collaborative Council**

**Hon. Devon Anderson**

*Judge (Former)  
President & CEO  
Justice Forward*

**Trey Apffel**

*Executive Director  
State Bar of Texas*

**Hon. Mark Atkinson**

*Judge (Ret.)  
Chief Executive Officer  
Texas Center for the Judiciary*

**Amy Befeld**

*Legislative Consultant  
Texas Association of Counties*

**Dr. Virginia Brown**

*Assistant Professor  
Dept. of Population Health  
Dell Medical School,  
The University of Texas at Austin*

**Sonja Burns**

*Mental Health Advocate*

**Hon. Nelda Cacciotti**

*Mental Health Magistrate Judge  
Tarrant County*

**Angel Carroll**

*Director of Advocacy  
MEASURE*

**Leah Davies**

*Project Manager  
Strategic Health Alliance  
Texas Center for Disability Studies  
University of Texas at Austin*

**Hon. Rex Davis**

*Justice  
Tenth Court of Appeals*

**Scott Ehlers**

*Special Counsel  
Texas Indigent Defense Commission*

**Lesli Fitzpatrick**

*Attorney  
The Law Office of Lesli R. Fitzpatrick*

**Gilbert Gonzales**

*Director  
Department of Behavioral and Mental  
Health  
Bexar County*

**Krishnaveni Gundu**

*Co-Founder & Executive Director  
Texas Jail Project*

**Greg Hansch**

*Executive Director  
NAMI Texas*

**Elizabeth Henneke**

*Executive Director  
Lone Star Justice Alliance*

**Colleen Horton**

*Policy Program Officer  
Hogg Foundation for Mental Health*

**Angelita Hunter**

*Municipal Court Supervisor  
City of McKinney Municipal Court*

**Trina K. Ita**

*Associate Commissioner  
Medical & Social Services Division,  
Behavioral Health Services  
Texas Health and Human Services  
Commission*

**Lee Johnson**

*Deputy Director  
Texas Council of Community Centers,  
Inc.*

**Windy Johnson**

*Program Manager, IGR  
Texas Conference of Urban Counties*

# JUDICIAL COMMISSION ON MENTAL HEALTH

## Collaborative Council

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**Louise Joy**

*Attorney/Partner*  
Joy & Young, LLP

**Hon. Evelyn Keyes**

*Justice (Former)*  
First Court of Appeals

**Chris Lopez**

*Assistant General Counsel*  
State Hospital  
Health and Human Services  
Commission

**Mike Lozito**

*Judicial Services Director*  
Bexar County

**Jennifer Yip Marshall**

*Survivors of Trafficking Empowerment  
Program (STEP) Supervisor*  
Refugee Services of Texas

**Hon. Lela Mays**

*District Judge*  
Dallas County, 283<sup>rd</sup> Judicial  
District Court

**Trish McAllister**

*Executive Director*  
Texas Access to Justice Commission

**Joanna Mendez**

*Community Wellness Counselor*  
Refugee Services of Texas

**Hon. Kirk D. Noaker, Sr.**

*Magistrate Judge*  
Burnet County

**Hon. Rita Noel**

*Justice of the Peace, Pct. 4*  
Grayson County

**John Petrila**

*Senior Executive VP of Policy*  
Meadows Mental Health  
PolicyInstitute

**Hon. Daphne Previti-Austin**

*Judge (Former)*  
*Attorney*  
The Law Office of Shawn C. Brown,  
P.C.

**Officer Terry Qualls**

*Crisis Intervention Coordinator*  
McKinney Police Department

**Janis Reinken**

*Chief Clerk*  
House Committee on Corrections

**Michelle Romero**

*Associate Director*  
Texas Medical Association

**Rachel Samsel**

*Deputy Associate Commissioner*  
*Strategic Initiatives & Policy*  
State Hospital System  
Health and Human Services  
Commission

**Melissa Schank**

*Executive Director*  
Texas Criminal Defense Lawyers  
Association

**Jonas Schwartz**

*Program Manager*  
Texas Workforce Commission

**Brigid Sheridan**

*Associate General Counsel*  
University Health System

**Dr. Jennie Simpson**

*Forensic Director*  
Health and Human Services  
Commission

**Matt Smith**

*Assistant Executive Director/ Director*  
*of Mental Health Services* Williamson  
County Juvenile Services

# JUDICIAL COMMISSION ON MENTAL HEALTH

## Collaborative Council

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**Lt. Scott Soland**

*Lieutenant*  
Fort Bend County Sheriff's Office

**Gloria Terry**

*Chief Executive Officer*  
Texas Council on Family Violence

**Haley Turner**

*Associate Commissioner for  
Intellectual and Developmental  
Disabilities Services*  
Health and Human Services  
Commission

**Rick Thompson**

*Senior Legislative Manager*  
Texas Association of Counties

**Hon. Ryan Kellus Turner**

*Associate Municipal Judge  
Executive Director*  
Texas Municipal Courts Education  
Center

**Sally Uncapher**

*Assistant District Attorney*  
Bexar County District Attorney's  
Office

**Julie Wayman**

*Mental and Behavioral Health  
Manager, Interagency Liaison*  
Texas Education Agency

**Nicole Weaver**

*Health Specialist*  
Child Protective Services Mental  
Texas Department of Family and  
Protective Services

**Thea Whalen**

*Executive Director*  
Texas Justice Courts Training Center

**Hon. Deborah Wigington**

*Judge*  
Comal County Court at Law #3

**Sheriff Dennis Wilson**

*Limestone County*  
Sheriff's Association of Texas

**Steve Wohleb**

*Senior Vice President/General Counsel*  
Texas Hospital Association

**Tab 3**

**Minutes from March 2021 Meeting**

**JUDICIAL COMMISSION ON MENTAL HEALTH  
MINUTES OF MEETING  
MARCH 12, 2021  
VIRTUAL MEETING**

**ATTENDEES:**

Hon. Jane Bland, **Chair**, *Justice, Supreme Court of Texas*

Hon. Barbara Hervey, **Chair**, *Judge, Court of Criminal Appeals of Texas*

Hon. Bill Boyce, **Vice-Chair**, *Former Justice, Fourteenth Court of Appeals; Partner, Alexander, Dubose & Jefferson*

Hon. John J. Specia, Jr., **Jurist in Residence**, *Judge (Ret.), Plunkett, Griesenbeck & Mimari, Inc.*

David Slayton, *Administrative Director, Office of Court Administration*

Dr. Connie Almeida, *Director, Fort Bend Co. Behavioral Health Svcs.*

Hon. Cory L. Carlyle, *Justice, Fifth Court of Appeals*

Hon. Brent Carr, *Judge, Tarrant Co. Criminal Court No. 9*

Hon. Camile G. DuBose, *Judge, 38<sup>th</sup> Judicial District, Hondo Co. & Medina Co.*

Dr. Melissa Eshelman, *Associate Professor, UT at Austin, Dell Medical School*

David Evans, *Chief Executive Officer, Integral Care*

Dr. Tony Fabelo, *Senior Fellow for Justice Policy, Meadows Mental Health Policy Institute*

