

## SPORTS

## HALL OF FAMER

Rudy Tomjanovich, the former Rockets player and coach, will be inducted on May 15.

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## CORONAVIRUS

## NO END AFTER ALL

Experts suspect rates will drop but COVID infections will never truly go away, like the flu.

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# HOUSTON CHRONICLE

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## Bills target unlicensed boarding homes

Greater penalties sought for operators who exploit elderly, disabled residents

By Julian Gill  
STAFF WRITER

Deborah Hood looked skinnier than her sister remembered. She was malnourished. Bruises dotted her arms.

The 66-year-old, who was diagnosed with schizophrenia, was among 37 people removed in September from an unregulated boarding home on Long Meadow

Drive in south Harris County. The residents shared one bathroom and slept on mattresses spread throughout the three-bedroom home and garage. The fridge was bare. Pill bottles were thrown in plastic bins.

Hood's sister, Ella McGready, did not know how she ended up there.

"I'm scared for her, and I'm angry," McGready said. Hood was caught in what

Texas legislators and law enforcement describe as a plague of boarding homes operating without oversight in the Houston area. Left unchecked, the homes can become an enclosure for unsanitary conditions, financial exploitation and physical abuse, law enforcement officials say.

The state defines boarding homes as facilities housing at least three people who are disabled or elderly and not related to the owner. The homes offer basic services, such as meals

and money management, but do not administer 24-hour care often provided by state-licensed assisted living facilities.

In Houston, police have fined dozens of boarding home operators who fail to get proper permits, including one man who racked up more than 70 arrest warrants at municipal court with about \$74,000 in fees. But even as officials begin allowing permits for boarding homes in formerly unregulated parts of Harris County, *Homes continues on A11*



Mark Mulligan / Staff photographer

Mario Martinez is a longtime resident of a permitted boarding home called the Willing Workers Club.

## IN CRISIS

## 'SO IMPOSSIBLE'

Civil commitment law too stringent to help those in need, some argue



Mark Mulligan / Staff photographer

Frances Musgrove stands in April on the shore of Lake Travis, where she has fond memories of visits with her son Justin, who has bipolar disorder. Frances has struggled to get the mental health help Justin needs.

By Alex Stuckey  
STAFF WRITER

Frances Musgrove's son won't take a shower because he thinks the water is poison.

He screams at the voices inside his head so loudly that his Austin neighbors complain.

He thinks he's God and that

the meth he abuses is good for him.

And every day, Frances holds her breath.

*Could this be the day Justin walks into traffic – again?*

Justin, 39, was diagnosed with bipolar disorder as a teen. He's spent decades cycling in and out of Texas' mental health system, which

The Houston Chronicle spent a year investigating the state's mental health system. Read the rest of the "In Crisis" series at [houstonchronicle.com/incrisis](https://houstonchronicle.com/incrisis)

a Houston Chronicle investigation published earlier this year found is underfunded

and lacks sufficient oversight.

The investigation uncovered that the state doesn't have enough hospital beds to serve its growing population, with waitlists that stretch on for up to a year. Its civil commitment system – the supposed safety net for mentally ill Texans who desperately

*In Crisis continues on A22*

## Hackers shut down pipeline

Cyberattack highlights system's vulnerability

By David E. Sanger, Clifford Krauss and Nicole Perlroth  
NEW YORK TIMES

One of the largest pipelines in the United States, which carries refined gasoline and jet fuel up the East Coast from Texas to New York, was forced to shut down after being hit by a ransomware attack in what appeared to be a significant attempt to disrupt vulnerable energy infrastructure.

The operator of the system, Colonial Pipeline, said in a statement late Friday that it had shut down its 5,500 miles of pipeline, which it says carries 45 percent of the East Coast's fuel supplies, in an effort to contain the breach on its computer networks. Earlier Friday, there were disruptions along the pipeline, but it was unclear whether that was a direct result of the attack or the company's moves to proactively halt it.

