



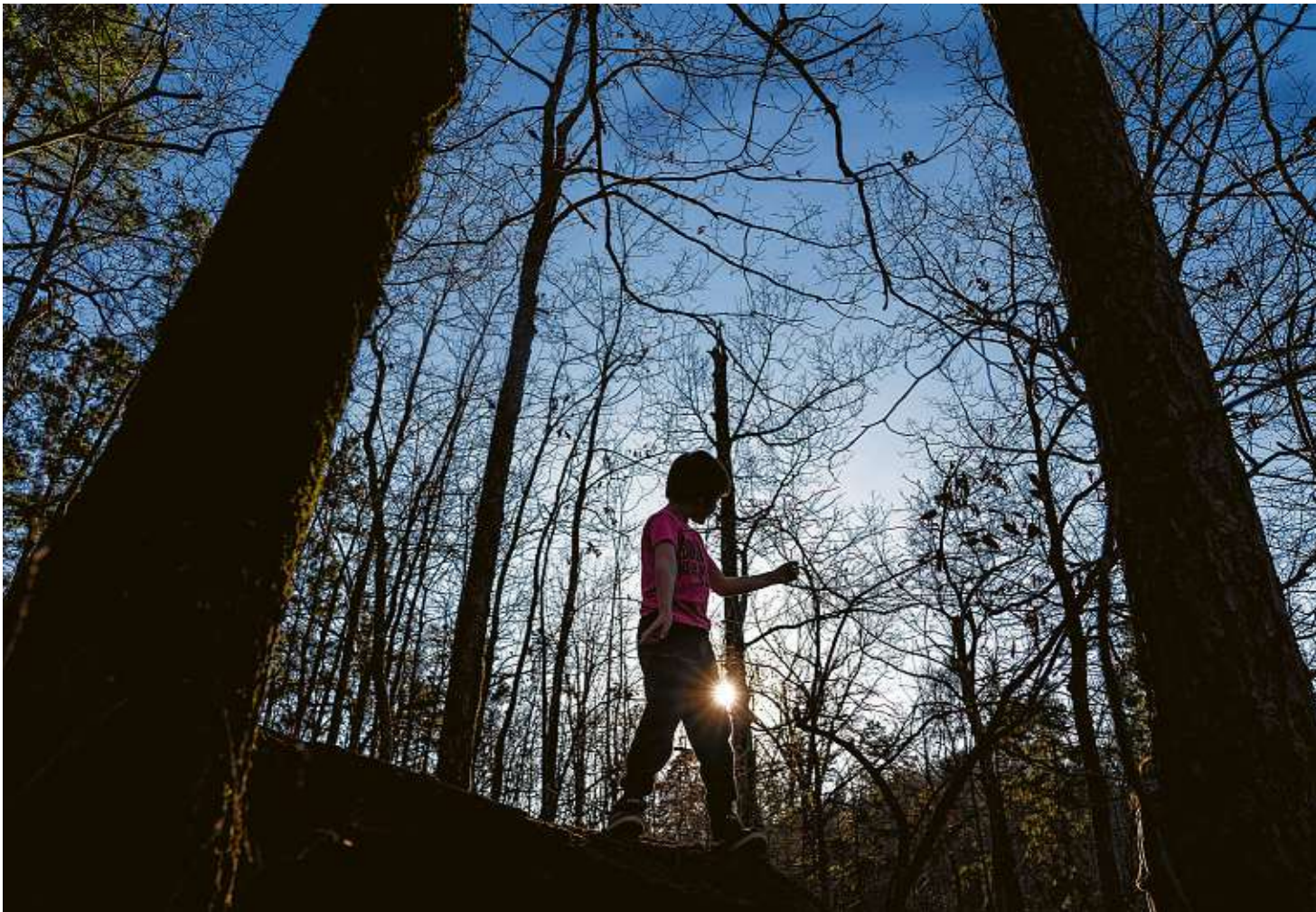
HOUSTON ★ CHRONICLE

SUNDAY, MARCH 7, 2021 • HOUSTONCHRONICLE.COM • VOL. 120, NO. 145 • \$4.00 ★★

HOUSTON CHRONICLE INVESTIGATION: IN CRISIS

'DON'T TAKE ME BACK!'