Alyse Ferguson, *Chief Attorney, Collin Co. Mental Health Managed Counsel*

Sonja Gaines, *Deputy Executive Commissioner for Intellectual Developmental Disability and Behavioral Health Svcs.*

Kevin Garrett, *Peer Support Expert*

Dr. Courtney Harvey, *Associate Commissioner, Texas HHSC*

Hon. Bonnie Hellums, *Judge (Ret.), 247<sup>th</sup> District Court, Harris Co.*

Hon. Dave W. Jahn, *Judge, Denton Co. Criminal Court No. 1*

Hon. Oscar J. Kazen, *Judge, Bexar Co. Probate Court No. 1*

Dr. Andy Keller, *President and CEO Meadows Mental Health Policy Institute*

Adrienne Kennedy, *Immediate Past President, NAMI National*

Beth Lawson, *Executive Director, StarCare Specialty Health System*

Maj. Mike Lee, *Harris Co. Sheriff's Office*

Hon. Elizabeth Byer Leonard, *Judge, 238<sup>th</sup> Judicial District Court, Midland Co.*  
Hon. Pam Liston, *Presiding Judge, City of Rowlett Municipal Court*  
Mike Maples, *Deputy Executive Commissioner, Texas HHSC*  
Dr. Octavio Martinez, Jr., *Executive Director, Hogg Foundation for Mental Health*  
Hon. Stacey Matthews, *Judge, 277<sup>th</sup> District Court, Williamson Co.*  
Beth Mitchell, *Senior Attorney, Disability Rights Texas*  
Hon. Tamara Needles, *Judge, 427<sup>th</sup> District Court, Travis Co.*  
Hon. Roxanne Nelson, *Justice of the Peace, Burnet Co. Pct. 1*  
Denise Oncken, *Mental Health Bureau Chief, Harris Co. District Attorney's Office*  
Lee Pierson, *Chief of Mental Health Division, Dallas Co. District Attorney's Office*  
James Rasmussen, *Chief Public Defender, Wichita Co. Public Defender's Office*  
Hon. Renee Rodriguez-Betancourt, *Judge, 449<sup>th</sup> District Court, Hidalgo Co.*  
Prof. Brian Shannon, *Paul Whitfield Horn Distinguished Professor, Texas Tech University School of Law*  
Shelley Smith, *Chief Executive Officer, West Texas Centers*  
Chief Stan Standridge, *Chief, San Marcos Police Department*  
Hon. Charles A. Stephens, *Judge, Comal Co. Court at Law No. 2*  
Brandon Wood, *Executive Director, Texas Commission on Jail Standards*  
Hon. Cynthia Wheless, *Judge, 417<sup>th</sup> District Court, Collin Co.*  
Wayne Young, *Chief Executive Office, The Harris Center*  
April Zamora, *Director, Reentry and Integration Diversion/Texas Correctional Office on Offenders with Medical or Mental Impairments, Texas Department of Criminal Justice*

The following Commissioners were not present:

Camille Cain, *Executive Director, Texas Juvenile Justice Dept.*  
Hon. Francisco X. Dominguez, *Judge, 205<sup>th</sup> District Court, El Paso Co.*  
Hon. Yolanda Huff, *Judge, Bexar Co. Court at Law No. 12*  
Hon. M. Sue Kurita, *Judge, El Paso Co. Court at Law No. 6*

## ***MINUTES OF THE MEETING***

### **WELCOME AND ANNOUNCEMENTS**

Justice Jane Bland, Co-Chair, opened the meeting and welcomed the attendees. New Commissioners were welcomed. Justice Bland expressed gratitude to those that served on the inaugural Commission. Justice Bland then thanked and welcomed members of Collaborative Council, who were also in attendance. Justice Bland gave a brief update on Commission events and emphasized the importance of advancing the mission of the Commission, and the improvement of service to people with mental health challenges when they encounter the judicial system. Justice Bland also stated that this meeting will discuss legislative proposals and education initiatives, as well as discuss grants made to pilot projects.

Hon. Barbara Hervey, Co-Chair, welcomed the new Commissioners and discussed the meeting's agenda. Judge Hervey referred to the [Summit Report](#) and informed the attendees that the Court of Criminal Appeals is updating the [Mental Health Resource Guide](#). The guide will be available on the Court of Criminal Appeals' website. Judge Hervey asked Commission members to send resource information to [mentalhealthresource@txcourts.gov](mailto:mentalhealthresource@txcourts.gov). Judge Hervey stated that the Resource Guide will be used as a source for the Commission's upcoming project, a Texas resource website with map. Judge Hervey concluded her opening remarks by asking attendees to review the agenda and minutes from the previous meeting.

### **INTRODUCTION OF COMMISSIONERS**

Commission members introduced themselves:

Hon. Bill Boyce

- Vice-Chair of the JCMH
- Former Justice, 14<sup>th</sup> Court of Appeals
- Involved with mental health issues as they relate to the judiciary since 2016

Dr. M. Connie Almeida

- Director, Fort Bend Co. Behavioral Health Services
- Licensed psychologist and licensed practitioner in school psychology
- Began her work with the court system 15 years ago with Judge Hellums infant/toddler court.

Hon. Cory L. Carlyle

- Justice, 5<sup>th</sup> Court of Appeals
- Developed a passion for working on issues regarding IDD/MH as an attorney

Hon. Brent A. Carr

- Judge, Tarrant Co. Criminal Court No. 9
- Started a mental health program in 2003
- Devoted to practitioner education and development of MH issues in the criminal justice system

Hon. Camile G. DuBose

- Judge, 38<sup>th</sup> Judicial District, Uvalde Co.
- Leader in the production of the JCMH Bench Book, as the Bench Book Committee Chair
- Former judge of the first Texas child protection court

Dr. Melissa Eshelman, M.D.

- Associate Professor, University of Texas at Austin, Dell Medical School
- Heads all student psychiatric services on the UT Austin campus
- Board certified in forensic psychiatry

David L. Evans

- CEO, Integral Care
- Has been working in the mental health field for forty years
- Launched a program in Austin to have clinicians embedded within the 911 call center

Dr. Tony Fabelo

- Senior Fellow for Justice Policy, Meadows Mental Health Policy Institute
- Instrumental in encouraging courts and counties to use data as a guide for policy and procedure
- Recently launched a new initiative with the Pew Charitable Trust that works to divert people from jail to treatment in the community

Alyse Ferguson

- Chief Attorney, Collin Co. Mental Health Managed Counsel
- Former Mental Health Chair of the Texas Criminal Defense Lawyers Association
- Committed to finding creative and collaborative solutions to problems encountered by individuals with mental health issues who encounter the criminal justice system

Sonja Gaines

- Deputy Executive Commissioner for Intellectual Developmental Disability and Behavioral Health Services, Texas Commission on Health and Human Services
- Oversees community mental health services, as well as services for IDD and substance abuse
- Recently expanded the outpatient competency restoration program from 13 sites to 18 sites

Kevin Garrett

- Peer Support Expert
- Former Hogg Foundation Peer Policy Fellow, Texas Jail Project; recently passed the Texas Bar exam
- Vice-Chair, State Bar Disability Issues Committee

Dr. Courtney Harvey

- Associate Commissioner, HHSC Office of Mental Health Coordination
- Mental Health Coordinator and Chair of Statewide Behavioral Health Coordinating Council
- Worked in the Mental Health field for 14 years

