Competency Restoration: Challenges and Options

2nd Annual Texas Roundtable on Representation of Defendant’s with Mental Illness

Courtney Harvey, Interim Forensic Director
Outpatient Competency Restoration (OCR)

Senate Bill (S.B.) 867, 80th Legislature, Regular Session, 2007

- Amended Code of Criminal Procedure (CCP), Chapter 46B permitting outpatient treatment
- DSHS appropriated $4 million to pilot four programs
  - Integral Care (Austin)
  - Center for Health Care Services (San Antonio)
  - MHMR Tarrant County (Fort Worth)
  - ValueOptions-NorthSTAR (Dallas)
Outpatient Competency Restoration

Program Expansion in 2007 and 2011

- Spindletop Center (Beaumont)
- Tri-County Behavioral Healthcare (Conroe)
- Behavioral Health Center Nueces County (Corpus Christi)
- Emergence Health Network (El Paso)
Outpatient Competency Restoration (cont.)

Program Expansion in 2007 and 2011

- Community Healthcore (Longview)
- StarCare Specialty Health System (Lubbock)
- Andrews Center Behavioral Healthcare System (Tyler)
- Heart of Texas Region MHMR Center (Waco)
Outpatient Competency Restoration

Assessments

• Adult Needs and Strengths Assessment
• Biopsychosocial Assessment
• HHSC Substance Use Screening Tool
• Risk Assessment (e.g., Historical, Clinical, Risk Management, and Violence Risk Assessment Scheme (HCR-20)
Outpatient Competency Restoration

**Services**

- Curriculum-based competency restoration education
- Peer supports
- Housing supports
- Psychiatric and medical medications
- Supported employment
Outpatient Competency Restoration (cont.)

Services

- Psychosocial rehabilitative services
- Residential treatment
- Cognitive Processing Therapy
- Substance use inpatient or outpatient treatment
Outpatient Competency Restoration

Deliverables

• Serve a range of 3-75 clients per year
• Achieve a combined total rate of 40% of clients either restored to competency, or not restored to competency but having charges dropped
• Maintain an average length of stay of no longer than 180 days
Outpatient Competency Restoration

Collaboration

- OCR program and county jails
  - Collaborate to ensure timely release during daytime hours
- OCR program, state hospital, and courts
  - Identify inpatient suitable for outpatient services
Outpatient Competency Restoration (cont.)

Collaboration

• OCR program, defense attorneys/ADAs, and courts
  • Identify individuals pending initial orders for competency restoration
  • Identify inpatients suitable for outpatient services
  • Provide education about mental health services available as diversion from incarceration and hospitalization
Jail-Based Competency Restoration (JBCR) Pilot Program

S.B. 1475, 83rd Legislature, Regular Session, 2013

Amended CCP, Chapter 46B and directed DSHS to establish a JBCR Pilot Program

House Bill 1, Rider 74, 83rd Legislature, Regular Session, 2013

Appropriated $3.05 million for the biennium to develop and implement the pilot in one or two counties
Jail-Based Competency Restoration Pilot Program

S.B. 1, Rider 70, 84th Legislature, 2015

Appropriated $1,743,000 for the biennium to develop and implement the pilot program in one or two counties
Jail-Based Competency Restoration Pilot Program

Provider Eligibility

• A Local Mental Health Authority (LMHA) in good standing with HHSC and demonstrates a history of successful competency restoration outcomes

• A private provider certified by a nationwide nonprofit organization that accredits health care organizations and programs and has a history of successful JBCR outcomes
County-Based Jail-Based Competency Restoration Program

Provider Eligibility

• An LMHA or Local Behavioral Health Authority (LBHA) in good standing with HHSC

• A subcontractor of an LMHA or LBHA in good standing with HHSC
Jail-Based Competency Restoration

Rule

• Anticipated posting for informal comment in mid-November for 10 days: https://hhs.texas.gov/laws-regulations/policies-rules/health-human-services-rulemaking

• Anticipated month for publishing in the Texas Register: March 2018

• Anticipated month for adoption: May 2018
Thank You

Dr. Courtney Harvey, *Interim Forensic Director*
Office: 512-206-5237
Cell: 512-520-7064
Courtney.Harvey@hhsc.state.tx.us