

Dr. Wayne Lawrence, Executive Director, DETRMHMS	
Mr. Leonard Baxter	"
Mrs. Betty L. Ecker	"
Mrs. Linda Foley	"
G. T. Grubb, M.D.	"
Mr. Jack Calhoun	"
Mr. S. H. Morrison, Jr.	"
Mr. Bob West	"
Mr. Don Braun, Community Counseling Center, Livingston	
Mr. Oliver M. Cole, DPW, Nacogdoches	
Mr. Ike Cox, Polk County Advisory Council	
Mrs. Marilyn Elliott,	"
Judge Peyton Walters	"
Mrs. Arveta Mosley	"
Mrs. Helen Malone, DPW, Polk County	
Mrs. Lucille Plane, Trinity County Regional Advisory Committee	
Mrs. Lois Gee, Jasper	
Mrs. Victoria Gentry, Crockett	
Mrs. Patsy Lawrence, Lufkin	
Mr. George Moore, Texas Rehabilitation Commission, Lufkin	
Mr. T. C. Walker	"
Mr. Lee Pittman, DETCOG, Jasper	
Mrs. Thelma Lea Woods, Trinity County	
Felix Peebles, Jr., M.D., Rusk State Hospital	

The November meeting of the Board of Trustees was held on Thursday, November 21, 1974, at 7:00 p.m. at the City Hall in Livingston, Texas.

Chairman Burke gave the Invocation, and called the meeting to order at 7:00 p.m. He expressed appreciation to the guests in attendance and introduced Dr. Geoffrey T. Grubb, DETRMHMRS Medical Consultant; Judge Peyton Walters, Polk County Judge; Mrs. Lucille Plane, Regional Probation Officer; Joe Pedigo, Mayor of Livingston; Ike Cox, Director of Special Education, Livingston ISD; and T. C. Walker, Supervisor of the Lufkin District Office of the Texas Rehabilitation Commission.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS:

There being no additions or corrections,

Mr. Woods moved that the minutes of the September and October Board Meetings be approved. Mr. Hille seconded the motion, and the Board approved.

TREASURER'S REPORT:

Mr. Woods provided copies of the September and October Operating Statements (copies attached to these minutes) and there being no questions,

Mr. Woods moved that the Treasurer's Report be approved. Mr. Hille seconded the motion, which the Board approved.

Dr. Lawrence reported that the Texas Department of Mental Health and Mental Retardation had notified DETRMHMRS that a voucher could be submitted for one month's portion of the second quarter State Grant-In-Aid allotment. This would be a normal cycle for future quarters to prevent possible delay in the receipt of Grant-In-Aid funds while processing the expenditure report. The balance of the quarter's funds will be requested when quarterly expenditure reports are submitted to TDMHMR.

Mr. Gee moved that the Chairman be authorized to sign a voucher in the amount of \$38,304 for one month's portion of the second quarter. The motion was seconded by Mr. Gentry, and the Board approved.

EXECUTIVE DIRECTOR'S REPORT:

Dr. Lawrence reported on the following items:

1. That there has been no change in the status of Commissioners Courts presentations--total amount committed \$83,268;

total amount considering \$17,847 (Hardin, Newton, and San Augustine counties).

2. That he, Mr. Baxter, and Mr. Davis attended a Workshop and Executive Directors meeting in Wichita Falls on October 17 and 18. At the Executive Directors meeting were informed that the TDMHMR's request to the State Board for DETRMHMRS' budget was \$1.2 million for FY 1976, and \$1.7 million for FY 1977.

3. That a Supplemental Grant-In-Aid application had been filed with TDMHMR in the amount of \$33,570. If this grant application is approved, these funds will be used for a halfway house for alcoholics.

4. That a grant application had been submitted to the Texas Commission on Alcoholism to provide funds for three community counseling centers from January 1, 1975 through June 30, 1975. There will be a grant review meeting in Austin on November 30, and Mr. Larry Davis will represent DETRMHMRS at this meeting.

5. That Mr. Manuel Hernandez and Mr. Frank Stone of the TCA conducted a site visit concerning the TCA grant request. They visited with the administrative staff and the Community Counseling Center in Nacogdoches.

6. Contractual arrangements have been finalized with Dr. Geoffrey T. Grubb, and he is now working at both the Angelina and Trinity County Outpatient Clinics.

7. That there are now 30 area pharmacies participating in the TPERF-DETRMHMRS project, and that there is at least one pharmacy participating in each of the 13 counties except San Jacinto County.

8. That several local Advisory Councils have held their organizational meetings including the Councils of Angelina and Shelby counties.

