



Annual Report on the Screening of Offenders with Mental Illness

As Required by

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Regular Session, 2019 (Article II,**

Health and Human Services

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Executive Summary

The 2020-2021 General Appropriations Act, House Bill (H.B.) 1, 86th Legislature, Regular Session, 2019 (Article II, Health and Human Services Commission, Rider 53) requires an *Annual Report on the Screening of Offenders with Mental Illness* summarizing the exchange of information between agencies to:

- Support continuity of care services for individuals with mental illness involved with the criminal justice system; and
- Supplement local post-booking jail diversion activities.

Texas Health and Human Services Commission (HHSC) and the Texas Department of Public Safety (DPS) use a web-based data exchange process using DPS' Texas Law Enforcement Telecommunications System (TLETS) and HHSC's Clinical Management for Behavioral Health Services (CMBHS), providing a real-time method of identifying special needs offenders. Jail staff enter individuals into TLETS for whom criminal charges are pending, or who after conviction or adjudication, are in custody, or under any form of criminal justice supervision. The TLETS/CMBHS electronic data exchange process matches county jail inmates' personal information with records of individuals who have received mental health services from state-funded mental health programs.

Between September 1, 2019 and June 4, 2020, 715,241 requests for matches using TLETS were made. Of those, 30,502 were exact matches and 190,113 were probable matches. Matched individuals were screened to ensure they were still eligible for state-funded mental health and substance use services and linked to community-based mental health services.

The TLETS/CMBHS electronic data exchange process has continued to facilitate collaboration and communication between local jails and state-funded mental health service providers for jail diversion.

1. Introduction

Rider 53 requires HHSC to submit the *Annual Report on the Screening of Offenders with Mental Illness* to the Legislative Budget Board by September 1 of each year.

The report must discuss the exchange of information between agencies to support jail diversion and continuity of care for individuals with mental illness involved with the criminal justice system, including but not limited to the:

- Manner in which information is exchanged between agencies;
- Frequency with which the information is exchanged;
- Type of information most frequently exchanged; and
- Agencies frequently involved in the exchange of information.

The fiscal year 2020 report summarizes data sharing between HHSC and other participating agencies using the TLETS/CMBHS electronic data exchange process.

2. Background

The following agencies have a Memorandum of Understanding (MOU) to exchange information to support jail diversion and continuity of care for individuals with mental illness involved with the criminal justice system:

- HHSC and the Department of State Health Services (DSHS)
- Community centers, as defined in Health and Safety Code Section 534.001(b)¹
- DPS Bureau of Identification and Records²
- Texas Department of Criminal Justice
- Local mental health authorities (LMHAs)
- Local behavioral health authorities (LBHAs)
- Community supervision departments
- Community corrections departments

Data sharing under the MOU is used to:

- Identify offenders with mental impairments in the criminal justice system;
- Collect and report prevalence data; and
- Accept and disclose information relating to a special needs offender if the disclosure serves the purpose of Health and Safety Code, Chapter 614.

HHSC annually updates the MOU to institute a continuity of care and services program for individuals with mental illness involved in the criminal justice system. In addition to promoting the sharing of information between agencies, HHSC provides ongoing technical assistance to LMHAs and LBHAs in engagement, jail diversion, and other evidence-based practices.

Texas Health and Safety Code, Section 533.035(a), defines LMHA as a local component of the mental health system designated to carry out the legislative mandate for planning, policy development, coordination, resource development,

¹ Per the 2020-2021 General Appropriations Act, H.B. 1, 86th Legislature, Regular Session, 2019 (Article II, Health and Human Services Commission, Rider 53) and Health and Safety Code Section 614.013 and Section 614.017.

² Per Chapter 614 of the Health and Safety Code, as amended by S.B. 839, 80th Legislature, Regular Session, 2007.

allocation, and supervision of the provision of services to individuals with mental illness in one or more local service areas.

In accordance with Texas Health and Safety Code, Section 533.0356, an LBHA provides mental health services and chemical dependency services and may also be delegated the authority and responsibility for planning, policy development, coordination, resource allocation, and resource development for and oversight of mental health and chemical dependency services.

3. Data Exchange System

To facilitate information sharing between the agencies, Senate Bill (S.B.) 839, 80th Legislature, Regular Session, 2007, amended Health and Safety Code, Section 614.017 to require DSHS and DPS to develop a real-time identification and data exchange system. As a result, DSHS, now HHSC, and DPS operate a web-based data exchange process using DPS's TLETS and HHSC's CMBHS, providing a real-time method of identifying special needs offenders.