Texans foot bills for private mental hospitals with little oversight



Alex Blanchard's 9-year-old son plays on his grandfather's property in January in Hot Springs, Ark. The boy was 5 in 2017 when he was assaulted at Austin Oaks Hospital, a private psychiatric hospital, by a 13-year-old, a lawsuit filed by the family alleges.

By Alex Stuckey STAFF WRITER
Photography by Mark Mulligan STAFF PHOTOGRAPHER

Third in a series

Alex Blanchard heard her 5-year-old son's piercing screams even before paramedics wheeled him into the hospital room.

"Don't take me back! Don't take me back!" Less than 24 hours had passed since she dropped off her son at Austin Oaks Hospital, a private psychiatric facility owned by United Health Services in Austin, court documents allege. Doctors told her committing him was necessary if she wanted to get his attention deficit hyperactivity disorder, or ADHD, un-

MORE ONLINE
houstonchronicle.com/incrisis
See a timeline of the history of mental health treatment in Texas:
houstonchronicle.com/incrisistimeline

THE SERIES

- PART 1**
'Serious neglect'
- PART 2**
Punishment, not treatment
- TODAY**
'Don't take me back!'

der control.

Alex nearly collapsed when she saw him. His nose was bleeding; his forehead swelled with a goose egg. His arms and legs were covered in angry, red welts. Fingerprint-shaped bruises bloomed around his neck.

Her son fought off dizziness and nausea as he struggled to explain what had happened: how he was left alone in a room with an older boy; how he was playing with Legos when he felt the first kick to his head. She now alleges in a lawsuit that her son was assaulted by a 13-year-old.

Oversight continues on A12

Senate passes Biden's aid plan

\$1.9T package now goes back to House

By Emily Cochrane
NEW YORK TIMES

WASHINGTON — President Joe Biden's sweeping \$1.9 trillion stimulus bill passed a deeply divided Senate on Saturday over unanimous Republican opposition, as Democrats pushed through a pandemic aid plan that includes an increase in safety net spending that amounts to the largest anti-poverty effort in a generation.



Biden

The package, which still must pass the House before it heads to Biden's desk to be signed into law, is the first major legislative initiative of his presidency. The measure seeks at once to curtail the coronavirus pandemic, bolster the sluggish economy and protect the neediest people within it. Republicans assailed it as unnecessary and unaffordable.

It would inject vast amounts of federal resources into the economy, including one-time direct payments of up to \$1,400 for hundreds of millions of Americans, jobless aid of \$300 a week to last through the summer, money for distributing coronavirus vaccines and relief for states, cities, schools and small businesses struggling during the pandemic.

Beyond the immediate aid, the bill, titled the American Rescue Plan, is estimated to cut poverty by one-third this year and would plant the seeds for what Democrats hope will become an income guarantee for children. It would potentially cut child poverty in half, through a generous expansion of tax credits for Americans
Stimulus continues on A6

TRANSITION TO RENEWABLES

Even in downturn, clean energy may struggle to pull oil workers

Biden hopes to move from fossil fuels, but high-paying gigs unlikely to follow

By James Osborne
STAFF WRITER

WASHINGTON — Texans have found their way to oil and gas fields and refineries for generations, heading to places such as Midland and Beaumont, where, with little more than a capacity for strenuous and dirty work, they could earn incomes that offered entry into the middle class.

But as governments shift from fossil fuels to solar pan-

els and wind turbines, hoping to hold off the worst effects of climate change, that way of life is expected to wind down in the decades ahead. President Joe Biden envisions the nation's oil workers and coal miners finding new jobs in a clean energy economy, building solar farms, manufacturing batteries and applying their experience to harness other forms of energy.