Colonial Pipeline indicated Saturday afternoon that its systems were hit by ransomware, in which hackers hold a victim's data hostage until it pays a ransom, but it did not say when normal operations would resume. Still, the shutdown of such a vital pipeline, one that has been serving the East Coast since the early 1960s, highlights the huge vulnerability of aging infrastructure that has been connected, directly or indirectly, to the internet.

In coming weeks the administration is expected to issue a broad-ranging executive order to bolster security of federal and private systems, after two major attacks from Russia and China in recent months caught U.S. intelligence agencies and companies by surprise.

Colonial's pipeline transports 2.5 *Pipeline continues on A12*

## COVID survivor grateful this Mother's Day for her life, baby

Son, delivered by C-section while she was in a coma, is thriving in the NICU

By Lisa Gray  
STAFF WRITER

Dalia Avalos, 24, was in her second trimester, and she and her 4-year-old daughter Maliyah were riding out the pandemic at Dalia's parents' house in Caldwell, just outside College Station. The baby was a boy: Dalia and her boyfriend, Joseph Cockerham, had already named him Cash. Her

dad, José Balleza, hoped Cash would have red hair like Joseph. A red-haired grandson would brighten things up.

Near the end of February, though, Dalia felt awful. Her lower back ached. She had a fever and couldn't catch her breath. A urinary tract infection, she thought: potentially dangerous, but also common during pregnancy. She took herself to the nearest

emergency room, expecting to be sent home with antibiotics.

But the hospital tested her for COVID-19 – it tested everyone – and to her shock, the test came back positive. Everyone in the house had been COVID-careful because they were all at high risk: Dalia because she was pregnant; her parents because they were in their 50s and both on dialysis. José, a retired construction worker, had diabetes, too. It had cost him a leg.

But COVID it was: Dalia's

oxygen levels were dropping fast.

In College Station, she was admitted to the ICU. She was alone: COVID rules prohibited even her family from being with her. She could hardly breathe. And she was scared – for herself; for her baby; and for Maliyah. Four is far too young to lose your mother.

Texas Children's Hospital, in Houston, is a magnet for the region's highest-risk pregnancies and births, and in early March, its doctors

*Mother continues on A35*



Marie D. De Jesús / Staff photographer

Maliyah Rodriguez places a photo of her baby brother, Cash Cockerham, on mom Dalia Avalos' heart.

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## FROM THE COVER

## IN CRISIS

From page A1

need help in order to protect themselves and others from harm – has served as a kind of Band-Aid for the most critical cases. For those ill enough to be committed, it stabilizes them, then spits them back out.

A bill introduced in the Texas Legislature this year sought to expand the parameters for civil commitment, in an effort to help more people who needed psychiatric care but were not yet in crisis.

It would have helped Justin, Frances said. Though he's been hospitalized dozens of times throughout his life, she has struggled over and over again to get him committed because Texas requires that a person be a danger to themselves or others or is suffering severe mental, emotional or physical distress and therefore cannot provide for their own basic needs or make a rational decision about whether they need treatment.

The law doesn't include psychiatric deterioration, or harm without further treatment, as a separate type of danger to self.

That means Justin's constant screaming, his uncleanness and the trash covering the floors of his home often aren't enough to get him committed. He can't harm anyone inside his apartment, authorities have told her.

But some experts say the proposed changes are an overreach, making it too easy to commit people who are not in crisis and should be relying on services in their community.

The bill hasn't even had a hearing in the Legislature.

So Frances sits in her backyard, waiting for the call to come.

"My son, right now, is just going to die. He's going to die," Frances said. "Either he's going to go back out on the freeway or he's going to overdose."

## Struggling to find a bed

As a kid, Justin was friendly, athletic, a straight-A student – albeit strong-willed.

But around age 14, he started telling Frances he had mental telepathy. She laughed it off as a child's imagination.

Then the mood swings started. He would go from happy and upbeat to angry and violent at a moment's notice.

He slit his wrists the following year and was diagnosed with bipolar disorder soon after.

Frances and her ex-husband put Justin on medication. They hospitalized him multiple times. They put him in a group home. It seemed to help.