9. That he had attended a committee meeting in Austin concerning revisions to House Bill 3. Five basic recommendations resulted from the meeting:

a. That Boards of Trustees be allowed to purchase real property and borrow money. Numerous Centers are doing this already--the law does not state that Centers can, nor does the law state that Centers cannot. Considerable clarification on this matter is needed.

b. The statement of compliance with the Open Meetings Law should be more specific.

c. Members of Boards of Trustees should serve three year terms.

d. That Boards of Trustees should be mandated to serve a region rather than a one-county area.

e. That the total number of members on Boards of Trustees should be increased up to about 13. There will be a poll of all Boards of Trustees in the near future concerning this matter.

10. That he and Mr. Baxter had attended a Soul Food Fund Fest in Crockett sponsored by LIFT, Inc. on November 9. While there, had the opportunity to visit with Representative Emmett Whitehead and Mr. Dick Orton, Department of Community Affairs.

11. That the 5th Circuit Court of Appeals upheld the Wyatt vs. Stickney decision in Alabama.

12. He asked the Program Directors to give a report on activities since the last Board Meeting:

MH Programs, Mrs. Ecker:

1. The Trinity County Outpatient Clinic opened on October 2, 1974, and so far have received self-referrals as well as referrals from doctors, the school, and the Huntsville Outreach Clinic. The community has received the Clinic very well and has donated several items to the Clinic. Mr. Davis and Mr. West have each presented programs at high school assemblies and have subsequently been asked to speak at other area schools.

2. The Angelina Outpatient Clinic at Lufkin opened October 15, 1974, and Dr. Grubb and staff are doing an excellent job. In terms of caseload, this will be the largest clinic we have this year-- yesterday 20 persons were seen by the clinic staff.

3. Mr. Davis has presented programs for many local groups, attended a seminar in Wichita Falls in October, and visited the Tyler MHMR Alcoholism Unit. He is also providing direct services to several clients in local clinics, and serving as consultant to the three Community Counseling Centers in Nacogdoches, Livingston, and Jasper. Two grants have been submitted to enhance the education and service delivery capabilities of the program--one involving a regional drug abuse team, and the other for a halfway house for alcoholics and drug abusers in the Lufkin-Nacogdoches area. If approved, funding for halfway house is requested to begin March 1, 1975.

4. Staff has travelled 2,548 miles within the region the past two months.

5. Spoke to the Angelina Ministerial Alliance about programs and ways in which we can cooperate with each other regarding referrals.

6. Attended a two-day planning conference in Rural Mental Health at the University of Wisconsin in Madison to plan the Summer Study Program for next June (expenses paid).

7. Planning for opening in January of Outpatient Clinics in Woodville and Newton.

8. Working on contract with the Nacogdoches Memorial Hospital for provision of emergency and short-term inpatient services. Met with the hospital Executive Board and their attorney separately regarding contract details, and hope to finalize this by December 1.

9. NIAAA 30 second spots to begin mid-December and will furnish MHMR telephone number as contact agency.

MR Programs, Mr. Baxter:

1. Workshops - Twenty-four clients are being served in the Nacogdoches Workshop. Mr. Nicholson reported on construction progress at the Lufkin Workshop. Mr. George Cox resigned as Director of the Livingston Workshop to return to the field of journalism. Mr. Jack Calhoun is serving as temporary Director supervising renovations until a permanent Director is named. Mr. Calhoun was introduced and he gave a report on the Livingston Workshop progress. Members of the Polk County Advisory Council present were introduced. Met in Center with the newly-formed Shelby County Advisory Council. Officers were elected, and they are receiving applications and screening for recommendations to the Board for a Director of the planned Workshop there.

2. Developmental Centers - A CETA applicant has been employed as an aide for the Tyler County Developmental Center. Presently serving 15 clients. The Jasper County Developmental Center is serving 19 clients. The San Jacinto County Advisory Council met and discussed transportation problems and alternatives. Mrs. Patsy Lawrence, Special Education Teacher, served as a consultant at the Center and her free services are greatly appreciated. The Houston County Advisory Council has appointed committees to investigate possibilities of a location for the Developmental Center planned at Crockett. They are also receiving and screening applications for a Director of the Center and plan to make a recommendation to the Board at the January Board Meeting. Dr. Lawrence and I have visited San Augustine County and expect to have an active local Advisory Council there.

Mr. Woods moved, seconded by Mr. Gentry, that the DETRMHMRS staff be authorized to promote Robert Glenn West, Psychological Assistant, to position of Psychologist upon his presentation of certificate of completion of his degree requirements. The Board approved the motion.