It's a tall order, requiring
Challenge continues on A9



Michael Wyke / Contributor

Emily Malucci, a laid-off oil field engineer, found an alternate way to make money by selling jewelry.

In search of employment, some get by on less with their own businesses

By Marcy de Luna
STAFF WRITER

Emily Malucci had been saving her pennies for a rainy day. She'd put a portion of every paycheck away for more than a year before being laid off from her job as a field engineer at Stingray Pressure Pumping in August 2019.

The pandemic and resulting recession lengthened her search for a job in the energy industry from

weeks to months to a year and a half, outlasting her savings.

Malucci isn't alone. The oil and gas industry was pummeled by the pandemic, losing an estimated 107,000 jobs in the past year, including nearly 60,000 oil exploration and production jobs in Texas. That coincided with the slow transition to cleaner energy that also threatens to slash jobs. As a result,
Workers continues on A9

Index

Business.....B1 | Directory.....A2 | Lottery.....A2 | Sports.....C1
Comics.....U1 | Editorials.....A16 | Obituaries.....A19 | TV.....G11
Crossword....G11 | Horoscope....G12 | Real Estate...R1 | Weather.....A26

@HoustonChron | Houston-Chronicle | @HoustonChron | @HoustonChronicle
HoustonChronicle.com: Visit now for breaking news, constantly updated stories, sports coverage, podcasts and a searchable news archive.



HOUSTON GARDEN CENTERS

OPEN EVERY DAY 8 AM - 8 PM

Gift Card AVAILABLE ONLINE

ALL SALES FINAL • NO EXCHANGES • NO REFUNDS

AZALEAS

MANY VARIETIES
1,000'S TO CHOOSE

8 INCH 10/\$65 \$6.99
3 GAL 10/\$160 \$16.99

BLACKBERRIES RASPBERRIES GRAPES

3 GAL TRIPOD \$19.99

FRUIT TREES

APPLES, PEACHES, PLUMS & NECTARINES

ALL VARIETIES GREAT FOR OUR AREA!

5 GAL \$29.99

IN CRISIS

OVERSIGHT

From page A1

Austin Oaks is one of 54 private psychiatric hospitals in Texas that receive taxpayer money to divert mental health patients – both youths and adults – from the burgeoning waitlist for state psychiatric beds.

Advocates of the program say it's incredibly important – that it has helped thousands of indigent Texans receive care.

“The ability of Local Mental Health Authorities to purchase inpatient psychiatric care from local hospitals, for individuals experiencing acute symptoms of serious mental illness, is critical to providing access to needed care at the right time and reducing demand on limited state hospital beds,” said Danette Castle, CEO of the Texas Council of Community Centers.

But many of these hospitals, including Austin Oaks, have troubled track records.

Between 2014 and 2019, those hospitals racked up nearly 1,100 state and federal violations – including 47 at the 80-bed hospital where Alex's son was committed. Those 54 hospitals also were fined \$1.4 million by the state, a Houston Chronicle investigation found.

Police officers were called to those hospitals' locations more than 31,200 times during that same time period, about 1,900 times for assault, about 380 times for sex offenses and about 280 times for possible suicides. There also were 15 deaths. Of the 54 hospitals, 14 are large facilities that are not singularly focused on mental health care and were not included in this count.

Steve Kelly, CEO of Austin Oaks, said the hospital is “committed to delivering high quality patient care,” including monitoring patients while they reside at the facility and overseeing individual treatment plans for every patient that includes, when necessary, parental involvement.

“We find that family involvement is critical in helping and supporting patients on their path to healing and growth,” Kelly told the Chronicle in a statement. He added that police may be called to the facility for routine matters and emergency detentions because “police are the authority for detentions in our state.”

At Westpark Springs in Richmond – which had one state-funded contract for beds in fiscal year 2019 – law enforcement was called to the 72-bed hospital's location as many as 10 times per day.

In Texas, patients who are involuntarily committed to a psychiatric hospital must be accompanied by a constable, said Kelly Sorice, spokeswoman for Westpark Springs – and many of the police calls to that location are related to these types of commitments.

