

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**Texas Correctional Office on Offenders with**  
**Medical or Mental Impairments**



**PROGRAM GUIDELINES**  
**AND PROCESSES**

**NUMBER: PGP - 01.19**

**DATE: September 1, 2023**

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**SUPERSEDES: None**

**SUBJECT: CONTINUITY OF CARE FOR 46B DEFENDANTS**

**APPLICABILITY:** Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) staff, county and municipal jails, and contracted community centers.

**PURPOSE:** To provide guidelines regarding the reimbursement for medication, related lab cost and prescribers cost to defendants who, after having been committed to a state mental health facility for restoration of competency under Chapter 46B, Code of Criminal Procedure, are being returned to the committing court for trial.

**DISCUSSION:** TCOOMMI shall provide reimbursement for up to a 90-day post release supply of medication, related lab cost and prescriber cost to defendants who, after having been committed to a state mental health facility for restoration of competency under Chapter 46B, Code of Criminal Procedure, are being returned to committing court for trial. The 90-day supply of medication shall be the same as prescribed in the Continuity of Care Plan prepared by the state mental health facility.

**PROCEDURES:**

**I. Memorandum of Understanding**

- A. For county or municipal jails unable to seek services through local agreements with their Local Mental Health Authority (LMHA), TCOOMMI shall enter into a Memorandum of Understanding with the county or municipal jail to establish a reimbursement process.

**II. Request for Reimbursement by LMHA**

- A. Through the TCOOMMI invoice process established within the LMHA's contract and PGP 01.10 *Program Management and Oversight*; a center may submit a request for reimbursement of funds expended that meets the criteria of this guideline.
- B. The submitted monthly invoice shall include all signed **Request for 46B Reimbursement Pre-Authorization** forms (Attachment A) for the reimbursement requested for the associated month, with

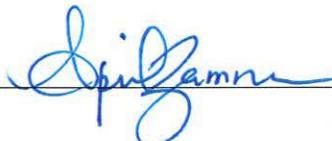
the final accounting of expenditures, not to exceed the pre-authorization amount detailed on the associated monthly invoice tab.

### III. Pre-Authorization Process

- A. All pre-authorization requests for reimbursement claims, for up to a 90-day post release supply of medication, related lab cost and prescriber cost to defendants who, after having been committed to a state mental health facility for restoration of competency under Chapter 46B, Code of Criminal Procedure, are being returned to committing court for trial; shall be submitted individually using the **Request for 46B Reimbursement Pre-Authorization** form. The form can be found on the TCOOMMI website under the heading “Contracted Vendor Documents”, under “Budget Forms”, or using this link: [https://www.tdcj.texas.gov/divisions/rid/tcoommi\\_contract\\_vendor\\_budget.html](https://www.tdcj.texas.gov/divisions/rid/tcoommi_contract_vendor_budget.html).
- B. The **Request for 46B Reimbursement Pre-Authorization** form shall be submitted to the TCOOMMI Fiscal Department at [fiscaltcoommi@tdcj.texas.gov](mailto:fiscaltcoommi@tdcj.texas.gov) for review, within three (3) working days of the defendant returning to the jail setting from the state mental health facility.
- C. At the time of form submission, the following support documents are required for the purpose of auditing of expenditures:
  - 1. Order for Competency Restoration;
  - 2. State Hospital Discharge Continuity of Care Plan; and
  - 3. Order of Release to Return and Stand Trial with Determination of Competency.
- D. Requests shall be reviewed and decided upon on a case-by-case basis, subject to availability of funds, with notice of the decision provided via email.
- E. Reimbursement will not be made for any defendant who is returned to jail for any reason other than to proceed with trial after a determination of competency.

### IV. Submission of Report

- A. TCOOMMI shall report amounts reimbursed to each entity to the appropriate legislative oversight committee by October 1 of each fiscal year.



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