

**SUBJECT: PROCEDURES FOR PROGRAM REMOVAL OR TRANSFER**

**APPLICABILITY:** Community Supervision and Corrections Department (CSCD) offenders enrolled in a Substance Abuse Felony Punishment Facility (SAFPF) Program

**PURPOSE:** To establish policy for removing offenders from a treatment facility for medical, mental health, behavioral, or administrative reasons and transfer.

**DISCUSSION:** Offenders enrolled into a SAFPF treatment program may be removed prior to successful completion of the program for medical, mental health, behavioral, administrative, and transfer through the procedures outlined in this policy.

**PROCEDURES:**

**I. Medical or Mental Health Removal – CSCD Offenders – SAFPF** – When treatment and/or security staff observe conduct or are aware of conduct that suggests that an offender may not be able to participate in or derive benefits from the Therapeutic Community due to medical or mental health reasons or have been informed by the medical department on the facility that an offender may not be able to continue substance abuse treatment programming at the unit of assignment due to certain medical/mental health conditions, the following procedures shall take place:

- A. The Program Director (or designee) shall be responsible for initiating a Treatment Team Meeting (TTM) to include appropriate licensed medical or mental health personnel and documenting the appropriate information on the Offender Health Status form (*Attachment B*).
- B. The Treatment Team consisting of the Warden (or designee), the Program Director or designee, the CSCD SAFPF Coordinator/Community Supervision Officer, the Transitional Coordinator, the offender (unless the offender is not on the Unit or his or her presence would pose a security risk), and a representative of the unit medical or mental health staff shall meet within 72 hours to determine if the offender can be reasonably accommodated at a Regular Needs SAFPF based on medical/mental health information gathered from electronic medical record, the offender's behavior and program participation, and the Treatment Team. The Treatment Team decision shall be documented in the offender's Master Treatment Record (MTR) and signed by all members (if a member has participated by phone, it shall be documented on the form). If there is appropriate documentation from Correctional Managed Health Care (CMHC) and the above mentioned team members are unavailable, the 30-day Extension Behavioral/Administrative Program Removal or Transfer Request (*Attachment A*) shall be completed documenting reason for team members not able to attend, the medical/mental health removal request, to include the Offender Health Status Form (*Attachment B*).
- C. The Treatment Team shall consider if a Special Needs SAFPF would be appropriate for the offender. If so, it shall be documented in the offender's MTR, and the appropriate removal procedures shall be followed in accordance with this policy. (The offender will then be transferred to a Special Needs SAFPF, and the treatment staff on the Special Needs SAFPF shall enroll the offender in the program.)
- D. Once the Treatment Team decision has been made and documented, the following procedures shall take place:

1. If the Treatment Team recommends a medical/mental health removal from the program:
  - a. The Program Director or designee shall notify the RPD Intensive Treatment Section Program Supervisor V (PS V) or designee in writing via email (mainframe or internet) that a medical/mental health removal is being processed and a program removal packet will follow.
  - b. The Program Director or designee shall forward a copy of the completed program removal packet as soon as it is ready to the RPD Intensive Treatment Section PS V or designee and the CJAD Substance Abuse Administration – Field Services representative via fax. The program removal packet shall include, but is not limited to, the following:
    1. The 30-Day Extension or Program Removal Request form (*Attachment A*);
    2. Offender Health Status form (*Attachment B*);
    3. Discharge Procedures and Documents Checklist;
    4. Any necessary support documentation such as other medical/mental health reports;
    5. If available, psychiatric evaluations with diagnosis and I.Q. (if tested); and
    6. Any other relevant documentation.
2. If the Treatment Team does not recommend a medical/mental health removal from the program, the Program Director shall notify the RPD Intensive Treatment Section PS V or designee in writing via email (mainframe or internet) within two (2) working days of the decision.

**II. Behavioral Removal – Major Incident – CSCD Offenders – SAFPF** – Major incidents are violations of such magnitude that they present a danger to others or to the basic operation of the Therapeutic Community. To remove an offender for a major behavioral incident, the following procedures shall be followed.