Hon. Bonnie Hellums

- Former Judge, 247<sup>th</sup> Judicial District, Harris Co.
- Joined State Court Trial Bench in 1997
- Has decades of experience in mental health, IDD, and substance abuse and has sat on several state commissions and committees in her work to help the people of Texas

Hon. Dave Jahn

- Associate Judge, Denton Co. Probate Court
- Member of the Denton Co. Behavioral Health Leadership Team
- Integral member of the JCMH SB 362 Committee

Hon. Oscar J. Kazen

- Judge, Bexar Co. Probate Court, No. 1
- Started a therapeutic Court in Bexar Co. in 2003/2004
- Significant experience as a Mental Health Court Judge and Criminal Court Judge

Dr. Andrew Keller

- CEO, Meadows Mental Health Policy Institute
- Announced \$200 million in funding coming to Texas for substance use disorder treatment and mental health treatment
- Is focused on “upstream” intervention and prevention

Adrienne Kennedy

- Immediate Past President of NAMI National
- Focused on early identification, intervention and support for families and caregivers
- Continually striving to develop best practices and best care

Beth Lawson

- Executive Director, StarCare Specialty Health System
- Works closely with the criminal justice system in Lubbock and surrounding areas
- Committed to collaboration across communities

Maj. Mike Lee

- Chief of Law Enforcement for Harris Co. Sheriff's Office
- 31-year career in law enforcement
- Involved in the implementation of the Harris Co. CORE Program, a tele-health program that links patrol officers with mental health physicians

Hon. Elizabeth Leonard

- Judge, 238<sup>th</sup> Judicial District, Midland Co.
- Started a Mental Health Court in 2013
- Has recently initiated a jail-based competency restoration program

Hon. Pam H. Liston

- Presiding Judge, City of Rowlett Municipal Court
- Has been a judge for 10 years
- Several years of practical experience in dealing with citizens with mental health issues, IDD, and substance use disorders, and their interactions with her court and community services

Mike Maples

- HHSC, Deputy Executive Commissioner for Health and Specialty Care
- Instrumental in the passage of SB 562, which diverts individuals who are committed to the Maximum-Security Unit to treatment facilities
- Currently working to shorten the length of time it takes for competency restoration

Dr. Octavio N. Martinez

- Executive Director, Hogg Foundation for Mental Health
- Working towards the creation of an Office of Forensic Sciences that would coordinate cross agency efforts at HHSC
- Also working to create an Office of Health Equity at HHSC, which would help better serve Texas' rural communities, communities of color, and other underserved communities

Hon. Stacey Mathews

- Judge, 277<sup>th</sup> District Court, Williamson Co.
- Established and manages a Transformative Justice Docket for young adults (17-24) in the justice system
- Through the Transformative Justice Docket, young adults can be diverted for mental health treatment as needed

Beth Mitchell

- Senior Attorney, Disability Rights Texas
- Work focuses on advocacy for individuals with disabilities, including those with IDD and MH issues
- Committed to collaborative efforts to increase awareness and aide for individuals with IDD and mental health concerns

Hon. Tamara Needles

- Judge, 427<sup>th</sup> Judicial District, Travis Co.
- Previously a Criminal Defense Attorney for 20 years and mainly represented individuals with mental health and substance abuse issues
- Sits on the Steering Committee for the Austin State Hospital re-design and is hoping to create diversion and reentry centers as part of the overall redesign of the State Hospital

Hon. Roxanne Nelson

- Justice of the Peace, Burnet Co. Pct. 1
- Burnet Co. representative on the board for Bluebonnet Trails Community Services (LMHA)
- Is encouraged to share her professional as well as personal experience to the work of the Commission

### Denise Oncken

- Mental Health Bureau Chief, Harris Co. District Attorney's Office
- 35 years of experience as an attorney in Harris Co.
- Thanks in part to her work, Harris Co. has been able to divert thousands of pre-charge individuals to diversion centers for treatment

### Lee Pierson

- Chief of Mental Health Division, Dallas Co. District Attorney's Office
- Joined the Dallas Co. DA's Office in 2011 and has spent most of time there working on mental health dockets, diversion docket and the restoration docket
- Announced possible soft opening of Dallas Co.'s first diversion center in September 2021

### James Rasmussen

- Chief Public Defender, Wichita Co. Public Defender's Office
- 20 years of experience representing individuals in civil commitment proceedings
- Implemented a full-time MH case manager and dedicated pre-trial diversion staff at WCPDO

### Hon. Renee Rodriguez-Betancourt

- Judge, 449<sup>th</sup> District Court, Hidalgo Co.
- 449<sup>th</sup> District Court is an exclusively juvenile court
- Focused on addressing mental health issues that affect children who appear in her court and is devoted to collaborative efforts that focus on prevention, as well as mitigation

### Prof. Brian Shannon

- Paul Whitfield Horn Distinguished Professor, Texas Tech University School of Law
- Focused on collaborative efforts between state and local agencies
- Brings personal experience, as well as professional experience, regarding the challenges faced by people with mental health issues and their contact with the justice system

### Shelley Smith

- CEO, West Texas Centers
- West Texas Centers cover a 23-county area in West Texas
- Focuses on supporting and utilizing the jail-based case worker model for diversion and Mental Health Deputy programs that are offered in her service area

### Chief Stan Standridge

- Chief, San Marcos Police Department
- Helped established the Mental Health Pathways Committee of the Texas Police Chiefs Association
- Focused on upstream intervention programs

### Hon. Charles Stephens

- Judge, Comal Co. Court at Law, No. 2
- Started a Veterans Treatment Court six years ago
- Worked with JCMH staff to establish a Community Resource Referral Program designed to focus on prevention and diversion, recently approved by the Comal Co. Commissioners' Court.

Hon. Cynthia Wheless

- Judge, 417<sup>th</sup> District Court, Collin Co.
- Over 20 years of experience in representing individuals with mental health issues, IDD, and substance abuse disorders
- Helped create a sex trafficking court, which partners with West Coast Children's Clinic to address mental health issues for victims of sex trafficking

Brandon S. Wood

- Executive Director, Texas Commission on Jail Standards
- Focused on improving methods to divert individuals with mental health issues from the jail system.

Wayne Young

- CEO, The Harris Center
- Licensed Professional Counselor
- Recently started pilot program with Houston Police Department concerning non-law enforcement response to 911 calls

April Zamora

- Director, Reentry and Integration Diversion/Texas Correctional Office on Offenders with Medical or Mental Impairments, Texas Department of Criminal Justice
- Focused on addressing individuals with mental health issues before they reach the Department of Justice and the Texas Prison System
- Devoted to collaborative efforts with the legislature, the court system, and other partners to make a lasting difference on the way mental health issues are addressed by the criminal justice system

### **LEGISLATIVE UPDATE: DAVID SLAYTON**

Mr. Slayton discussed the Commission's legislative recommendations for proposed bills:

1. Legislative Research Task Force: 11 Commission recommendations were made and included in Senate Bill 1739, filed by Sen. Judith Zaffirini. Rep. Joe Moody will file the House version.
2. The Commission's emergency procedures recommendations were included in Senate Bill 1511 and House Bill 3977, sponsored by Sen. Zaffirini and Rep. Moody, respectively.
3. The Court Omnibus Bill contains recommendations pertaining to emergency procedures: Senate Bill 1530 and House Bill 3774, sponsored by Sen. Joan Huffman and Rep. Jeff Leach, respectively.
4. The Omnibus Bill can be a vehicle to include other recommendations from the Commission.