DISCUSSION OF LEASE/PURCHASE AGREEMENT FOR ACQUISITION OF PROPERTY:

No action was taken on this item, and a decision was deferred until the January Board Meeting.

DISCUSSION OF PURPOSE AND FUNCTION OF BOARD COMMITTEES:

It was suggested that the Chairman appoint four Board Members to serve on each of the two committees (Finance and Program). Mr. Woods suggested that the appointed members serve six months on each committee. This matter was deferred for final disposition.

DISCUSSION OF JOINT AGREEMENT WITH TEXAS REHABILITATION COMMISSION:

Dr. Lawrence stated that the agreement (copy attached to these minutes) was a typical agreement between the TRC and MHMR Centers across the State. This agreement, if authorized, would allow the TRC to reimburse DETRMHMRS for services rendered to their clients. Mr. T. C. Walker, Supervisor of the Lufkin District Office, stated that the TRC was allowed to reimburse DETRMHMRS for services that were not considered usual and customary. He said this agreement would work both ways-- the DETRMHMRS could also refer clients to the TRC.

Mr. Hille moved that the DETRMHMRS enter into the joint agreement with the Texas Rehabilitation Commission.
Mr. Gee seconded the motion, and the Board approved.

ADDITIONAL NOMINEES FOR REGIONAL ADVISORY COMMITTEES:

Mr. Hille submitted the following nominees to serve on the Committee from San Jacinto County:

MH Committee -

Elizabeth Fraley
P. O. Box 156
Coldspring, Texas 77331
Ph: 653-4612

MR Committee -

Bessie Sanders
P. O. Box 154
Shepherd, Texas 77371
Ph: 628-6906

Program Support Services, Mr. Morrison:

1. Attended the Volunteer Services convention in Austin on October 10 and 11. Particular emphasis was placed on volunteer services for Community MHMR Centers. In this connection, Mrs. Nancy Barker, TDMHMR Chief of Volunteer Services, visited with staff and there is a possibility that DETRMHMRS might enter into a pilot project of volunteer services for Community MHMR Centers.

2. Alternatives - There are about 16 or so radio and TV spots available. We are considering using them in the near future on all radio and TV stations that cover our region.

3. Speeches - In the last 90 days, have made talks to different groups at the rate of about one a week (church groups, Ministerial Alliances, high school groups, and the Jasper-Newton Pharmaceutical Association).

CONSIDERATION OF APPLICANTS FOR POSITIONS OF DIRECTOR OF PSYCHIATRIC SERVICES AND PSYCHOLOGICAL ASSISTANT POSITION:

Chairman Burke stated the Board was authorized to declare an Executive Session to discuss personnel matters under Art. 6252-17, Sec. 2 (g) of the Open Meetings Law. Visitors were excused from the meeting room.

(Executive Session)

The meeting was reopened by Chairman Burke who made the following announcements:

The Board had considered the application of Felix Peebles, Jr., M.D. for Director of Psychiatric Services. He said Dr. Peebles had served as Clinical Director at the Rusk State Hospital for the past three years, psychiatric consultant in Nevada for three years, psychiatrist at a VA hospital for two years, and trained as psychiatric residency for three years at the Austin State Hospital. Dr. Peebles had also been in private practice for 19 years in Lufkin.

Mr. Gee moved that Dr. Felix Peebles, Jr. be employed as the Director of Psychiatric Services effective January 15, 1975, at an annual salary of \$32,500 plus \$5,000 for housing. Mr. Woods seconded the motion, and the Board unanimously approved.

Mr. Burke commented that the Board was proud and fortunate to have secured the services of Dr. Peebles.

CD Committee -

Charlotte O'Quinn, R.N.
P. O. Box 156
Coldspring, Texas 77331
Ph: 653-2367

Mr. Woods submitted as a nominee for Trinity County as follows:

CD Committee -

Paul Stringer
P. O. Box 308
Groveton, Texas 75845
Ph: 642-1174 or 642-1264

Mr. Gentry moved, seconded by Mr. Gee, that the above nominees be approved for the Regional Advisory Committee. The Board approved the motion.

NOMINEES FOR ADVISORY COUNCILS:

Mr. Woods submitted the following nominees to represent Trinity County for Board approval:

Bill Burnett, Editor, THE GROVETON NEWS

Ann Evans, Groveton School Nurse

Scott Evans, Groveton Attorney

J. F. Holt, Trinity School Principal

Leighnae Hogue, Trinity School Nurse

E. J. Martin, Pastor, First United Methodist Church, Trinity

Ray Fairchild, Pastor, Calvary Baptist Church, Trinity

Mr. Woods moved that the above-named be approved to serve on the Trinity County Advisory Council. Mr. Hille seconded the motion, and the Board approved.