- A. An offense/incident report must be written.
- B. The Treatment Team consisting of the Warden or designee, the Program Director or designee, the CSCD SAFPF Coordinator/Community Supervision Officer, the Transitional Coordinator, the Clinical Supervisor, and the offender (unless the offender is not on the Unit or his or her presence would pose a security risk) shall meet within 72 hours to address issues of inappropriate behavior and to determine the appropriate recommendation. The recommendation shall be based on the severity of the offense or behavior and shall be consistent with similar levels of offenses. The Treatment Team decision shall be documented and signed by all members (if a member has participated by phone, it shall be documented on the form).
- C. Once the Treatment Team decision has been made and documented, the following procedures shall take place:
  1. If the Treatment Team recommends a behavioral removal from the program:

- a. The Program Director or designee shall notify the RPD Intensive Treatment Section PS V or designee in writing via email (mainframe or internet) that a behavioral removal is being processed and a program removal packet will follow.
  - b. The Program Director or designee shall forward a copy of the completed program removal packet as soon as it is ready to the RPD Intensive Treatment Section PS V or designee and the CJAD Substance Abuse Administration – Field Services representative fax. The program removal packet shall include, but is not limited to, the following:
    1. The 30-Day Extension or Program Removal Request form (*Attachment A*);
    2. Discharge Procedures and Documents Checklist;
    3. Progress and Conduct Reports;
    4. A summary that includes all rule violations, the progression of the violations, graduated sanctions utilized (e.g., learning experiences, behavioral contracts, alternative treatment, 30-day extensions, Treatment Team Meetings, TDCJ disciplinary actions, etc.), and the outcome of all;
    5. Any necessary support documentation such as the offense reports, incident reports, Disciplinary Hearing Reports, Disciplinary Hearing Results Notification, etc.;
    6. Any medical/mental health reports, if appropriate;
    7. If available, psychiatric evaluations with diagnosis and I.Q. (if tested); and
    8. Any other relevant documentation.
  - c. The RPD Intensive Treatment Section PS V or designee shall contact the CJAD Substance Abuse Administration – Field Services representative to conduct a review of the removal and discuss all recommendations for behavioral removal within 48 hours of receiving the removal packet. The RPD Intensive Treatment Section PS V or designee shall provide final approval.
  - d. If the RPD Intensive Treatment Section PS V or designee is in agreement with the recommendation for removal, he or she shall notify all appropriate staff of the final disposition via fax and the offender shall be removed from the program.
  - e. If the RPD Intensive Treatment Section PS V or designee is not in agreement with the recommendation for removal, he or she will contact the Program Director and the CSCD SAFPF Coordinator/Community Supervision Officer to discuss all recommendations for alternatives to removal.
2. If the Treatment Team does not recommend a behavioral removal from the program, the following procedures shall take place:
    - a. The appropriate Program staff shall notify the RPD Intensive Treatment Section PS V or designee via email (mainframe or internet) within two (2) working days of the decision.

- b. If the RPD Intensive Treatment Section PS V or designee is not in agreement with the recommendation and determines that offender should be removed from the program, the RPD Intensive Treatment Section PS V or designee shall contact the CSCD SAFPF Coordinator/Community Supervision Officer to discuss the situation and initiate the removal process and all appropriate removal procedures shall be followed.
3. The Program Director shall ensure that the offender is separated from the general population, housed in “Treatment Separation,” and removed from the program. To ensure that the offender’s presence does not interfere with the safety and security of Unit operations and/or the treatment process, the offender shall remain in Treatment Separation until the offender is officially removed from the Unit. *Refer to SATOM 02.34 – Treatment Separation for additional information.*

**III. Behavioral Removal – Multiple Minor Infractions – CSCD Offenders – SAFPF** – Multiple minor infractions are those in which offenders act inappropriately without creating a major incident, but which create disruption to the Therapeutic Community and interfere with the ability of others to participate. Offenders may be removed for multiple minor infractions when, in spite of many graduated sanctions being applied and opportunities given to participate, they continue to exhibit inappropriate behavior and disrupt the basic operation of the Therapeutic Community. To remove an offender for multiple minor infractions, the following procedures shall be followed.