Mr. Slayton is still working to get other recommendations into bills. The next steps for current bills are education and Legislative Committee hearings. The Commission's staff will notify Commissioners if/when testimony is needed. Mr. Slayton asks Commissioners to reach out to the Commission staff or to him regarding concerns and/or corrections to bills.

## **BUSINESS UPDATE**

Judge Hervey introduced Kristi Taylor, JCMH Executive Director.

Kristi Taylor discussed the following items of Commission business:

1. Budget: Ms. Taylor gave a brief history and overview of the JCMH and discussed the funding source of the Commission. She informed the Commission that funding is used toward plans to fulfill the Commission's mission, staff-directed projects, legislative work, producing the annual Summit, and for publications, including bench books and code books. Also, the Commission awards grants to local communities. Ms. Taylor informed the Commission that the grants are directed to highlight innovative practices as well as to fund technology, software, and equipment. Ms. Taylor announced the Grants Page on the JCMH website. The Grants Page will present information on new grants being offered and how former grants have been allocated and used.
2. Ms. Taylor then moved on to the Committee Reports:
  - a. Forms Committee: Judge Dave Jahn discussed the Senate Bill 362 Task Force. The SB 362 Task Force was charged with creating forms for emergency detention, the civil commitment process and the 46B criminal process. The Committee's goal is to produce a set of standardized forms that can be used in any county. The Committee will continue working on these forms. Judge Jahn gave a special thanks to Judge Brent Carr, Judge Nelda Cacciotti, Judge Clay Harrison, Judge Guy Herman, Judge Roxanne Nelson, Judge Robin Ramsey, Ms. Melinda Brents, Mr. Steve Wohleb, and Molly Davis of the JCMH staff. The Committee is prepared to send a full and completed report to the Commission by August 2021.
  - b. Bench Book Committee: Judge Camile DuBose advised that the Second Edition of the Bench Book added chapters on competency restoration. This year the Committee will reconvene and finish the sequential intercept model by adding material on Insanity and Intercept 4 (Re-entry). Judge DuBose reminded attendees that the Bench Book is available in both electronic and print form. The [electronic version](#) can be found on the JCMH website, under the publications tab. The Committee distributed approximately 500 bench books at the 2019 Summit. 600 additional copies were printed, and most have been distributed. Judge DuBose reminded attendees that they can still get a hard copy of the bench book by sending an email to the [JCMH@txcourts.gov](mailto:JCMH@txcourts.gov). Judge DuBose closed and stated that she looks forward to working with everyone this year.
  - c. Summit: Judge Brent Carr informed attendees that the 2020 Summit was attended by 1,500 people, from multiple states and every discipline that touches the issues and work of the Commission. The positive response to the Summit was overwhelming and Judge Carr informed the attendees that the special attention to IDD issues was very well received. Dr. Steinberg's presentation was over 95% rated as "excellent" or "very good." Judge Carr stated that the Committee is preparing for the next Summit and soliciting ideas and input. Judge Carr informed

the attendees that the Curriculum Committee will meet soon. Judge Carr thanked the Legislative Committee and David Slayton for his report, and thanked Judge Dave Jahn, Judge Guy Herman, and Judge Nelda Cacciotti for their work on the Forms Committee.

- d. JCMH Staff Attorney Kama Harris gave an update on the 2021 Summit and informed attendees that it will be held Oct. 14-15 at the Sheraton Georgetown Hotel and Conference Center. The Summit will be in-person, with an option to watch online. Speakers will need to present in-person. Proposals and abstracts for the Summit are due by April 1<sup>st</sup>.
- e. Jurist in Residence: Judge John Specia stated that he is excited to continue to work as Jurist in Residence for the Commission. He will continue to support the work of the Commission and be involved in training and technical assistance for Commission members and staff. Judge Specia reminded the attendees that the Jurist in Residence Letter is published every couple of months, and it is available on the [JCMH website](#). Judge Specia also informed the attendees that they can call him anytime with questions or to discuss issues. Judge Specia thanked Justice Bland and Judge Hervey for their leadership and collaboration.
- f. Health and Human Services Commission (HHSC) and JCMH Community Diversion Coordinator Pilot Project: Dr. Jennie Simpson advised that HHSC and JCMH have partnered on a pilot project that aims to divert individuals with mental illness who are charged with nonviolent misdemeanor offenses from the criminal justice system. The Community Diversion Coordinator will be employed by a District Court, County Court, or LMHA and will serve as a collaborative liaison between the courts, LMHA, state hospitals, and other stakeholders. Two sites will be selected through a request for proposal process. Key responsibilities of the Diversion Coordinator include:
  - i. Identify diversion opportunities that an individual might qualify for and work collaboratively with partners to place them in an appropriate diversion program.
  - ii. Serve as a connection point between courts, jails, and LMHAs for incompetent individuals who need restoration services. Coordinator will ensure information flows between the appropriate entities and will be able to determine if the individual qualifies for outpatient or jail-based competency restoration programs.
  - iii. Act as a boundary spanner and foster and develop collaboration among partners.

The pilot project is particularly interested in diversion from trial court to court-ordered outpatient mental health services. Both HHSC and JMCH staff will be actively involved in providing intensive technical assistance to the pilot sites. An evaluator will be engaged to document and understand lessons learned from the pilot. Additionally,

the sites will develop a blueprint to assist other jurisdictions in implementation of their own version of this project. Understanding the impact of diversion on public safety is a critical part of the pilot and the evaluator will focus substantially on this issue. An advisory body is convened regularly as well as a smaller working group. The target release for RFAs is April 19<sup>th</sup>. Selection of the sites should occur in June 2021. The goal is to begin the pilot in September 2021.

Kristi Taylor concluded the business portion and thanked the Committee chairs for their contributions.

**CLOSING:**

Judge Barbara Hervey gave closing remarks and thanked the Commissioners for their participation. The next Commission Meetings are April 23<sup>rd</sup> and August 13<sup>th</sup>. The Commission Chairs and staff will assess whether the meetings will be in-person or virtual and inform the Commission accordingly. Judge Hervey said she looks forward to meeting the Commissioners in person and adjourned the meeting.

**Tab 4**  
**Strategic Plan**



*Strategic Plan*

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**Developed June 18, 2018**

**Adopted January 25, 2019**

As gatekeepers for families and individuals in crisis, courts must make life-altering decisions that require knowledge of multiple complex issues. However, too often, courts lack the training and resources needed to make well-informed decisions.

Recognizing that improving the lives of Texans who are affected by mental health issues and are involved in the justice system requires judicial leadership at the highest level, the Supreme Court of Texas and the Texas Court of Criminal Appeals sat as one court for a historic hearing on January 11, 2018. Together, they heard from people with lived experience, judges, psychiatrists, psychologists, attorneys and law enforcement. Following the historic joint hearing, the two highest courts in Texas established the Judicial Commission on Mental Health (JCMH) and appointed 33 commissioners from across the state in April 2018.