The following nominees were submitted to represent Shelby County:

Bobby Collins, Chairperson (Counselor)
P. O. Box 208
Center, Texas 75935
Ph: 598-2420

Mrs. Pinkie Atkinson, Secretary (School Teacher, Center)
Route 1, Box 172A
Shelbyville, Texas 75973
Ph: 368-2428 (Huxley)

Doyle Watson (Supt. Shelby Co. Schools)
P. O. Box 208
Center, Texas 75935
Ph: 598-3463

Doc Floyd Watson (School Supt.)
Tenaha, Texas 75974
Ph: 248-3931

Mrs. Billie Allen (School Nurse, Timpson & Center)
Route 3
Timpson, Texas 75975
Ph: 254-2234

Mr. Gee moved, seconded by Mr. Hille, that the above-named be approved to represent the Shelby County Advisory Council. The Board approved the motion.

REVISIONS/ADDITIONS TO PERSONNEL POLICIES & PROCEDURES MANUAL:

Dr. Lawrence explained that the proposed revisions/additions to the Personnel Policies and Procedures Manual regarding the Time-keeping Section were mainly to strengthen the existing policies.

Mr. Gee moved that the revisions/additions to the Personnel Policies and Procedures Manual be approved and incorporated in the Manual. Mr. Woods seconded the motion, and the Board approved.

PARTICIPATION IN TITLE IVA AND TITLE VI PROGRAMS OF THE TEXAS DEPARTMENT OF PUBLIC WELFARE:

Mrs. Ecker briefly outlined 12 reimbursable areas.

Mr. Woods made the motion that the Board authorize the Chairman to do whatever is necessary for the DETRMHMS to participate in the Title IVA and Title VI programs. Mr. Hille gave the second, and the Board approved.

GROUP LIFE AND HEALTH INSURANCE PLAN:

Mr. Morrison reported that he had received proposals from 10 insurance companies, and had selected from these four plans that

seemed to provide the most coverage for the cost. He asked that the DETRMHMRS employees be allowed to select the plan from this group of four.

Mr. Woods commented that this would be acceptable if we stay within the amount budgeted.

Mr. Gee moved that an insurance plan be selected by the DETRMHMRS employees provided that the plan selected stays within the amount budgeted. Mr. Hille seconded the motion, which carried.

BOARD POLICY CONCERNING PROVIDING SERVICES TO MINORS:

A discussion ensued regarding providing services to minors. It was the concensus of the Board that these services should be provided within the law. The Board decided that certain services could be provided within the law to minors without parental consent. (See attachment)

Mr. Woods moved that the following be adopted as policy: "The Board of Trustees in its desire to deliver needed and valuable mental health and mental retardation programs to clients of all ages, desires that parental consent be obtained prior to treatment in all cases except those allowed by law." Mr. Gentry seconded the motion, and the Board approved.

DISCUSSION OF DIVIDING REGION INTO SERVICE AREAS:

Mr. Burke pointed out the three service areas on an illustrated map. This service area concept was one of Dr. Wade's suggestions to change from county-line thinking to regional service areas.

No action was taken on this matter, and it was deferred for further consideration.

OTHER BUSINESS:

Mr. Gentry mentioned that DETRMHMRS' original depository was selected so that Mr. Woods, as Treasurer, could monitor the funds closely. Since then, Mr. Woods retired and recently accepted the position of President of the Lovelady State Bank. Mr. Gentry said that if funds could be moved to the Lovelady State Bank, they could be more closely monitored by the Treasurer, and that Mr. Woods could better fulfill his responsibilities and the DETRMHMRS staff could receive more personalized service.

Mr. Woods reported that all public funds are insured up to \$100,000 by FDIC effective November 27, 1974. He stated that all DETRMHMS funds above \$100,000 would be fully secured by pledging of securities.

Mr. Woods left the meeting room while further deliberations took place.

The Board further discussed the advantages of having the Lovelady State Bank as the main depository. Dr. Lawrence stated that according to an Attorney General ruling, the Board in taking this action would be within its legal rights so long as any one Board member did not have a large percentage of stock in the depository.

Chairman Burke called Mr. Woods back into the meeting room, and

Mr. Gee moved that the main depository be changed to the Lovelady State Bank. Mr. Gentry seconded the motion, and the Board approved with Mr. Woods abstaining from the voting.