- A. The Transitional Coordinator, as appropriate, shall ensure that a chronological summary of infractions and sanctions applied is compiled. The summary shall document the interventions or sanctions used as responses to correct the behavioral infractions, including behavioral contracts.
- B. The Transitional Coordinator shall notify the CSCD SAFPF Coordinator/Community Supervision Officer that continuing problems are occurring, or vice-versa.
- C. The Treatment Team consisting of the Warden or designee, the Program Director or designee, the CSCD SAFPF Coordinator/Community Supervision Officer, the Transitional Coordinator, the Clinical Supervisor, and the offender (unless the offender is not on the Unit or his or her presence would pose a security risk) shall meet within 72 hours to review the facts of the case and recommend what sanctions (up to and including removal) shall be applied. The Treatment Team decision shall be documented and signed by all members (if a member has participated by phone, it shall be documented on the form).
- D. Once the Treatment Team decision has been made and documented, the following procedures shall take place:
  1. If the Treatment Team recommends a behavioral removal from the program:
    - a. The Program Director or designee shall notify the RPD Intensive Treatment Section PS V or designee in writing via email (mainframe or internet) that a behavioral removal is being processed and a program removal packet will follow.
    - b. The Program Director or designee shall forward a copy of the completed program removal packet as soon as it is ready to the RPD Intensive Treatment Section PS V or designee and the CJAD Substance Abuse Administration – Field Services representative via fax. The program removal packet shall include, but is not limited to, the following:

1. The 30-Day Extension or Program Removal Request form (*Attachment A*);
  2. Discharge Procedures and Documents Checklist;
  3. Progress and Conduct Reports;
  4. A summary that includes all rule violations, the progression of the violations, graduated sanctions utilized (e.g., learning experiences, behavioral contracts, alternative treatment, 30-day extensions, Treatment Team Meetings, TDCJ disciplinary actions, etc.), and the outcome of all;
  5. Any necessary support documentation such as the offense reports, incident reports, Disciplinary Hearing Reports, Disciplinary Hearing Results Notification, etc.;
  6. Any medical/mental health reports, if appropriate;
  7. If available, psychiatric evaluations with diagnosis and I.Q. (if tested); and
  8. Any other relevant documentation.
- c. The RPD Intensive Treatment Section PS V or designee shall contact the CJAD Substance Abuse Administration – Field Services representative to conduct a review of the removal and discuss all recommendations for behavioral removal within 48 hours of receiving the removal packet. The RPD Intensive Treatment Section PS V or designee shall provide final approval
  - d. If the RPD Intensive Treatment Section PS V or designee is in agreement with the recommendation for removal, he or she shall notify all appropriate staff of the final disposition via fax and the offender shall be removed from the program
  - e. If the RPD Intensive Treatment Section PS V or designee is not in agreement with the recommendation for removal, he or she will contact the Program Director and the CSCD SAFPF Coordinator/Community Supervision Officer to discuss all recommendations for alternatives to removal.
2. If the Treatment Team does not recommend a removal from the program, the following procedures shall take place:
    - a. The appropriate Program staff shall notify the RPD Intensive Treatment Section PS V or designee via email (mainframe or internet) within two (2) working days of the decision.
    - b. If the RPD Intensive Treatment Section PS V or designee is not in agreement with the recommendation and determines that offender should be removed from the program, the RPD Intensive Treatment Section PS V or designee shall contact the CSCD SAFPF Coordinator/Community Supervision Officer to discuss the situation, initiate the removal process, and all appropriate removal procedures shall be followed.
  3. The Program Director shall ensure that the offender is separated from the general population, housed in “Treatment Separation,” and removed from the program. To ensure that the offender’s presence does not interfere with the safety and security of Unit operations and/or

the treatment process, the offender shall remain in Treatment Separation until the offender is officially removed from the Unit. *Refer to SATOM 02.34 – Treatment Separation for additional information.*