Occasionally, someone will walk into Westpark Springs and an involuntary admission process will be started, Sorice added. At that time, she said, the hospital also reaches out to the sheriff's office as required to start the court process.

“In terms of safety, we are always extremely focused on providing a safe environment for both our patients and our staff,” Sorice said. “While we always look for ways to learn, we are very proud of our safety record.”

The state relies on Local Mental Health Authorities – also called community mental health centers – to provide, among other programs, medication, counseling, treatment and crisis ser-



Alex Blanchard hugs her son outside their Hot Springs, Ark., home in January. The family moved to Arkansas after the child allegedly was assaulted at Austin Oaks Hospital in 2017.

vices to Texas' most needy in local communities across the state.

They act as middlemen and contract on the state's behalf with private hospitals. The state established this program in 2011, but state officials said until last fall, they did not collect information on which hospitals are selected. They started that work in September, a spokeswoman said.

Some community centers use crisis funding to pay for beds in private hospitals as well.

The Houston Chronicle examined thousands of pages of documents detailing state and federal violations, some of which were found on hospitalinspection.org, an Association of Health Care Journalists website created after the organization reached an agreement with the Centers for Medicare & Medicaid Services to post reports online.

Violations included failing to investigate allegations of sexual abuse, administering medications in error and poor staffing levels, state and federal documents show. But some were more egregious:

A suicidal patient – who should have had constant, one-on-one supervision – was left alone at Hickory Trail Hospital near Dallas for 11 minutes in 2017,

ABOUT THIS SERIES

The Houston Chronicle spent more than a year investigating how Texas treats people who are mentally ill. The newspaper reviewed tens of thousands of pages of court documents, police reports and state and federal investigations. The examination revealed an underfunded system with an inadequate number of psychiatric hospital beds that failed to rehabilitate the mentally ill and instead cycled them through the criminal justice system again and again.

enough time to wrench his left eye out of its socket and seriously damage the other, federal investigators found.

A woman at Cross Creek Hospital in Austin that same year banged her head against the wall and threatened to kill herself if she was discharged to her uncle. Hospital personnel released her anyway. She escaped and hanged herself at a construction site nearby, where she was found the next day, federal documents state.

A patient who'd previously attempted suicide was at Millwood Hospital in Arlington in

2016 for just 35 hours before hanging himself from the sprinkler system as several patients watched, according to state and hospitalinspection.org records. The hospital, which agreed to pay a \$115,000 fine, did not respond to repeated requests for comment.

State Sen. John Whitmire, D-Houston, said the program needs significantly more oversight.

“When you're in the business of caring for people for a profit, any time you cut corners you have more profit,” he said. “There should be more accountability and supervision, but that takes money, too.”

Local mental health authorities admit they often have to contract with any private hospitals that are willing because of location restraints and the fact that the state pays less for care than private insurers.

In fact, many of the private hospitals have multiple public contracts, often with vastly different rates.

It's up to these community centers to negotiate the price of a bed per day, and though they provided the information, many were hesitant to share the costs for fear that hospitals might increase the price.

The Chronicle found that about 65 percent of the nearly 100 contracts with private hospitals paid more than the Medicaid per day rates for inpatient psychiatric beds – sometimes hundreds of dollars more per day – in fiscal year 2019.

Hill Country Mental Health and Developmental Disabilities Centers, a community center in Kerrville, paid Laurel Ridge Treatment Center \$675 per day, while Camino Real Community Services in Lytle paid \$700 per day.

The Medicaid rate for this hospital is \$511.80 per day. The state says it will not pay more than \$700 a day.

Ross C. Robinson, executive director of Hill Country, said it's not unusual to pay higher rates to private hospitals than what Medicaid authorizes, especially in a market that is so competitive.

Local mental health authorities are required to ensure the fa-

cilities chosen are accredited by the Joint Commission, a nonprofit that accredits more than 20,000 health care organizations nationwide, or other accrediting entity recognized by the CMS. They also have to make sure that the facilities are licensed by the state.