**The mission of the Judicial Commission on Mental Health is to engage and empower court systems through collaboration, education, and leadership, thereby improving the lives of individuals with mental health needs, substance use disorders, or intellectual and developmental disabilities (IDD).**

On June 18, 2018, the JCMH Executive Committee developed 23 specific strategies to accomplish this mission. The strategies are divided into the overarching goals of collaboration, education, and judicial leadership.

- **Collaboration**

Collaboration among court systems—including the legal community, mental health professionals, law enforcement, state agencies, and court participants—is essential for achieving the best possible outcomes for Texans.

- **Education**

Education—including specialized training, resources, and tools—for judges, attorneys, and court personnel is essential to fair and efficient resolution of cases involving individuals with mental health needs, substance use disorders, or IDD.

- **Leadership**

Judicial leadership is essential to serving individuals with mental health needs, substance use disorders, and IDD in Texas courts.

## Collaborate

To further the goal of collaboration, the Commission will:

- 1. Collaborate with stakeholders to collect and analyze data, practices, law, and policy with the goal of improving court functioning for people with mental health needs, substance use disorders, or IDD (*Order, Planning Committee*);**
- 2. Identify and assess current and future needs of the judiciary to improve courts' ability to serve people with mental health needs, substance use disorders, or IDD (*Order*);**
- 3. Improve collaboration and communication among courts, agencies, and community partners (*Order*);**
- 4. Encourage sharing of appropriate information to enhance judicial efficiency (*Priorities Survey*);**
- 5. Explore potential partnerships to promote early awareness and education about mental health, substance use disorders, or IDD in the court system (*Priorities Survey, JCMH Exec. Comm.*);**
- 6. Examine the prevalence and impact of racial disparities for people with mental health needs, substance use disorders, or IDD in the court system (*National Center for State Courts*);**
- 7. Assess data collection, reporting, and sharing for projects receiving Commission support (*Admin. of Children, Youth and Families Continuous Quality Improvement*);**
- 8. Identify funding and resource options available to facilitate the Commission's efforts to serve the state (*Order*); and**
- 9. Endeavor to increase resources and funding and maximize the effective and efficient use of available judicial system resources (*Order*).**

## Educate

To further the goal of education, the Commission will:

- 1. Develop high-quality, multi-disciplinary education in coordination with state and national training experts and raise awareness of best practices and areas requiring improvement (*similar language to Order*);**
- 2. Create and provide tools and resources on key concepts and court procedures related to mental health, substance use, or IDD *Planning Committee Report, similar language to Order*);**
- 3. Promote best practices that are data-driven, evidence-based, and outcome-focused (*Order*); and**
- 4. Educate the judiciary and stakeholders on the importance of collecting and sharing data (*Exec. Comm.*).**

## Lead

Judicial leadership is essential to serving individuals with mental health needs, substance use disorders, or IDD in Texas courts.

To promote leadership in the judiciary, the Commission will:

- 1. Promote innovative projects, as well as policy and procedural changes that improve court functioning (*Exec. Comm.*);**
- 2. Serve as a resource in the development of policy, legislation, and practice recommendations, including policy recommendations for consideration by the Texas Judicial Council (*Exec. Comm.*);**
- 3. Explore technological solutions to assist the courts, including the statewide implementation of a computerized case-management system and expanded data-sharing between stakeholders (*Order*);**

- 4. Promote improved court performance and accountability (*Planning Committee*);**
- 5. Assist judges in leading local and regional initiatives to improve mental health, substance use disorders, and IDD service delivery and capacity (*Priorities Survey*);**
- 6. Promote appropriate consideration of mental health, substance use disorders, and IDD needs expressed by children, youth, and families in the judicial process (*Order*);**
- 7. Elevate awareness of mental health, substance use, and IDD as an important area of expertise within the legal and judicial community (*Priorities Survey* and *Exec. Comm.*);**
- 8. Strive to serve as both a statewide and national leader in mental health, substance use, and IDD law and practice (*Exec. Comm.*);**
- 9. Oversee the administration of funds appropriated and granted to the Commission (*Order*); and**
- 10. Provide progress reports to the Supreme Court of Texas and the Texas Court of Criminal Appeals (*Order*).**

**Tab 5**  
**Budget**

**Supreme Court of Texas - Court Improvement Projects**  
**Judicial Commission on Mental Health FY2021**  
 April 2021 Financial Report

**FY2021 Available Funds**

<b>FY2020-2021 State Appropriation</b>	
FY2020 A.1.1 (UB)	250,000
FY2020 Strategy B.1.2 (Encumbered)	231,005
FY2021 Strategy A.1.1	250,000
FY2021 Strategy B.1.2	1,000,000
<b>Total State Appropriation</b>	<b>1,731,005</b>

**FY2021 Budget vs. Actuals**

	<b>Actual</b>	<b>Budget</b>	<b>Balance</b>
Operating	\$ 324,975	\$ 597,234	\$ 272,259
Staff Directed Projects	\$ 30,006	\$ 293,845	\$ 263,839
Scholarships	\$ 6,705	\$ 15,000	\$ 8,295
Grants	\$ 27,934	\$ 738,256	\$ 710,322
<b>Total Expenditures</b>	<b>\$ 389,620</b>	<b>\$ 1,644,335</b>	<b>\$ 1,254,715</b>

**Financial Status as of February 2021**

<b>State Appropriation</b>	
A.1.1	500,000
B.1.2	1,231,005
Expenditures to Date	389,620
<b>State Appropriation Balance</b>	<b>1,341,385</b>
- FY2021 Outstanding Obligations	1,254,715
<b>FY2021 Projected End Balance</b>	<b>86,670</b>