**IV. Administrative Removal or Transfer – CSCD Offenders – SAFPF** – Offenders enrolled in a treatment program may be administratively removed from a program or transferred to a different unit of assignment for reasons beyond the offender’s control. This does not include offenders who refuse to participate in treatment. If the transfer request is a result of a Safe Prisons Plan event (a request made due to a physical threat to an offender’s safety), the processes outlined in the Safe Prisons Plan shall be adhered to. The timeframes indicated an investigation must be complete in accordance with the Safe Prisons Plan, within 72 hours if the offender is placed in separation or within 12 hours if the offender remains in population. After the Safe Prisons Plan is adhered to, the request will be routed through the TTM to be forwarded to the RPD Intensive Treatment Section PS V or designee for the request to be made to the SCC. When an offender must be removed or transferred from the program because he or she cannot actively participate in the program due to reasons such as the offender is not appropriate for the program or other extenuating circumstances arise, such as a Safe Prisons event, the following procedures shall take place:

- A. The Treatment Team consisting of the Warden or designee, the Program Director or designee, the CSCD SAFPF Coordinator/Community Supervision Officer, the Transitional Coordinator, the Clinical Supervisor, and the offender (unless the offender is not on the Unit or his or her presence would pose a security risk) shall meet within 72 hours of identifying the specific issue to review and discuss all appropriate recommendations. The Treatment Team decision shall be documented and signed by all members (if a member has participated by phone, it shall be documented on the form).
- B. Once the Treatment Team decision has been made and documented, the following procedures shall take place:
  1. If the Treatment Team recommends an administrative removal from the program:
    - a. The Program Director or designee shall notify the RPD Intensive Treatment Section PS V or designee in writing via email (mainframe or internet) that an administrative removal is being processed and a program removal packet will follow.
    - b. The Program Director or designee shall forward a copy of the completed program removal form as soon as it is ready to the RPD Intensive Treatment Section PS V or designee and the CJAD Substance Abuse Administration – Field Services representative via fax. The program removal form shall include, but is not limited to, the following:
      1. A summary that includes all relevant information (e.g., 30-day extensions, Treatment Team Meetings, alternative treatment, learning experiences, behavioral contracts, etc.), and the outcome of all;
      2. Any necessary support documentation such as other medical/mental health reports.
    - c. The RPD Intensive Treatment Section PS V or designee shall contact the CJAD Substance Abuse Administration – Field Services representative to review and discuss all recommendations for the removal within 48 hours of receiving the removal packet. The RPD Intensive Treatment Section PS V or designee shall provide final approval.

- d. If the RPD Intensive Treatment Section PS V or designee is in agreement with the recommendation for removal, he or she will contact the Program Director and the offender shall be removed from the program.
  - e. If the RPD Intensive Treatment Section PS V or designee is not in agreement with the recommendation for removal, he or she will contact the Program Director and the CSCD SAFPF Coordinator/Community Supervision Officer to discuss all recommendations for alternatives to removal.
  - f. The RPD Intensive Treatment Section PS V or designee shall notify all appropriate staff via email of the final disposition.
2. If the Treatment Team recommends an administrative transfer to another unit:
- a. The Program Director or designee shall notify the RPD Intensive Treatment Section PS V or designee in writing via email (mainframe or internet) that an administrative removal or transfer is being processed and a program removal or transfer packet will follow.
  - b. The Program Director or designee shall forward a copy of the completed program removal or transfer packet as soon as it is ready to the RPD Intensive Treatment Section PS V or designee and the CJAD Substance Abuse Administration – Field Service Representative via fax. The packet shall include, but is not limited to, the following:
    1. The 30-Day Extension or Program Removal or Transfer Request form (*Attachment A*);
    2. Progress and Conduct Reports;
    3. A summary that includes all relevant information (e.g., 30-day extensions, Treatment Team Meetings, alternative treatment, learning experiences, behavioral contracts, etc.), and the outcome of all;
    4. Any necessary support documentation such as other medical/mental health reports;
    5. If available, psychiatric evaluations with diagnosis and I.Q. (if tested);
    6. Any offense reports, incident reports, Disciplinary Hearing Reports, and Disciplinary Hearing Results Notification, if appropriate; and
    7. Any other relevant documentation.
3. If the Treatment Team does not recommend a removal from the program, the following procedures shall take place:
- a. The Program Director shall issue a detailed report to the RPD Intensive Treatment Section PS V or designee within two (2) working days of the decision.
  - b. If the RPD Intensive Treatment Section PS V or designee is not in agreement with the recommendation and determines that offender should be removed from the program, the