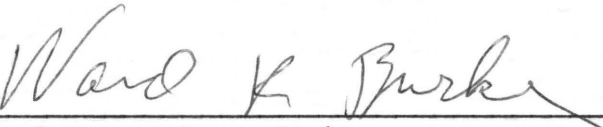
DECEMBER BOARD MEETING:

It was suggested that Board members and staff meet on Thursday, December 19, at 5:30 p.m. for dinner, with the Board Meeting to follow at 7:00 p.m. Board members will be advised of the location of the meeting place at a later date.

ADJOURN:

There being no further business, the meeting adjourned at 10:00 p.m.

APPROVED:


Ward R. Burke, Chairman


R. B. Hille, Secretary

DEEP EAST TEXAS REGIONAL MHMR SERVICES

OPERATING STATEMENT

September, 1974

INCOME

Grant-in-Aid/TDMHMR	\$114,913.00
Special Grant/TDMHMR	13,692.00
Houston County	5,510.00
Nacogdoches Workshop FY 1974 Carryover	5,702.10
Nacogdoches Workshop Production	<u>211.71</u>
	<u>140,028.81</u>

EXPENDITURES

Salaries	13,193.33
Travel	701.54
Supplies	1,379.36
Equipment--Purchases	325.36
Equipment--Rental	357.35
Equipment--Repairs	25.00
Rent--Building	140.00
Utilities/Postage/Telephone	437.02
Client Wages	435.77
Miscellaneous	298.70
Fringe Benefits	705.50
Contracts	12,660.00
Insurance	<u>12.30</u>
	<u>30,671.23</u>

NET INCOME

\$109,357.58BREAKDOWN OF MAJOR EXPENDITURES:Supplies

\$563.23--Peg Board System for Billing and Posting Fee Charges

254.91--Office Supplies

383.52--Letterhead Stationery, Envelopes, Business Cards

Fringe Benefits

\$705.50--First Quarter's Premium for Workman's Compensation

Contracts

\$12,660.00--First Quarter's Payment to Lufkin Workshop & Opportunity Center

Equipment--Purchases

\$138.20--File Cabinets for Groveton and Angelina Outpatient Clinics

177.60--Fire Extinguishers

Rent--Building

\$140.00--Nacogdoches Workshop & Opportunity Center

Item III

DEEP EAST TEXAS REGIONAL MHMR SERVICES

OPERATING STATEMENT

October, 1974

<u>INCOME</u>	<u>CURRENT MONTH</u>	<u>YEAR TO DATE</u>
Houston County	-0-	5,510.00
Patient Fees	158.75	158.75
Workshop Production	858.10	1,069.81
Concessions	96.77	96.77
Nacogdoches Workshop FY 1974 Carryover	-0-	5,702.10
Grant-in-Aid/TDMHMR	-0-	114,913.00
Special Grant/TDMHMR	-0-	13,692.00
Client Transportation	42.00	72.00
	<u>1,155.62</u>	<u>141,214.43</u>
<u>EXPENSES</u>		
Salaries	16,203.25	29,396.58
Fringe Benefits	-0-	705.50
FICA Taxes	947.90	947.90
*Consultation/Professional	1,619.29	1,619.29
Travel	1,735.53	2,437.07
Supplies	1,127.33	2,506.69
Equipment/Purchases	663.46	988.82
Equipment/Rental	249.25	584.55
Equipment/Repairs & Maintenance	-0-	25.00
Rent/Building	416.00	556.00
Repairs & Maintenance/Building	80.00	80.00
**Contracts	820.04	13,480.04
Utilities/Postage/Telephone	537.71	974.73
Insurance	-0-	12.30
Client Training Wages	830.99	1,266.76
Contract Materials	52.10	74.15
Miscellaneous	226.99	525.69
	<u>25,509.84</u>	<u>56,181.07</u>
NET INCOME		<u>85,033.36</u>

* David Wade, M. D. Charges

** Geoffrey T. Grubb, M. D. Charges

Supplies Expenditures include all office supplies, booklets, pamphlets, and printed supplies for all programs.

Miscellaneous Expenditures is mainly comprised of meals furnished to guests who met with Dr. Wade. Also included is year's subscription to Federal Register. Equipment purchased includes one file cabinet, three used desks and two chairs, and seven bookcases.

