

# Texas Department of Criminal Justice



## Texas Correctional Office on Offenders with Medical or Mental Impairments: Continuity of Care Report

Fiscal Year 2024

# Texas Board of Criminal Justice

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## Overview

The Texas Department of Criminal Justice (TDCJ) Rider 35, Article V of the General Appropriations Act for Fiscal Year (FY) 2024-2025 requires the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to coordinate with county and municipal jails and community centers for methods to provide a 90-day post-release supply of medications, related lab costs, and prescriber costs for those defendants being returned for trial after having been restored to competency under Chapter 46B of the Texas Code of Criminal Procedure.

TCOOMMI is required to provide reimbursement for the cost of providing medications, related lab costs, and prescriber costs in an amount not to exceed \$500,000 each fiscal year of the biennium.

TCOOMMI is required to report to the appropriate legislative oversight committees on the amounts reimbursed to each entity by October 1 of each fiscal year.

## About TCOOMMI

In 1987, the 70th Texas Legislature created TCOOMMI to address health services for the growing population of persons with mental impairments who are associated with the criminal justice system.

TCOOMMI's functions were expanded in 1993 by the 73rd Texas Legislature to include inmates who are elderly, significantly ill, or have physical disabilities.

As a result of legislation enacted by the 84th Texas Legislature in 2015, TCOOMMI was able to expand mental health services to further meet the needs of individuals with a severe and persistent mental illness.

TCOOMMI's collaborative efforts on behalf of these populations are designed to identify cost-effective and programmatically beneficial alternatives to incarceration.

TCOOMMI's mission is to provide a formal structure for criminal justice entities, health and human services providers, and other affected organizations to communicate and coordinate on policy, legislative, and programmatic issues affecting justice-involved individuals with special needs.



## TCOOMMI Advisory Committee

According to Texas Health and Safety Code 614.002, the TCOOMMI Advisory Committee is composed of 28 diverse members representing criminal justice, health and human services, policy, regulatory, and advocacy fields.

As a collective body, the advisory committee addresses procedural, programmatic, statutory, or administrative issues affecting justice-involved individuals with special needs. As part of their duties, advisory committee members:

- Promote and support the legislative mandates assigned to the committee in Chapter 614 of the Health and Safety Code,
- Attend and actively participate in regularly scheduled committee meetings, and
- Serve as a liaison between TCOOMMI and their agency or association.

Members provide technical assistance to the Advisory Committee on their field of expertise, while promoting and disseminating information about advisory committee activities to persons or organizations who would benefit from the knowledge.

Additionally, the TCOOMMI Advisory Committee receives quarterly updates on activities and implementation plans related to Memorandums of Understanding (MOU) and cross-agency coordination to assess progress and barriers faced by agencies in the continuity of care process.

### State Agency and Organizational Membership

In addition to the governor's appointees, the TCOOMMI Advisory Committee is made up of the executive head or designee of each of the following agencies, divisions of agencies, and associations:

- The ARC of Texas
- Department of State Health Services
- Texas Council of Community Centers
- National Alliance for the Mentally Ill Texas
- Mental Health Association in Texas, Mental Health America
- Texas Council for Developmental Disabilities



- Texas Health and Human Services Commission
- Texas Department of Criminal Justice
  - Correctional Institutions Division
  - Community Justice Assistance Division
  - Parole Division
- Texas Commission on Law Enforcement
- Texas Juvenile Justice Department
- Texas Commission on Jail Standards
- Texas Board of Pardons and Paroles
- Correctional Managed Health Care Committee

## Gubernatorial Appointees

The governor of Texas is responsible for appointing 10 members who reflect the geographic and economic diversity of the state to the TCOOMMI Advisory Committee for staggered six-year terms. The TCOOMMI Advisory Committee is composed of the following appointees:

### **Judge Robb D. Catalano, Chair**

Term expiring 02/01/2029

<b>Casey O’Neal, Ph.D.</b>	Term expiring 02/01/2025
<b>James B. “Brian” Eby</b>	Term expiring 02/01/2025
<b>Trenton R. Marshall</b>	Term expiring 02/01/2025
<b>Justin J. “J.J.” Koch</b>	Term expiring 02/01/2025
<b>Judge Rogelio C. “Roger” Rodriguez</b>	Term expiring 02/01/2027
<b>Denise Oncken</b>	Term expiring 02/01/2027
<b>Sanjay G. Adhia, M.D.</b>	Term expiring 02/01/2027
<b>Joseph V. Penn, M.D.</b>	Term expiring 02/01/2029
<b>Jennifer M. “Jenn” Gonzalez, PhD.</b>	Term expiring 02/01/2029



## Continuity of Care

Continuity of care is:

- The identification of medical, psychiatric, or psychological care or treatment needs;
- The coordination of educational or rehabilitative service needs; and
- The development and coordination of a plan for the provision of treatment, care, and services between various agencies to inmates.