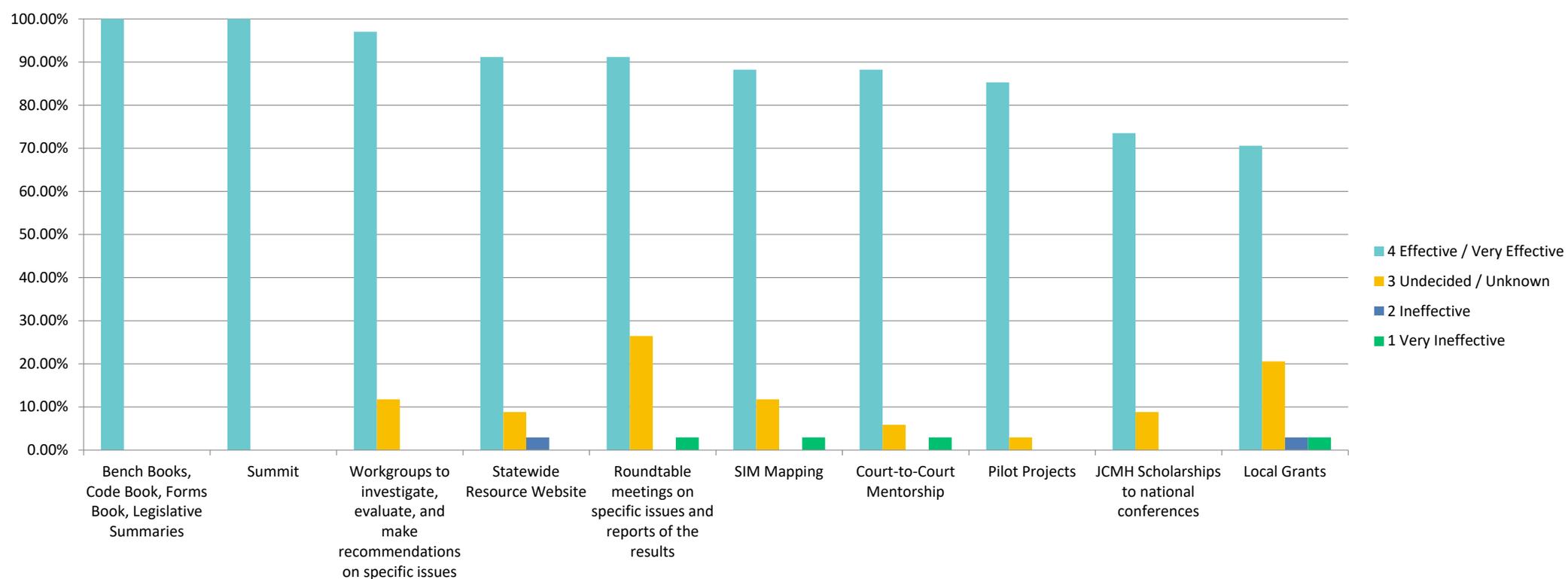
**Tab 6**

**Commissioner Survey Results**

# Effectiveness of JCMH Projects

According to the 2021  
Commissioner Survey

*The mission of the JCMH is to support courts in the administration of justice through collaboration, education, and leadership, and thereby improve the lives of individuals with mental health needs and intellectual and developmental disabilities.*



**Tab 7**

**JCMH Committees Overview**

## **JCMH Committees**

There are seven standing committees:

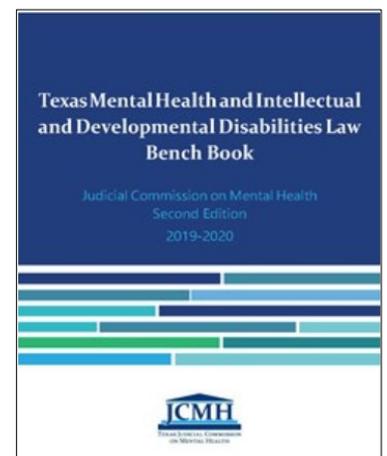
1. Bench Book Committee
2. Juvenile Bench Book Committee
3. Summit Curriculum Committee
4. Legislative Research Committee
5. Forms Committee
6. Long-Term Planning Committee
7. Data Committee



Committees are comprised of Commissioners, Collaborative Council members, or other stakeholders with an interest or specialized knowledge in the committee topic. If you would like to be on one or more of these committees, please contact JCMH at [JCMH@txcourts.gov](mailto:JCMH@txcourts.gov).

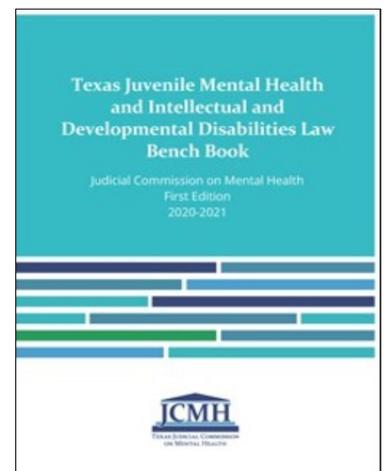
### **I. Bench Book Committee:**

- a. Committee Chair is **Judge Camile DuBose**.
- b. This committee began its work in early 2018 to help develop the first edition of the Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book.
- c. The multidisciplinary committee helps to highlight innovative practices, options, and resources in the Bench Book.
- d. Meetings for this committee will resume in May to begin working on the third edition of the benchbook.



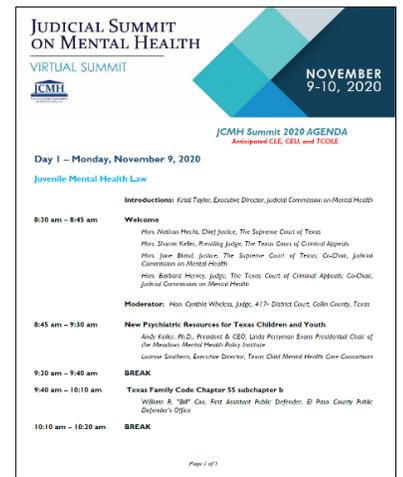
### **2. Juvenile Bench Book Committee:**

- a. Committee Chair is **Judge Cyndi Wheless**.
- b. This committee began in 2020 to help launch the Texas Juvenile Mental Health and Intellectual and Developmental Disabilities Law Bench Book (commonly called the Juvenile Bench Book).
- c. The multidisciplinary committee makes recommendations and helps edit the Juvenile Bench Book content.
- d. Meetings for this committee will resume in the next few months to begin working on the second edition of the Juvenile benchbook.



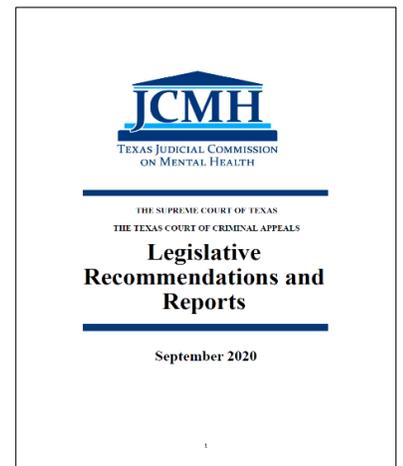
### 3. Summit Curriculum Committee:

- Committee Chair is **Judge Brent Carr**.
- This committee advises on the curriculum for the annual Judicial Summit on Mental Health. The committee started its work in early 2018 before the first Summit.
- The committee works to ensure that the presentation topics promote the JCMH mission and lead the way in this ever-changing legal field.
- Meetings for this committee will resume in May to prepare for the October 2021 Summit.



### 4. Legislative Research Committee

- Committee chair is **Justice Bill Boyce**.
- The committee's purpose is to assist the two courts in studying the organization and practices of the Texas Judicial Branch related to behavioural and mental health needs.
- Legislative recommendations are made to the Texas Judicial Council for further consideration.



### 5. Forms Committee:

- Committee Chair is **Judge Dave Jahn**.
- This committee began in 2020 as a subcommittee of the SB 362 Task Force and continues into 2021.
- The committee is creating a set of forms for mental health proceedings, both criminal and civil.

### 6. Long-Term Planning Committee:

- Committee Chair is **Judge John Specia**.
- This new committee will focus on long-term goal setting and offering input on possible new JCMH projects.
- The committee will have their first meeting within the next few months.

### 7. Data Committee:

- Committee Chair is **Dr. Connie Almeida**.
- Starting this year, the data committee will offer expertise on collecting and understanding the data collected, guided by the Stepping Up Initiative (a national initiative to reduce the number of people with mental illness in jails).
- The committee will have their first meeting within the next few months.