But then at 22, Justin had his first psychotic break. He was working 60 hours a week at Knott's Berry Farm in California and doing meth when he tried to break into a water plant, Frances said, shouting that he was God.

In the decades since, Justin has been hospitalized more than 70 times, sometimes multiple times a month.

"Early on, I used to be able to call a hospital, say he's deteriorated, and they would take him on deterioration almost every time," Frances said.

In 2015, she said, it stopped being so simple.

At that time, Texas had just 8.9 public psychiatric beds per 100,000 people. Advocates say states should have a higher rate of 50 beds.

By the end of 2015, there were 408 people waiting for a bed in a state-run hospital. The average wait time was 116 days for a maximum security bed and 37 days for a non-maximum security bed.

After that, there were times when Frances and others called police because Justin was threatening to kill people. But by the time officers got there, Justin had calmed down and told them he was fine.

Police refused to issue an order committing him to a psychiatric hospital against his will, Frances said.

There was a period when Justin refused to eat and take his medication because he said that both the food and the psychiatric drugs were poison. That wasn't enough to commit him either, Frances said.

It took a walk across a highway in May 2018 to get Justin committed.

Justin was on meth at the time, his mother said, which seemed to exasperate his mental health issues.

Police observed him talking to himself, saying he was a CIA operative and that Osama bin Laden was coming after him, the report states.



Photos by Mark Mulligan / Staff photographer

**Frances Musgrove looks at a photo album full of memories of her son Justin. When struggling with his mental health, Justin doesn't take care of himself and lives in filth, but that's often not enough in Texas to get him involuntarily committed to a psychiatric hospital.**

"I determined he was a danger to himself," the officer wrote. "It is my opinion that (Justin's) paranoia would possibly lead him to running into the street and getting hit by a car."

Justin was found incompetent to stand trial, court documents show, and sent to the Montgomery County Mental Health Treatment Facility for care. He had to be sent there twice before he was competent enough to plead guilty to possession of methamphetamine in September 2019.

"It's just getting so impossible," she said. "I'm looking at my son going across the highway again."

## Waiting for a crisis

Involuntary civil commitments in Texas are limited to individuals who are currently a danger to themselves or others.

The law, which has been in place for decades, states that danger to self can be defined as suicide or self-harm. It also recognizes inability to provide for basic needs such as food, clothing and safety.

But to qualify for the inability to meet the basic-needs standard, an individual must also show "severe and abnormal mental, emotional or physical stress," which Greg Hansch, executive director of the National Alliance on Mental Illness-Texas, said is unnecessary.

"An individual whose untreated mental illness prevents them from meeting their need for food, clothing, health or safety is at grave risk of a tragic outcome and should qualify for intervention even if they do not also happen to be suffering extreme distress," Hansch said.

The Treatment Advocacy Center, a nonprofit located in Virginia that is focused on treatment for the mentally ill, released a report in September 2020 stating that Texas, along with four other states and Washington, D.C., did not adequately define danger to self and others in their laws.

"Regardless of how dangerousness is defined for either self or others, inpatient commitment criteria should not include a requirement that danger or harm

**"My son, right now, is just going to die. He's going to die. Either he's going to go back out on the freeway or he's going to overdose."**

*Frances Musgrove, whose son Justin suffers from bipolar disorder and uses methamphetamine to quiet the voices in his head*

be imminent for eligibility," the report states. "Because violent, suicidal or threatening behavior is typically handled by law enforcement, criteria that require someone to decompensate to the point of imminent harm for involuntary treatment all but guarantee an encounter with police."

Current Texas law also doesn't consider risk of psychiatric deterioration, or need for treatment, as a form of danger to self. Twenty-four other states, including Arizona, North Carolina and Oregon, do, according to the Treatment Advocacy Center's report. "Rather than focusing on a snapshot in time, inclusion of psychiatric deterioration as a basis for intervention encourages the court to consider the more complete picture, including past patterns of behavior, in order to prevent foreseeable relapses," the report states.

The measure introduced earlier this year in Texas, HB 4274, would have changed both these aspects of the law.