The goal of continuity of care is to continue to provide services and treatment for clients releasing from prison or other incarcerated settings, or those under community supervision (probation and/or parole), as well as individuals who are pre-adjudicated, charged, or convicted.

TCOOMMI services act as a bridge to ensure a stable and successful transition between criminal justice systems and the community while assisting the individual on their path to independent living and self-sufficiency through cost-effective community alternatives to incarceration. Generally, TCOOMMI continuity of care services are provided for each client for up to 90 days.

TCOOMMI mental health programs are designed to provide a responsive system for local referrals from parole, probation, jail, family, and other related agencies.

To ensure that continuity of care is delivered as intended, TCOOMMI coordinates with state agencies and other TDCJ divisions to ensure access to services. Additionally, TCOOMMI has entered into agreements with Local Mental Health Authorities (LMHA) across the state to ensure mental health services are delivered to clients.

## Education Efforts

Throughout FY 2024, there were ongoing efforts to educate, provide technical assistance, and enhance communication with the state mental health facilities regarding returning defendants.

To further expand awareness of the reimbursement process, TCOOMMI has hosted group question-and-answer calls, one-on-one learning, and technical assistance sessions with LMHA vendors regarding the invoice process, availability of funds, and questions about forms. Together, TCOOMMI and LMHA partners worked to address any local barriers that have been identified.



Efforts to communicate the purpose, mission, and goals of the state available funds are not only being promoted by TCOOMMI but also community partners, such as the Texas Council of Community Centers and TCOOMMI Advisory Committee members. The community partners have reported their ability to engage in open dialogue with their local stakeholders. As TCOOMMI and statewide partners have continued to promote the value, benefit, and ease of access to these funds, invoicing increased through May, June, and July, and the trend is anticipated to continue.

In December 2023, the state mental health facilities began notifying the LMHA TCOOMMI program directors of discharges. This communication process has expanded targeted education opportunities within specific catchment areas and improved cross knowledge of systems, especially the reimbursement funding available. Local partners have reported improved awareness about patients returning to their jails or communities, which has improved continuity of care connection opportunities.

## Reimbursements

TCOOMMI coordinates with county and municipal jails and community centers across the state of Texas for Continuity of Care operations. Specifically, TCOOMMI directly reimburses these entities for the cost of competency restoration medications as prescribed by the state mental health facility, to include related lab costs and prescriber costs.

TCOOMMI was appropriated \$500,000 in FY 2024 for the purpose of directly reimbursing entities for the cost of competency restoration medications as prescribed by the state mental health facility, to include related lab costs and prescriber costs. TCOOMMI will have processed reimbursement for post-release competency medications, related lab costs, and prescriber costs as invoiced in the amount of \$9,140.60 in FY 2024 as of September 18, 2024.

FY 2024 Reimbursements			
Center	Total Counties Serviced	Total Pre-Authorized	Invoiced
ACCESS	2	\$2,912.34	\$161.13
Andrews Center	5	\$9,232.71	\$ -
Burke Center	11	\$13,068.06	\$798.05



<b>FY 2024 Reimbursements</b>			
<b>Center</b>	<b>Total Counties Serviced</b>	<b>Total Pre-Authorized</b>	<b>Invoiced</b>
The Center for Health Care Services	1	\$10,834.47	\$7,029.94
Coastal Plains Community Center	9	\$3,670.35	\$ -
Heart of Texas Behavioral Health Network	6	\$912.38	\$565.02
Lakes Regional Community Center	7	\$7.50	\$ -
Nueces Center for Mental Health and Intellectual Disabilities	1	\$266.98	\$ -
Permian Basin Community Centers for MHMR	8	\$126.90	\$ -
Tri-County Behavioral Healthcare	3	\$692.62	\$586.46
<b>TOTAL</b>	<b>53</b>	<b>\$41,724.31</b>	<b>\$9,140.60</b>

TCOOMMI established a method of pre-authorization for the LMHAs to request funds and reduce delays in reimbursement that had previously been reported as a barrier under prior rider language. The pre-authorization process has been effective in identifying potential funds needed; however, as evident by the discrepancy between authorized and invoiced amounts, additional efforts continue to be made for fund disbursement.

LMHA vendors have reported one of the of the reasons for discrepancy between authorized and invoiced amounts involves the timing of individuals returning to county custody from the state mental health facilities. Individuals returning from state facilities are attending court quickly after return. With courts able to see defendants soon after their return, the pre-authorized amounts sufficient for 90-day prescriptions are not always needed.

During FY 2024, two pre-authorization requests were not ultimately reimbursed. One situation was due to the defendant not being in the custody of the jail after return from a 46B commitment. The other situation was due to the individual being returned from commitment without any prescribed medications from the state mental health facility because the individual’s diagnosis was substance use dependence and not a mental health disorder.



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