**Tab 8**

**2021 HHSC Outpatient Competency Restoration Rules**

TITLE 26 HEALTH AND HUMAN SERVICES  
PART 1 HEALTH AND HUMAN SERVICES COMMISSION  
CHAPTER 307 BEHAVIORAL HEALTH PROGRAMS  
SUBCHAPTER D OUTPATIENT COMPETENCY RESTORATION

§307.151. Purpose.

The purpose of this subchapter is to provide standards for outpatient competency restoration (OCR) services provided to individuals ordered to participate in an OCR program pursuant to the Texas Code of Criminal Procedure Chapter 46B.

§307.153. Application.

This subchapter applies to:

- (1) local mental health authorities (LMHAs), local behavioral health authorities (LBHAs), and LMHA or LBHA subcontractors that administer OCR programs; and
- (2) other providers under contract with the Texas Health and Human Services Commission to administer an OCR program.

§307.155. Definitions.

The following words and terms, when used in this subchapter, have the following meanings.

- (1) Adaptive behavior--The effectiveness with which, or degree to which, an individual meets the standards of personal independence and social responsibility expected of the individual's age and cultural group.
- (2) Competency restoration--The treatment or education process for restoring an individual's ability to consult with the individual's attorney with a reasonable degree of rational understanding, including a rational and factual understanding of the court proceedings and charges against the individual.
- (3) Court--A court of law presided over by a judge, judges, or a magistrate in civil and criminal cases.
- (4) HHSC--Texas Health and Human Services Commission.
- (5) ID--Intellectual disability. Consistent with Texas Health and Safety Code §591.003, significantly sub-average general intellectual functioning that is concurrent with deficits in adaptive behavior and originating before age 18.
- (6) Individual--A person receiving services under this subchapter.
- (7) IST--Incompetent to stand trial. The term has the meaning described in

Texas Code of Criminal Procedure, Article 46B.003.

(8) LBHA--Local behavioral health authority. An entity designated as an LBHA by HHSC in accordance with Texas Health and Safety Code §533.0356.

(9) LIDDA--Local intellectual and developmental disability authority. An entity designated as a LIDDA by HHSC in accordance with Texas Health and Safety Code §533A.035(a).

(10) LMHA--Local mental health authority. An entity designated as an LMHA by HHSC in accordance with Texas Health and Safety Code §533.035.

(11) Medical record--An organized account of information relevant to the medical services provided to an individual, including an individual's history, present illness, findings on examination, treatment and discharge plans, details of direct and indirect care and services, and notes on progress.

(12) OCR--Outpatient competency restoration. A community-based program with the specific objective of attaining restoration to competency pursuant to Texas Code of Criminal Procedure Chapter 46B.

(13) OCR provider--An entity identified in §307.153 of this subchapter (relating to Application) that provides OCR services.

(14) Ombudsman--The Ombudsman for Behavioral Health Access to Care established by Texas Government Code §531.02251, including care for mental health conditions and substance use disorders.

(15) Subcontractor--A person or entity that contracts with an OCR provider to provide OCR services.

(16) TAC--Texas Administrative Code.

§307.157. Criteria for Admission to an Outpatient Competency Restoration Program.

(a) To be eligible to participate in an OCR program, a court must order an individual's participation after determining that an appropriate OCR program is available for the individual and determining that the individual:

(1) is incompetent to stand trial;

(2) is not a danger to others;

(3) may be safely treated on an outpatient basis with the specific objective to attain competency; and

(4) is charged with an offense eligible for OCR pursuant to Texas Code of Criminal Procedure Chapter 46B.

(b) An individual is ineligible to receive OCR services if a court determines the individual is unlikely to restore to competency in the foreseeable future.

§307.159. Recommendation Regarding Outpatient Competency Restoration Program Admission.

(a) If a court determines an individual is IST, the OCR provider must assess the individual to determine if OCR services are appropriate by ensuring the following assessments are conducted:

- (1) a clinical assessment, including substance use history; and
- (2) a risk of violence assessment.

(b) If an OCR provider determines that OCR services are appropriate for an individual, the provider must:

(1) inform the court, in writing, that the individual is being recommended for admission into the OCR program; and

(2) develop and submit a comprehensive treatment plan to the court in accordance with Texas Code of Criminal Procedure, Article 46B.077(a)(1) listing services the individual will be provided, including:

- (A) competency restoration education;
- (B) access to housing resources;
- (C) access to transportation resources; and
- (D) a regimen of medical, psychiatric, or psychological care or treatment;

and

(3) identify the persons responsible for providing treatment to the individual.

(c) If an OCR provider determines that OCR services are inappropriate for an individual, the provider must:

(1) inform the court, in writing, of the individual's ineligibility for admission into the OCR program; and

(2) document reasons for ineligibility in the individual's record.

§307.161. General Service Requirements.

An OCR provider:

(1) must make competency restoration education interactive and available in multiple learning formats to the individual receiving competency restoration education, which may include:

(A) discussion;

(B) written text and discussion;

(C) recorded video and discussion; and

(D) experiential learning, such as role-playing or mock trial, and discussion;

(2) must ensure an individual who requires accommodations receives adapted materials and approaches as needed, including accommodations for language barriers and disabilities;

(3) must make available an appropriate prescribed regimen of medical, psychiatric, or psychological care or treatment, including administration of psychoactive medication in accordance with 25 TAC Chapter 414, Subchapter I (relating to Consent to Treatment with Psychoactive Medication--Mental Health Services);

(4) may use telecommunications or information technology to provide competency restoration services that are compliant with the Health Insurance Portability and Accountability Act; and

(5) must identify each person's role and responsibility in court proceedings in the OCR program's training module for individuals in the OCR program.

#### §307.163. Assessment, Reassessment and Court Reporting.

An OCR provider must:

(1) regularly evaluate the individual's progress towards attainment of competency to stand trial and likeliness to restore to competency in the foreseeable future; and

(2) report the individual's progress toward achieving competency to the court in accordance with Texas Code of Criminal Procedure, Article 46B.079:

(A) no later than the 14th day after the date competency restoration services begin;

(B) at least once each 30-day period following the date of the first report to the court after competency restoration services begin, if the individual is active in

the program; and

(C) promptly report to the court the individual's attainment of competency or whether the individual is not likely to restore to competency in the foreseeable future.

#### §307.165. Discharge Requirements.

(a) When an OCR provider discharges an individual from OCR services upon completion of court-ordered participation in the OCR program, the OCR program must provide continuity of care services by coordinating the individual's continued services and supports after discharge from the OCR program. Discharge planning includes:

(1) a plan for maintaining housing and utilities for three months or more after discharge;

(2) coordination of ongoing services through an LMHA, LBHA, LIDDA, or other outpatient service to ensure continuity of care;

(3) the provision of medication and documentation of a scheduled psychiatric follow-up appointment after discharge;

(4) completion of all appropriate benefits applications on behalf of any individual, including signing up for long-term subsidized housing;

(5) confirmation that an assisted living facility to which an individual is referred is licensed under Texas Health and Safety Code Chapter 247 and Chapter 553 of this title (relating to Licensing Standards for Assisted Living Facilities) by contacting the HHSC Assisted Living Facility Licensing and Certification Unit, if applicable;

(6) coordination of appropriate transfer to an inpatient treatment facility, if applicable;

(7) coordination of appropriate transfer if returned to custody; and

(8) facilitation of service coordination with the LMHA, LBHA, or LIDDA of the individual's county of residence to ensure the individual's continuity of care.