Item III

JOINT AGREEMENT OF THE TEXAS REHABILITATION COMMISSION

AND

DEEP EAST TEXAS REGIONAL MENTAL HEALTH AND MENTAL RETARDATION SERVICES

Lufkin, Texas

Item IX

JOINT AGREEMENT OF THE TEXAS REHABILITATION COMMISSION

AND

DEEP EAST TEXAS REGIONAL MENTAL HEALTH AND MENTAL RETARDATION SERVICES

A. Purpose of Program and Objective

The purpose and objective of this joint agreement is to provide Vocational Rehabilitation services through the Texas Rehabilitation Commission, hereinafter referred to as the Commission, to handicapped individuals served by the Deep East Texas Regional Mental Health and Mental Retardation Services, hereinafter referred to as the Center.

B. Need for the Program

Since the establishment of the Center, scores of local residents are utilizing the services of the Center. The Center is developing programs designed to serve the mentally retarded, the mentally ill, the alcoholic, the drug addict, and those individuals in need of related services.

A number of the residents who utilize the Center are in need of, and eligible for, services of the Commission. By utilizing the services of the Center and the Commission and by developing a comprehensive program providing total rehabilitation, it is highly possible that many individuals could avoid placement in a state school or a state hospital.

By working together, it is anticipated that the Center and the Commission will be most effective in developing programs that will respond to the local needs of the residents of the Center's designated catchment area.

C. Functions and Responsibilities of Each Agency Under the Program

1. The Deep East Texas Regional Mental Health and Mental Retardation Services:

- a. The Deep East Texas Regional Mental Health and Mental Retardation Services will provide its usual and customary mental health and mental retardation services to those individuals referred by the Texas Rehabilitation Commission at a cost no greater than is required by law and the Board of the Mental Health and Mental Retardation Center. These fees are not to exceed the standard fees of the Commission. Such usual and customary services are outlined in Vernon's Annotated Civil Statutes, Article 5547-203 and/or the local Plan for Mental Health and Mental Retardation Services approved by the Texas Department of Mental Health and Mental Retardation. Attached hereto and made a part of this agreement is Attachment I: "Usual and Customary Services of the Deep East Texas Regional Mental Health and Mental Retardation Services."

- b. The Center will provide Commission staff access to its records on individuals referred to the Commission.
 - c. The Center will provide consultation to Commission staff.
 - d. The Center will provide private space for individual counseling sessions, as needed.
2. The Texas Rehabilitation Commission:
- a. The Commission will provide staff to perform the Commission's usual and customary Vocational Rehabilitation services to individuals referred by the Center to the Texas Rehabilitation Commission at no cost to the Center. Such services will be in accordance with the State Plan for Vocational Rehabilitation. Attached hereto and made a part of this agreement is Attachment II: "Services of the Texas Rehabilitation Commission."
 - b. The Commission will provide the Center access to client records.
 - c. The Commission will provide consultation to the Center in matters pertaining to the development of vocational rehabilitation services.
3. All decisions affecting the eligibility of clients, the determination of rehabilitation potential, and the nature and scope of vocational rehabilitation services to be provided by the Commission, will be the responsibility of the Commission, and cannot be delegated to any other agency or individual.

D. Personnel

All Commission personnel working under the joint agreement will be supervised by the local Commission Supervisor and be subject to Commission policy and procedure.

E. Records and Reports

- 1. Administrative records and reports shall be developed by Commission personnel to measure and communicate productivity. Included shall be personnel records, fiscal records and reports, statistical records, correspondence files, and other necessary records.
- 2. Commission personnel shall establish, maintain, and utilize records and reporting systems to meet all applicable professional, administrative, and legal requirements. An accurate, current case record shall be prepared and maintained for each handicapped person referred to the Commission.
- 3. Each of the cooperative agencies agrees to guard the confidential nature of the records being shared and will not release the other agency's records to a third party without specific written approval except in the case of a subpoena.

F. Civil Rights

The Commission and the Center comply with Title VI of the Civil Rights Act of 1964. Form HEW-441 has been signed and is on file in Washington D. C.

G. Financial Provisions

1. The total cost of Commission services will be paid by the Commission.
2. As this is a working agreement and the Center will not be participating financially in the joint program, it is not necessary to attach a budget to this agreement.
3. All expenditures for handicapped individuals in need of Commission services will be in accordance with the State Plan for Vocational Rehabilitation Services. Such expenditures will be prepared, approved and authorized by appropriate Commission personnel.
4. It is the mutual understanding of both parties that the Commission has very special needs for Commission clients and in developing its utilization for community centers definitive policies have been established regarding such centers. These have been set forth in a special publication titled "Policies Regarding Utilization of Community Mental Health and Mental Retardation Centers", and is made a part of this agreement by reference (Attachment III).