HHSC is overseeing the implementation of Exceptional Item (EI) 44, H.B. 1, 86th Legislature, Regular Session, 2019. Implementation of EI 44 will enhance data sharing between TLETS and LMHAs, LBHAs, and local intellectual and developmental disability authorities (LIDDAs) and includes two components:

- 1) Capturing persons with intellectual and developmental disabilities (IDD): The current data identification and exchange process will be expanded to identify individuals with an IDD who have been served by a LIDDA. When a match occurs, TLETS will send a Continuity of Care Query (CCQ) return report to the authorized TLETS user, typically county jail personnel, that indicates whether an exact or probable match has occurred for mental health and/or IDD.
- 2) Developing automated reports for LMHAs/LBHAs and LIDDAs: When the CCQ process results in a match, TLETS currently sends a CCQ return report to the authorized TLETS user at the jail. It is then the authorized TLETS user's responsibility to notify the LMHA/LBHA or LIDDA of the match. New reports are being developed that will send daily notifications to LMHAs, LBHAs, and LIDDAs effective August 14, 2020, when matches are identified.

Matching

When individuals are booked into a county jail, jail staff enter the individual's information (i.e., last name, first name, date of birth, social security number, gender, and race) into a search function within the TLETS systems which matches against HHSC's CMBHS database.

CMBHS is a web-based integrated electronic data management system for state-funded mental health and substance use providers.

HHSC uses the following criteria to identify offenders with a history of mental illness. Offenders identified through the TLETS/CMBHS web-service process are those who have been:

- Hospitalized in a state psychiatric hospital;
- Admitted to an HHSC-funded contracted psychiatric hospital bed; or
- Assessed for, been authorized for, or received a mental health community service by an LMHA, LBHA or LIDDA.
 - ▶ For adults 18 years old and older, the search goes back three years.
 - ▶ For youth under 18 years old, the search matches any historical records without a time limitation.

Matching Criteria

The following criteria are used to match individuals in a TLETS query to an individual in CMBHS who has a history of being served by an LMHA/LBHA. Depending on the number of criteria that match, the system determines either an exact or probable match:

- Exact match: the data inquiry matches last name, first name, date of birth, social security number, gender, and race.
- Probable match: the data inquiry matches a subset of criteria (e.g., last name, first name, date of birth, gender, race) and seven of nine digits in the social security number. The probable match is based on one of the following:
 - ▶ Option 1: last name, first initial, date of birth, and gender;
 - ▶ Option 2: last name, first initial, birth year, gender, and social security number
 - ▶ Option 3: the first three letters of the last name, first initial, the year and month of birth, gender, or social security number;
 - ▶ Option 4: last name, first name, date of birth (current age calculation is within 5 years), gender, and social security number; or
 - ▶ Option 5: date of birth, gender, social security number.

Information Exchanged

If the TLETS/CMBHS electronic data exchange process identifies an exact or probable match, CMBHS:

- Includes the county of the last mental health service provider in an automated, real-time response to the jail;

- Identifies the LMHA or LBHA associated with the county; and
- Sends the LMHA or LBHA contact information in the TLETS response.

Automated Match Notification to the LMHAs and LBHAs

In fiscal year 2020, HHSC has developed system functionality to generate direct notifications to LMHAs and LBHAs when exact and probable matches are identified between TLETS and CMBHS for individuals who receive mental health services from LMHAs/LBHAs. This enhancement will increase opportunities for collaboration between LMHAs/LBHAs and county jails to ensure continuity of care.

Continuity of Care

After receiving the TLETS/CMBHS electronic data exchange response, jail staff will notify the LMHA or LBHA with exact and probable match information. The LMHA or LBHA will use the TLETS response information to determine screening eligibility for continued services through their respective agencies and provide linkage to community-based mental health services.

4. Prevalence Rates

For the adult population, county jails and detention facilities in 224 counties³ initiated 715,241 match requests between September 1, 2019, and June 4, 2020. Of the 715,241 requests, there were:

- 30,502 exact matches (4 percent), and
- 190,113 probable matches (27 percent).

During the same period, there were 12,270 match requests for the adolescent population. Of the 12,270 requests, there were:

- 328 exact matches (3 percent), and
- 5,802 probable matches (47 percent).

³ Of the 254 counties in Texas, per the Texas Commission on Jail Standards (June 2020), 19 counties do not operate a county jail facility and 11 counties are operated by private providers and do not participate in the Continuity of Care Query TLETS/CMBHS electronic data exchange process.

5. Conclusion

Between September 1, 2019, and June 4, 2020, 715,241 requests for matches using TLETS were made. Of those, 30,502 (4 percent) were exact matches and 190,113 (27 percent) were probable matches. Matched individuals were screened and linked to state-funded, community-based mental health services.

The TLETS/CMBHS electronic data exchange process continues to facilitate collaboration and communication between local jails and state-funded mental health providers for jail diversion.

List of Acronyms

Acronym	Full Name
CCQ	Continuity of Care Query
CMBHS	Clinical Management for Behavioral Health Services
DSHS	Department of State Health Services
DPS	Texas Department of Public Safety
EI	Exceptional Item
H.B.	House Bill
HHSC	Health and Human Services Commission
LBHA	Local Behavioral Health Authority
LIDDA	Local Intellectual and Developmental Disability Authority
LMHA	Local Mental Health Authority
MOU	Memorandum of Understanding
S.B.	Senate Bill
TLETS	Texas Law Enforcement Telecommunications System