But Beth Mitchell, senior attorney for Disability Rights Texas, said the proposed changes would actually make it easier to commit people who did not need to be.

"Does the judge decide what basic needs are?" Mitchell said. "What about all the people with diabetes who don't take their diabetes medication? Would we institutionalize them, too?"

Mitchell added that those who are not in crisis should be receiving community-based care. They shouldn't be committed to an institution, she said – especially because there are no additional beds to house them.

As of March, the state's 10 public psychiatric hospitals had a waitlist of nearly 1,500 people, state data shows. Individuals waited an average of 180 days for a non-maximum security bed and 366 days for a maximum se-

curity bed.

"That concept, to me, was the biggest concern: Why push for this instead of pushing to try to make sure people in this category receive" community-based care, she said. "It's not like they're imminently dangerous to themselves or others."

She added that judges already are committing people under a deterioration standard if their mental distress is severe, if the person has experienced significant mental deterioration that impacts their ability to provide for their health and safety and if they cannot make rational and informed decisions about undergoing mental health treatment.

Although there is still time for the bill to be heard in committee, Hansch said it is unlikely to go anywhere.

"There was too much opposition and many felt that the lack of a consensus building process in the interim was needed," he said.

The sponsor of the measure, Rep. Toni Rose, D-Dallas, could not be reached for comment.

NAMI-Texas plans to work on the measure in the interim to ensure that it is ready for next session.

## Stringent requirements

In Harris County, the current civil commitment law makes it difficult for officials to send individuals to a hospital after their criminal cases have been dismissed because of a finding of incompetent to stand trial.

The Chronicle's investigation found that about 94 percent of the 400 people charged between 2009 and 2019 and found incompetent in Harris County were referred to the probate court for civil commitment at least once.

It's unknown how many of those cases actually ended in commitments – those records are not available to the public.

But court records do indicate that roughly 40 percent of the 400 individuals analyzed by the Chronicle were repeatedly referred for civil commitment as early as the 1990s.

Denise Oncken, mental health bureau chief for the Harris County District Attorney's Office, told the Chronicle last year that when Kim Ogg first took office in 2017, they began examining how many people were actually receiving help after their cases were dismissed and sent to the probate court for civil commitment.

They found that most of the time, people were being released hours after their cases were transferred to civil court because they didn't fit the law's stringent guidelines.

"We were dismissing cases and transferring to civil commitment thinking they'll get help," Oncken said. "That's not what was happening."

The DA's office has started referring incompetent individuals to the Harris Center for treatment instead of civil court in an attempt to combat this problem. Officials also try to divert mentally ill individuals before they are even charged with a crime.

The Judge Ed Emmett Mental Health Diversion Center was established in 2018 and serves as a place for people picked up on low-level misdemeanors can be sent for mental health support instead of jail.

Both are voluntary. HB 4274 likely would have allowed a number of those individuals to be committed even though they weren't in immediate crisis.

## No end in sight

Frances barely sleeps at night. She's always sick.

Though her son has an apartment of his own, she is constantly worried about him.

She always sends him food, she said, and makes sure he has bottled water to drink. Sometimes, she's able to visit and help clean up – take out the trash, make sure the toilet isn't overflowing (which seems to always happen), do the dishes.

But sometimes, it's better for her to stay away.

Attorneys have told her that she needs to let Justin live in his filth. That police officers and other officials need to see how he's living in order to commit him because of the high standard associated with involuntary commitment.

Plus, his delusions occasionally center around her – that she's out to get him, that he needs to protect himself. He's assaulted her more than once.

As of May, Justin was living at Austin State Hospital after authorities found him living in such squalor they felt it necessary to civilly commit him.

But his release is inevitable, Frances said, and soon he'll be back in the same position he was before – living in his own filth, refusing to take his medication and doing drugs to numb the voices that are so loud in his head he has to scream to combat them.

Will he walk into traffic again, thinking the cars won't hit him because he's God?

She knows it's only a matter of time.



**As a child, Justin was friendly, athletic and a straight-A student. Everything changed after Justin was diagnosed with bipolar disorder at 14. She's struggled to get him help ever since.**

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