RPD Intensive Treatment Section PS V or designee shall contact the CSCD SAFPF Coordinator/Community Supervision Officer to discuss the situation, initiate the removal process, and all appropriate removal procedures shall be followed.

- V. **Special Needs Transfer to Regular Needs – CSCD Offenders – SAFPF** – Offenders enrolled into a Special Needs SAFPF treatment program may be recommended for transfer and enrollment in a Regular Needs SAFPF when it is determined that an offender may no longer meet the requirements for a Special Needs SAFPF. In the event it is determined that an offender who is originally assigned to a Special Needs SAFPF can complete treatment at a Regular Needs SAFPF, the following procedures shall take place:
- A. Licensed medical or mental health staff shall notify the Program Director when it is determined that an offender may not meet the requirement for a Special Needs SAFPF.
  - B. The Program Director or designee shall be responsible for initiating a Treatment Team Meeting to include appropriate licensed medical or mental health personnel. If an offender discontinues medication related to a mental health condition after arriving at the SAFPF, medical staff will notify the Program Director or Treatment Team when the medication is discontinued. The Treatment Staff will then monitor the offender for 30 days and will schedule a TTM. The Program Director or designee will be responsible for initiating a TTM that includes appropriate licensed medical or mental health personnel for review. The TTM will then determine if the offender should remain in special needs or would be better suited for a regular needs unit.
  - C. The Treatment Team consisting of the Warden or designee, the Program Director or designee, the CSCD SAFPF Coordinator/Community Supervision Officer (may be called via phone for input and recommendations), the Transitional Coordinator, the offender (unless the offender is not on the Unit or his or her presence would pose a security risk), and a representative of the unit medical staff shall meet within 72 hours (unless related to discontinuance of medication related to a mental health condition, see B. above) to determine if the offender would be reasonably accommodated at a Regular Needs SAFPF based on medical/mental health information gathered from electronic medical record, the offender's behavior and program participation, and the Treatment Team. The Treatment Team decision shall be documented in the offender's Master Treatment Record (MTR) and signed by all members (if a member has participated by phone, it shall be documented on the form).
  - D. Once the Treatment Team decision has been made and documented, the Program Director or designee shall notify the RPD Intensive Treatment Section PS V or designee, the CJAD Substance Abuse Administration – Field Services representative, and the CSCD SAFPF Coordinator/Community Supervision Officer in writing via email (mainframe or internet) or fax that a medical/mental health removal (transfer) is being processed and the offender is being moved to a Regular Needs SAFPF.
  - E. The Program Director or designee shall notify the TDCJ Office of Health Services Liaison and all appropriate staff via email of the final disposition and transfer of the offender.
  - F. The offender shall be removed from the program and transferred to a Regular Needs SAFPF. It shall be recorded as an administrative transfer.

- G. The treatment staff on the Regular Needs SAFPF shall enroll the offender in the program and shall notify the CSCD SAFPF Coordinator/Community Supervision Officer of the offender's arrival.
- H. If the Treatment Team does not agree with the recommendation for Regular Needs placement, the Program Director shall issue a detailed report to include a summary of the decision to the RPD Intensive Treatment Section PS V or designee within two (2) working days of the decision. The offender shall remain in the Special Needs SAFPF.