Some centers told the Chronicle they do patient interviews and quality audits to ensure a safe environment, but many said they don't research if they have state or federal violations, or how often police are called.

Shena Ureste is the director of behavioral health care services at the Texana Center in Rosenberg, one of the state's local health authorities, which contracts with eight private hospitals, including Westpark Springs, for beds.

“There's no way we can go in and monitor in the way we monitor our business here,” she said.

Center officials were not aware that police were so frequently called to Westpark Springs, she said, but they don't send patients there who are in severe crisis because the hospital doesn't have a psychiatric intensive care unit.

Alex Blanchard first noticed her son was different in 2012, when he was about 6 months old.

He was constantly rubbing his head to keep himself awake. He was always fidgeting his fingers and toes. Even in his sleep, he could never stay still.

She felt sure he had ADHD, but she was hesitant to medicate him. She watched him grow into a fearless kindergartner who never met a person he didn't like.

But in January 2017, he started having tantrums at school, she said. He ran into the hallway when he wasn't allowed. He threw books and pencils across the room. He ripped posters off the wall.

Doctors put him on Abilify and then Ritalin. The side effects were heartbreaking. He was like a zombie. Alex took him off the medications.

Eight months later, on Aug. 22, 2017, Alex – who owned a housecleaning business – was at work when her son's school called.

He's out of control, they told her: He's aggressive and irritable. You need to take him to the emergency room for an evaluation.

Alex arrived at the hospital in the afternoon, she said, and sat there waiting with him for hours.

She had repeatedly explained what was wrong: Her son had ADHD. He wasn't allowed to return to kindergarten until he was medicated and under control.

The first doctor was perplexed: He's only 5, the doctor said. There isn't much we can do.

Alex understood. But she had to work. Her son had to be in school.

The second doctor felt differently.

Psychiatric commitment was necessary, he said. They found him a bed at Austin Oaks Hospital for a week. The doctors there would put him on the right medication and get him on track, she was told.

The sun had set by the time Alex walked her son to their car.

She started sobbing and couldn't stop. She hadn't been away from her son for more than six hours since he was born.

Trust the doctors, she thought. They know what they're doing.

She had no idea that the hospital she was driving her son toward had repeatedly been in trouble with both federal and state authorities since 2014.

Hospital staff did not monitor patients for side effects after administering medication, according to hospitalinspections.org. Parents weren't involved in treatment meetings for their children. The hospital admitted to investigators that it didn't have enough staff members overseeing the adolescent wing.

Police had been called to the 80-bed hospital about 400 times between 2014 and the August 2017 day Alex's son was admitted. Ten percent of the calls were assault-related, police records show.

But Alex hadn't had a moment to research the hospital the doctor recommended.

She strapped her son into his booster seat and started the 16-mile drive to Austin Oaks.

He was scared and couldn't stop crying.

“Where are we going, Mommy?” he asked. “Why can't you stay with me?”

She comforted him as best she could.

Oversight continues on A13



Alex Blanchard's son, now 9, plays on his grandfather's property. The private psychiatric facility in Austin where the child briefly stayed is one of many in Texas that have a troubled track record.

IN CRISIS



As a toddler, Alex Blanchard's son wasn't afraid of anything. But that all changed after he was assaulted at Austin Oaks Hospital, according to a lawsuit the family filed.

OVERSIGHT

From page A12

Take a deep breath, she thought. The doctors know what they're doing.

The next day, Alex was cleaning a home when her phone rang. The number that flashed across the screen was unfamiliar – could her son be calling already?

But the voice on the other end of the line wasn't her son. It was a nurse.

"There's been an accident," the nurse said. "We're taking your son to the hospital out of an abundance of caution."

Alex dropped her broom and raced out of the house, speeding down the highway.

She arrived before the paramedics and vowed to never let her son out of her sight again.

Kelly, the Austin Oaks CEO, said in a statement that patient privacy laws prevented him from discussing Alex's son's assault. He said, however, that the incident "was fully investigated and reported, per Facility protocols."

