

Maximum-Security Unit Waiver Process



What is an MSU waiver?

The maximum-security unit (MSU) waiver process is used for people awaiting admission to a state hospital after being found incompetent to stand trial under the Texas Code of Criminal Procedure [Chapter 46B](#), or who were acquitted as Not Guilty by Reason of Insanity under the Texas Code of Criminal Procedure [Chapter 46C](#). An MSU waiver allows someone to be admitted to a non-maximum security state hospital unit, even if the alleged offense would typically require admission to an MSU. The waiver is granted through a Clinical Security Review (CSR).

What does a CSR entail?

The CSR is a clinically informed screening process to assist in determining the least restrictive, yet clinically appropriate, setting for people who are MSU-bound. Many factors are considered in the review, including:

- The details of the offense.
- The person's current clinical presentation.
- Medical complexities.
- Intellectual or developmental disabilities.
- Prior treatment history.
- Risk of elopement or violence.
- Community safety.
- Bond status and compliance with conditions of bond.

How does an MSU waiver get approved?

- A CSR is initiated automatically once HHSC receives the entire commitment packet from the court. An MSU waiver must be reviewed at three levels within HHSC:
 - **Level 1:** Conducted by masters level clinicians.
 - **Level 2:** Recommended by the Chief of Forensic Medicine or designee.
 - **Level 3:** Approved by the Associate Commissioner of State Hospitals or designee.

Once approved, HHSC notifies the court, and the person is moved to the non-MSU waitlist.

Statutory Authority

Legislation granting HHSC authority to designate the admitting facility for competency restoration services:

- **SB562/HB601:** This law was passed during the 86th Regular Session of the Texas Legislature and went into effect Sept. 1, 2019.
- **Statutory Change to CCP [Article 46B.073\(c\)](#):** If the defendant is charged with an offense listed in Article 17.032(a) or if the indictment alleges an affirmative finding under Article 42A.054(c) or (d), the court shall enter an order committing the defendant for competency restoration services to a facility designated by the commission.