#### **VI. Regular Needs Transfer to Special Needs – CSCD Offenders – SAFPF -**

Offenders enrolled into a Regular Needs SAFPF treatment program may be transferred prior to successful completion of the program and recommended for enrollment into a Special Needs SAFPF.

- A. Program staff will refer offender to licensed medical or mental health staff assigned to their unit for either a medical/psychological evaluation.
- B. Once an evaluation is complete, program staff will conduct a Treatment Team Meeting (TTM) to discuss the appropriate program assignment for the offender.
- C. During the TTM, the program staff will complete the Offender Health Status Form (*Attachment B*) to document final disposition of the offender's needs.
- D. Program staff will ensure the Offender Health Status Form (*Attachment B*) contains signatures of all TTM participants, and will forward to RPD Intensive Treatment Section PS V or designee within two (2) working days.
- E. If it is determined that the offender shouldn't remain on the current unit of assignment, an administrative transfer shall be processed.
- F. When appropriate, the offender will be monitored for 30 days to determine if special needs placement is necessary.
- G. After 30 days, a TTM will be conducted.

#### **VII. 30 Day Extension –**

If an extension of time is the Treatment Team recommendation, it shall be for no more than 30 days from the original scheduled program completion date. (Hereafter, subsequent recommendations for extensions may be made as appropriate with prior approval.) The RPD Intensive Treatment Section PS V or designee shall be notified of all recommendations in writing within 48 hours and shall be the approving authority for the extension. The TDCJ – CJAD Substance Abuse Administration – Field Services representative and all appropriate staff shall be notified by the Intensive Treatment Section, in writing, within 72 hours of extensions for community supervision offenders with current or pending placement requests for transition to a TTC.

#### **VIII. Appeal –**

The decision of the RPD Intensive Treatment Section PS V or designee for removal may be appealed by the Treatment Team to the RPD Manager IV of Operations and the appropriate

Regional Director or, in the case of Privately Owned Facilities, the Deputy Director, Private Facilities Contract Monitoring Oversight Division for final resolution. The Warden may appeal the final decision to the appropriate Regional Director and the Warden of Privately Operated Facilities may appeal the decision to the Deputy Director, Private Facilities Contract Monitoring Oversight Division if he or she determines that there may be a threat to the security of the facility. Any pertinent information shall be made available to the Judge and Parole Board at her/his request, as appropriate. Appeals shall be submitted within two (2) weeks of the decision by the RPD Manager IV of Operations.

A handwritten signature in cursive script that reads "Madeline M. O'Leary". The signature is written in black ink and is positioned above a horizontal line.

Rehabilitation Programs Division



**OFFENDER HEALTH STATUS**

Reviewed by: \_\_\_\_\_

Date of Request: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Offender Name: \_\_\_\_\_ TDCJ & SID #: \_\_\_\_\_  
 Primary Counselor: \_\_\_\_\_ Housing: \_\_\_\_\_  
 County of Conviction: \_\_\_\_\_ Date of Entry: \_\_\_\_\_  
 Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Brief Description of the Issue:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The offender has the following medical or mental health issues, which may hinder or disrupt his/her participation in the program:

\_\_\_\_\_  
 \_\_\_\_\_

The offender will require the following medical intervention:

\_\_\_\_\_  
 \_\_\_\_\_

The offender does not have medical or mental health issues that hinder or disrupt participation in a Regular Needs SAFPF:

\_\_\_\_\_  
 \_\_\_\_\_

SN Placement Appropriate

SN Placement Not Appropriate

**The following to be completed by the Treatment Team:**

At this time he/she is: (check one)  appropriate  inappropriate for  regular needs  special needs placement:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Primary Counselor_____	CSCD/CSO_____	Date sent to RPD: _____
Program Director or designee_____	Healthcare Provider_____	
Unit Warden or designee_____	Other Participant_____	
Transitional Coordinator_____	Offender_____	(Form revised 06/2013)