In court documents, the hospital denied the allegations that they were negligent in the treatment and care of Alex's son.

The Chronicle's investigation found that stories such as the Blanchards' are all too common.

Cross Creek Hospital in Austin houses just 90 people, but the private psychiatric facility was investigated by the federal government 12 different times between 2014 and 2019. It racked up 44 separate violations, records show.

A patient was inappropriately restrained, according to hospitalinspections.org. A staff member worked 16 shifts without up-to-date training and injured a patient. Several incidents of sexual assault were not investigated, federal investigators found.

In 2017, an adolescent girl banged her head against the wall and threatened to kill herself if she were discharged to her uncle.

Austin police were called. They escorted the patient to her uncle's car. In the process, she escaped, but federal documents show her uncle didn't chase after her.

The girl was found the follow-

ing day at a nearby construction site. She had killed herself by hanging.

Though the young girl's suicide risk was low just before discharge, federal investigators determined that the registered nurse on duty failed to complete a suicide risk assessment before the patient left the hospital lobby, as required by hospital policy.

In response to the federal government's finding, the hospital revised several of its policies to allow a discharge to be halted if staff members have concerns about a patient harming themselves or others.

During that same time period, the hospital was fined a total of \$115,000 by the state for violations that included failing to monitor patients at the level instructed by a physician and allowing staff members' crisis training to expire, which resulted in a patient head injury.

The fines were later reduced to \$34,000.

Though Cross Creek's policy does not allow officials to discuss patients' care, CEO Kay McKenry said the hospital takes all issues and incidents "very seriously."

"We address them immediately," she said. "The safety and rights of everyone at Cross Creek – our patients and staff – have been and always will be the hospital's top priorities."

Six separate local mental health authorities – including Hill Country in Kerrville – contracted with the hospital for inpatient beds after these incidents occurred. In fiscal year 2019, the hospital treated at least 336 patients and received more than \$1.5 million from taxpayers.

Robinson, Hill Country's executive director, said he had not heard of these incidents. He thanked the Chronicle for bringing it to his attention and said the center would review it immediately.

HOW TO GET HELP

National Suicide Prevention Hotline: **800-273-TALK**

Veterans Crisis Line: **800-273-8255**, option 1

24/7 Crisis Line: Text TX to 741741

Texas 211: 211, option 8

24/7 Local Mental Health Authority Crisis Hotline:

<https://hhs.texas.gov/about-hhs/find-us/where-can-i-find-services> or call **855-937-2372**

LGBTQ suicide help (The Trevor Project): **1-866-488-7386** or text START to 678-678 or chat online <https://www.thetrevorproject.org/get-help-now/>

For mental health and substance use emergencies, call **911**

cessitated) one-to-one observation," federal records state, but investigators found that the hospital failed to take the appropriate preventive steps to make sure the patient was kept safe.

Hospital officials changed their guidelines for which patients needed to have one-on-one observation and revised the high-risk alert form so that they would document specific behaviors showing that the patient might harm themselves or others.

Daniel Martinez-Torres, Hickory Trail's CEO, said in a statement that the hospital cannot discuss a patient or their treatment because of privacy laws, but that the incident "was fully investigated and reported, per Facility protocols."

Alex and her son moved to Hot Springs, Ark., where her father had retired, a few years ago.

The woods of Arkansas have become his home, where he can climb a tree and dig for crystals all day long. But it hasn't been easy.

He used to have no fear. When he was 2 years old, Alex remembers him walking into the house with a rattlesnake. She panicked. He giggled.

Now the 9-year-old is haunted by nightmares and scared of most things – people included. But he's getting better, slowly, she said. His teacher says he's doing well. He's made friends.

On a recent afternoon, Alex's son sprinted toward his grandfather's porch, his cheeks red from the chilly air. He needed water – he'd been running around the forest for hours. But he stopped abruptly when he reached his mom and wrapped his arms around her neck.