H. Legal Authority and Clearance

The joint agreement complies with Federal and State statutes and Department of Mental Health and Mental Retardation policies and procedures as related to the Center, and the Federal Vocational Rehabilitation Act, and State statutes and regulations, the State Plan for Vocational Rehabilitation Services, and Commission policies and procedures as related to the Commission.

I. Periodic Evaluation

1. On-going evaluation of the joint program will be the responsibility of all parties concerned at all levels of organization.
2. A formal evaluation of the program will be conducted annually by the Commission.

J. Term of Agreement

This agreement is effective September 1, 1974 and will continue in effect until terminated on thirty (30) days written notice by either party.

RECOMMEND APPROVAL:

Wayne Lawrence, Ph. D.
Executive Director
Deep East Texas Regional Mental
Health and Mental Retardation
Services

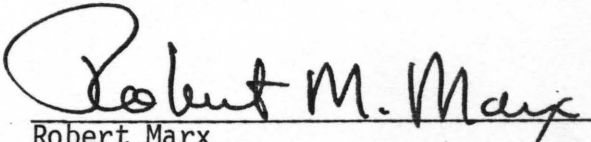
Date: _____

APPROVED BY:

Mr. Ward Burke
Chairman-Board of Trustees
Deep East Texas Regional Mental
Health and Mental Retardation
Services

Date: _____

RECOMMEND APPROVAL:



Robert Marx
Regional Director
Texas Rehabilitation Commission

Date: _____

APPROVED BY:

Vernon M. Arrell
Assistant Deputy Commissioner
for Special Programs
Texas Rehabilitation Commission

Date: _____

DEEP EAST TEXAS REGIONAL
MENTAL HEALTH MENTAL RETARDATION SERVICES

Usual and Customary Services

Evaluation: Psychological evaluation to determine nature and degree of disability.

Counseling: Individual and group counseling of a therapeutic rather than vocational nature.

Training: Self-help and socialization training programs to enable clients to remain in their home environment as long as possible.

Psychiatric Care: Emergency and inpatient therapy and hospitalization programs.

SERVICES OF THE TEXAS REHABILITATION COMMISSION:

TEXAS REHABILITATION COMMISSION is a state agency which provides handicapped individuals with services that will enable them to enter or return to gainful employment.

It believes the best way to help people is to help them to help themselves. It offers assistance to disabled Texans who want to work. It presents an opportunity for dependents to become independent.

ELIGIBILITY for Texas Rehabilitation Commission services is determined by just three requirements:

1. a finding of mental or physical disability;
2. the existence of a substantial handicap to employment because of the disability; and
3. a reasonable expectation that services may enable the individual to engage in a gainful occupation.

Rehabilitation programs have been expanded, dramatically in recent years, to aid almost every person with any kind of handicap. Some of the disabilities which may qualify an individual for services are . . . mental illness, mental retardation, neurological disorders, amputations and other orthopedic impairments, including congenital deformities, speech or hearing limitation . . . heart ailments, epilepsy, . . . and behavioral problems evidenced by alcoholism, drug addiction, and adult or juvenile public offenders.

AVAILABLE SERVICES are planned to fit an individual's needs and are provided without regard to sex, race, color, or national origin;

Evaluation - medical, psychological and vocational - to determine the nature and degree of disability, and to assess work potential;

Counseling and guidance - to deal with problems, select a proper vocational goal, and make plans to reach it;

Interpreter services for the deaf;

Medical treatment - including surgery, hospitalization, and other therapies - to reduce or remove disability;*

Assistive devices - such as artificial limbs, braces, wheelchairs and hearing aids - to improve functioning.*

Training for the right job in a trade school or a business school, in college, in a rehabilitation center, on the job, or at home;

Room, board and transportation during rehabilitation;*

Tools, supplies, and licenses to help in obtaining and maintaining employment;*

Initial stock and supplies for self employment enterprises;*

Placement in a position suited to the individual's ability; and

Follow-up after placement to insure job success.

All services are designed with one aim - to help the handicapped to have and to hold a good job.

*Based on economic need

TEXAS DEPARTMENT OF COMMUNITY SERVICES

October 4, 1974

Wayne Lawrence, Ph.D.
Executive Director
Deep East Texas Regional MHMR Services
P. O. Box 592
Lufkin, Texas 75901

Dear Wayne:

This is a follow-up to our discussion relative to laws concerning MHMR Center services to minors without parental consent.

You will find enclosed a copy of the section of the state laws in Texas concerning this matter. You will note by the title and content of this information that it relates primarily to "medical treatment". However, according to this Department's Legal Division these are the only laws even indirectly related to this question.