(b) For an unplanned discharge, an OCR provider must:

(1) notify the court of unplanned discharges;

(2) make efforts to assist in facilitating service coordination with the LMHA, LBHA, or LIDDA in the individual's county of residence to ensure the individual's continuity of care; and

(3) document continuity of care efforts in the individual's medical record.

(c) An OCR provider must document the reasons for the individual's failure to complete the OCR program in the individual's record, if applicable.

(d) Before an individual is discharged from an OCR program, an OCR provider must collaborate with courts to encourage timely resolution of legal issues.

#### §307.167. Data.

(a) An OCR provider must collect and report the following data into HHSC's designated automation system for each individual admitted to or discharged from an OCR program, including:

(1) whether the individual has been charged with a felony;

(2) whether the individual has been charged with a misdemeanor;

(3) whether the individual withdrew from the OCR program without the court's authorization;

(4) whether the individual received an additional charge of a Class B misdemeanor or a higher category of offense while ordered to the OCR program;

(5) whether the individual has been restored to competency within the time frame allotted by statute;

(6) the number of days from the day the court orders OCR to the day the individual begins participation in the OCR program;

(7) the number of days for an individual charged with a felony to restore to competency;

(8) the number of days for an individual charged with a misdemeanor to restore to competency;

(9) whether the individual was charged with a felony and not restored to competency within the initial restoration period, and for whom an extension of services was sought;

(10) whether the individual was charged with a misdemeanor and not restored to competency within the initial restoration period, and for whom an extension of services was sought;

(11) whether an individual has not restored to competency at the conclusion of court-ordered services; and

(12) types of services provided to the individual other than psychiatric services and competency restoration education.

(b) In a format specified by HHSC, an OCR provider must submit costs associated with operating the OCR program to HHSC quarterly.

(c) In a format specified by HHSC, an OCR provider must submit administrative outcomes on the OCR program regarding:

- (1) reported and confirmed cases of abuse, neglect, and exploitation;
- (2) reported and confirmed cases of rights violations;
- (3) restraints and seclusions used;
- (4) emergency medications used;
- (5) serious injuries; and
- (6) deaths.

#### §307.169. Written Policies and Procedures.

An OCR provider must develop and implement written policies and procedures that outline processes for:

(1) maintaining a list of each staff member providing OCR services, including the staff members':

- (A) position and credentials;
  - (B) reporting structure; and
  - (C) responsibilities;
- (2) maintaining staff member training records;
  - (3) describing an individual's eligibility and ineligibility criteria for OCR services;
  - (4) screening an individual's appropriateness for OCR services;
  - (5) admitting an individual within the OCR program provider's catchment area;
  - (6) developing a treatment plan;

(7) delivering all required components of competency restoration;

(8) admitting an individual:

(A) who is referred by another LMHA, LBHA, or LIDDA that is outside of the OCR program's catchment area but is within close physical proximity to the OCR program;

(B) who is without an OCR program in the individual's service area; and

(C) where OCR services are potentially appropriate;

(9) documenting the types of services provided in the OCR program other than competency restoration services in accordance with §307.161 of this subchapter (relating to General Service Requirements);

(10) regularly monitoring, evaluating, and documenting the individual's progress towards attainment of competency to stand trial and likeliness to restore to competency in the foreseeable future in accordance with §307.163 of this subchapter (relating to Assessment, Reassessment, and Court Reporting);

(11) notifying the court:

(A) that the initial restoration period will expire and when it will expire;

(B) if the individual has attained competency or is not likely to attain competency in the foreseeable future;

(C) if an extension for continued restoration services is requested as specified in the Texas Code of Criminal Procedure, Article 46B.080; and

(D) the individual's readiness to return to court;

(12) complying with reporting procedures specified in Texas Code of Criminal Procedure, Article 46B.079;

(13) preparing for an individual's planned or unplanned discharge from the OCR program and ensuring continuity of care in accordance with §307.165 of this subchapter (relating to Discharge Requirements), as appropriate; and

(14) educating an individual about the individual's rights and participation in the OCR program.

§307.171. Staff Member Training.

An OCR provider must ensure staff members complete training and document evidence of training in the following:

(1) trauma informed care;

(2) cultural competency;

(3) rights of persons receiving OCR services in accordance with §307.173 of this subchapter (relating to Rights);

(4) identifying, preventing, and reporting abuse, neglect, and exploitation in accordance with 25 TAC Chapter 414, Subchapter L (relating to Abuse, Neglect, and Exploitation in Local Authorities and Community Centers) to the Texas Department of Family and Protective Services at 1-800-252-5400 or online at [www.txabusehotline.org](http://www.txabusehotline.org) in accordance with applicable state laws and rules; and

(5) using a protocol for preventing and managing aggressive behavior, including de-escalation intervention techniques in accordance with 25 TAC Chapter 415, Subchapter F (relating to Interventions in Mental Health Services).

#### §307.173. Rights.

(a) An OCR provider must:

(1) inform the individual receiving OCR services of the individual's rights in accordance with 25 TAC Chapter 404, Subchapter E (relating to Rights of Persons Receiving Mental Health Services) or 40 TAC Chapter 4, Subchapter C (relating to Rights of Individuals with an Intellectual Disability), as applicable;

(2) provide the individual with a copy of the rights handbook published for an individual receiving mental health services or an individual with an ID; and

(3) explain to the individual receiving OCR services how to initiate a complaint and how to contact:

(A) the Ombudsman for complaints against the OCR provider; and

(B) the Texas protection and advocacy agency.

(b) The individual may contact the Ombudsman for additional information and resources, at any time, by calling toll-free at 1-800-252-8154 or online at [hhs.texas.gov/ombudsman](http://hhs.texas.gov/ombudsman).

#### §307.175. Compliance with Statutes and Rules.

In addition to any applicable federal or state law or rule, an OCR provider must comply with:

(1) Texas Health and Safety Code Chapter 574;

(2) Texas Code of Criminal Procedure Chapter 46B;

(3) Health Insurance Portability and Accountability Act of 1996 and other applicable federal and state laws, including:

(A) Texas Health and Safety Code Chapter 241, Subchapter G;

(B) Texas Health and Safety Code Chapter 595;

(C) Texas Health and Safety Code Chapter 611; and

(D) Texas Health and Safety Code §533.009 and §614.017;

(4) 25 TAC Chapter 405, Subchapter K (relating to Deaths of Persons Served by TXMHMR Facilities or Community Mental Health and Mental Retardation Centers) as it relates to community-based services and community centers;

(5) Chapter 306, Subchapter A of this title (relating to Standards for Services to Individuals with Co-occurring Psychiatric and Substance Use Disorders (COPSD));

(6) 25 TAC Chapter 414, Subchapter L (relating to Abuse, Neglect, and Exploitation in Local Authorities and Community Centers); and

(7) 25 TAC Chapter 415, Subchapter F (relating to Interventions in Mental Health Services).