"I love you, Mom," he said. "I love you, too," she replied.

alex.stuckey@chron.com
twitter.com/alexstuckey

ABOUT THE REPORTING TEAM



Alex Stuckey is an investigative reporter for the Houston Chronicle who joined the paper in 2017. That same year, she won a Pulitzer Prize after unearthing the rampant mishandling of sexual assault cases at Utah colleges and universities while working at the Salt Lake Tribune. She is an Investigative Reporters and Editors award winner and a Livingston Award finalist. You can reach her at alex.stuckey@chron.com and follow her on Twitter @alexdstuckey.



Mark Mulligan is a staff photographer for the Houston Chronicle, where he takes pictures and flies the Chronicle's drone. A native Houstonian, he previously worked at newspapers in Virginia and Washington state before moving home to Texas with his family. Follow him on Twitter and Instagram, or reach him by email at mark.mulligan@chron.com.

The way forward: How can Texas fix this?

By Alex Stuckey
STAFF WRITER

A new Houston Chronicle investigation, In Crisis, reveals that the state's mental health system is overcrowded, underfunded and lacks critical safeguards.

Despite increases in funding for mental health services in recent years, the state has struggled to keep up with population growth and overcome funding cuts in the early 2000s.

Here are some proposals by experts, advocates and lawmakers that would improve the state's broken mental health system:

Provide additional funding for programs that help a person regain competency to stand trial both in jail and out in the community, which could reduce the need for inpatient beds at state hospitals. Competency restoration is important to ensure that

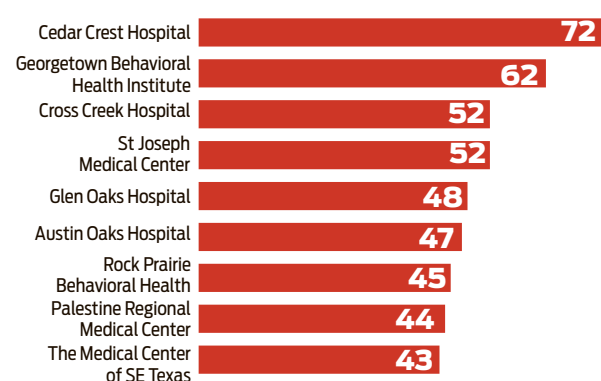
defendants understand the charges against them and that they can participate in their defense.

Fully fund the state's 2017 plan to add 656 beds to the state psychiatric hospital system.

Create a centralized tracking system that would

Top 10 hospitals with the most state and federal violations from 2014 through 2019

The state established a program in 2011 to funnel taxpayer dollars to private hospitals for beds in an attempt to alleviate the burgeoning waitlist. But some of them have dozens of state and federal violations.



Sources: 35 local mental health authorities, hospitalinspections.org, Texas Health and Human Services Commission

Staff graphic

allow for analysis of decisions made by the Dangerousness Review Board, the state board that decides the security level required for

patients accused of crimes. This is needed to ensure the board is making the correct decision in moving a person to minimum secu-

rity from maximum security and that patients in the minimum security setting are being kept safe.

Make the board's hearings and documents open to the public, similar to the disclosure by other states, including Arizona and Oregon.

Require that the state investigate all deaths at state-run and funded mental hospitals. Make the investigations into those cases public with the necessary redactions for patient privacy.

Require state officials to report all deaths to the federal government for investigation, not just those related to restraint and seclusion.

Make it easier for family members to take legal action against state hospitals if a relative is injured or

dies. Currently, loved ones can sue only if they can prove that the state violated a patient's constitutional rights, such as due process. A family cannot simply sue for neglect.

Provide funding for mental health emergency teams across the state, which can respond to mental health calls alongside police, similar to Dallas' RIGHT Care program. Through this program, a three-member team of a specially trained police officer, paramedic and mental health specialist are dispatched to calls suspected to be mental health-related. The program, which launched in 2018, was funded with a \$7 million grant spread over three years; it would be significantly more expensive to expand it to more areas.