They also advised me that the question of parental consent in the case of non-medical services provided by psychologists, social workers, counselors, etc. is not addressed in the law. The whole area of consent to medical treatment centers around the legal aspects of physical contact with the client or patient or the administration or prescription of drugs.

In the absence of laws relative to this question and in order to avoid vulnerability to liability for non-consent, it would seem desirable for an agency to adhere to the law as contained on the attached even though it pertains primarily to the area of medical treatment.

This law obviously leaves many areas unclear as to when it is advisable to require parental consent. If you have further questions concerning this matter, let us know and we will be glad to try to get an answer from the legal staff.

Sincerely,



Stan Pinder, Ph.D.
Assistant Deputy Commissioner
Community Services

SP:mg

Enclosure

cc: J. R. Dolby, Ph.D., Deputy Commissioner, Community Services
Mr. James A. King, Assistant Deputy Commissioner, Community Services

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(d) If, before the investigation is complete, the opinion of the investigators is that immediate removal is necessary to protect the child from further abuse or neglect, the investigators shall file a petition pursuant to Chapter 17 of this code for temporary care and protection of the child.

(e) The county agency responsible for the protection of juveniles, or the county child welfare unit, shall make a complete written report of the investigation together with its recommendations to the juvenile court or the district court, the district attorney, and the appropriate law enforcement agency.

(f) On the receipt of the report and recommendation required by Subsection (e) of this section, the court may direct the investigator to file a petition seeking appropriate relief under Subtitle A of this title.

Section 34.06. Central Registry. The State Department of Public Welfare shall establish and maintain in Austin, Texas, a central registry of reported cases of child abuse or neglect. The department may adopt rules and regulations as are necessary in carrying out the provisions of this section. The rules shall provide for cooperation with local child service agencies, including hospitals, clinics, and schools, and cooperation with other states in exchanging reports to effect a national registration system.

CHAPTER 35. CONSENT TO MEDICAL TREATMENT

Section 35.01. Who May Consent

Section 35.02. Consent Form

Section 35.03. Consent to Treatment by Minor

Section 35.01. Who May Consent. Any of the following persons may consent to medical treatment of a minor when the person having the power to consent as otherwise provided by law cannot be contacted and actual notice to the contrary has not been given by that person:

- (1) a grandparent;
- (2) an adult brother or sister;
- (3) an adult aunt or uncle;
- (4) an educational institution in which the minor is enrolled that has received written authorization to consent from the person having the power to consent as otherwise provided by law;
- (5) any adult who has care and control of the minor and has written authorization to consent from the person having the power to consent as otherwise provided by law; or
- (6) any court having jurisdiction of the child.

Section 35.02. Consent Form. (a) Consent to medical treatment under Section 35.01 of this code shall be in writing, signed by the person giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment.

The consent must contain:

- (1) the name of the minor;

(2) the name of one or both parents, if known, and the name of the managing conservator or guardian of the person, if either has been appointed;

(3) the name of the person giving consent and his relation to the minor child;

(4) a statement of the nature of the medical treatment to be given; and

(5) the date on which the treatment is to begin.

Section 35.03. Consent to Treatment by Minor. (a) A minor may consent to the furnishing of hospital, medical, surgical, and dental care by a licensed physician or dentist if the minor:

(1) is on active duty with the armed services of the United States of America;

(2) is 16 years of age or older and resides separate and apart from his parents, managing conservator, or guardian, whether with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of such residence, and is managing his own financial affairs, regardless of the source of the income;

(3) consents to the diagnosis and treatment of any infectious, contagious, or communicable disease which is required by law or regulation adopted pursuant to law to be reported by the licensed physician or dentist to a local health officer;

(4) is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy;

(5) is 18 years of age or older and consents to the donation of his blood and the penetration of tissue necessary to accomplish the donation; or

(6) consents to examination and treatment for drug addiction, drug dependency, or any other condition directly related to drug use.

(b) Consent by a minor to hospital, medical, surgical, or dental treatment under this section is not subject to disaffirmance because of minority.

(c) Consent of the parents, managing conservator, or guardian of a minor is not necessary in order to authorize hospital, medical, surgical, or dental care under this section.

(d) A licensed physician or dentist may, with or without the consent of a minor who is a patient, advise the parents, managing conservator, or guardian of the minor of the treatment given to or needed by the minor.

(e) A physician or dentist licensed to practice medicine or dentistry in this state or a hospital or medical facility shall not be liable for the examination and treatment of minors under this section except for his or its own acts of negligence.

(f) A physician, dentist, hospital, or medical facility may rely on the written statement of the minor containing the grounds on which the minor has capacity to consent to his own medical treatment under this section.