



Minutes

State Health Services Council Meeting

Department of State Health Services
Robert E. Moreton Building, M-739
1100 W. 49th Street, Austin, Texas
Thursday, October 5, 2006
9:00 a.m.

Chair's Welcome and Introduction of Guests: Dr. Arredondo called the meeting to order at 9:20 a.m. Dr. Sanchez introduced Dr. Charles Bell, interim Commissioner of DSHS, who currently serves as the Deputy Executive Commissioner of Health Services under the direction of Commissioner Albert Hawkins and included that Dr. Bell had served as Deputy Executive for our legacy agency, TDH, as well as Interim Commissioner of TDH in 2000 - 2001.

Members Present:

Dr. Rudy Arredondo, Council Chair - Lubbock
Dr. Lewis Foxhall - Houston
Mr. James Springfield - Harlingen
Ms. Graciela Cigarroa - San Antonio

Ms. Beverly Barron - Odessa
Dr. Jacinto Juarez - Laredo
Dr. Jeffrey Ross - Houston
Dr. Jaime Davidson - Dallas

Members Absent: Glenda Kane - Corpus Christi

Registered Guests: Terry Gilmore, Michael Marks, Clifford Gay, and Matt Wall.

Agenda Item #1 - Approval of Minutes: Motion by Dr. Jacinto Juarez to approve the minutes from the May 12, 2006 meeting, seconded by Dr. Jeffrey Ross. Motion carried. May meeting minutes can be found at: <http://www.dshs.state.tx.us/council/minutes/051206.pdf>.

Motion by Jim Springfield to approve the minutes from the July 7, 2006 meeting, seconded by Dr. Jacinto Juarez. Motion carried. July meeting minutes can be found at: <http://www.dshs.state.tx.us/council/minutes/070706.pdf>.

Agenda Item #2 – DSHS FY08-09 Legislative Appropriations Request (LAR) Update: Machele Pharr provided an update on the FY08-09 LAR. The LAR has been submitted to the Legislative Budget Board and includes a 10% reduction in the base request and exceptional items. The first exceptional item request is to restore the 10% reduction. DSHS FY08-09 LAR can be found at: <http://www.dshs.state.tx.us/budget/lar/default.shtm>.

The following individuals provided public comments regarding the LAR: Terry Gilmore, Michael Marks, and Clifford Gay.

Agenda Item #3 - Rule Actions for public comment:

- a. Amendment to a rule relating to consent for immunizations of a minor, the repeal of a rule concerning documentation that parent or other person could not be contacted; and amendments and a new rule concerning yellow fever vaccine. Dr. Jeffrey Ross introduced rule and Jack Sims provided rule

overview. Motion by Dr. Jeffrey Ross to recommend HHSC approval for publication of the rules contained in agenda item 3(a), seconded by James Springfield. Motion carried.

- b. Amendments, repeals, and new rules relating to control of communicable diseases. Dr. Jeffrey Ross introduced rule and Jeff Taylor provided rule overview. Motion by Dr. Jeffrey Ross to recommend HHSC approval for publication of the rules contained in agenda item 3(b), seconded by Glenda Kane. Motion carried.
- c. Repeal of rules relating to the Veterans Agent Orange Assistance Program. Dr. Jeffrey Ross introduced rule and John Villanacci provided rule overview. Motion by James Springfield to recommend HHSC approval for publication of the rules contained in agenda item 3(c), seconded by Dr. Jeffrey Ross. Motion carried.
- d. Amendments, repeals, and new rules relating to breast and cervical cancer services. Graciela Cigarroa introduced rule and Margaret Mendez provided rule overview. Motion by James Springfield to recommend HHSC approval for publication of the rule contained in agenda item 3(d) including a change in the term “co-pay,” seconded by Dr. Lewis Foxhall. Motion carried.

The Council recessed at 11:00a.m and reconvened at 11:15a.m.

- e. Amendments to rules relating to newborn hearing screening. Dr. Jacinto Juarez introduced rule and Margaret Bruch provided rule overview. Motion by Dr. Jacinto Juarez to recommend HHSC approval for publication of the rule contained in agenda item 3(e), seconded by Jim Springfield. Motion carried.
- f. Repeal of rules and new rules relating to the regulation of hospitals. Dr. Lewis Foxhall introduced rules and Nance Stearman provided rule overview. Public comments will be accepted for 60 days due to size of packet. Motion by Dr. Lewis Foxhall to recommend HHSC approval for publication of the rule contained in agenda item 3(f), seconded by James Springfield. Motion carried. Matt Wall of Public Hospital Association provided public comment regarding this rule.
- g. Amendment to rule relating to radiation control fees for mammography certification and accreditation. Dr. Lewis Foxhall introduced rule and Cindy Cardwell provided rule overview. Motion by Dr. Lewis Foxhall to recommend HHSC approval for publication of the rule contained in agenda item 3(g), seconded by Dr. Jaime Davidson. Motion carried.
- h. Amendment to rule relating to the designation of trauma facilities and the Emergency Medical Services Account. James Springfield introduced rule and Greg Wilburn provided rule overview. Motion by James Springfield to recommend HHSC approval for publication of the rule contained in agenda item 3(h), seconded by Dr. Lewis Foxhall. Motion carried.
- i. Amendments to rules relating to the regulation of mold-related activities that affect indoor air quality. James Springfield introduced rule and Annabelle Dillard provided rule overview. Motion by Dr. Jeffrey Ross to recommend HHSC approval for publication of the rule contained in agenda item 3(i), seconded by Dr. Lewis Foxhall. Motion carried.

Agenda Item #4 - General Public Comment: There was no general public comment.

Agenda Item #5 - Staff Briefings: Dr. Wanser provided update on the negotiated rulemaking process. DSHS is working on a negotiated rulemaking process to develop an implementation plan for the provider of last resort provisions contained in House Bill 2292 (78th Legislature). This three-phase process will

involve an implementation plan that will put into operation the provisions of the law and the requirements of the Governor's Executive Order RP 45. Proposed rules will be presented to the Council in January. Information regarding the negotiated rule making process can be found at:
<http://www.dshs.state.tx.us/mhcommunity/provider.shtm>

Agenda Item #6 - Commissioner's Report

Dr. Sanchez provided a brief overview of the report, which can be found at:
<http://www.dshs.state.tx.us/commissioner/reports/CROct06.pdf>

- a. DSHS Leadership Transition - Dr. Charles Bell, Acting Commissioner thank the leadership staff that reported directly to him and reported that the posting and hiring process for the new DSHS Commissioner had begun. He also announced Kathy Perkins as the new Assistant Commissioner for the Regulatory Division and Dr. Janet Lawson as the new Assistant Commissioner of the Regional and Local Services division.
- b. Regional and Local Health Services Division Update - The Regional and Local Health Services (RLHS) Division was launched September 1, 2006. The RLHS Division is intended to strengthen the public health system at the regional and local levels. Its goals include creating a database for local public health authorities and local health leaders and developing curriculum for training on roles of local health authorities, health services regions, and the DSHS central office, including statutory requirements and roles related to disaster preparedness.
- c. Psychoactive Medications in Foster Children Report - HHSC, DSHS, and DFPS conducted analysis of psychoactive medications prescribed to Texas foster children. Prescription of these drugs to foster children continues to be higher on average than to other Medicaid children. To view the report, click: [Use of Psychoactive Medication in Texas Foster Children State Fiscal Year 2005](#).
- d. Tobacco Program Brief Update - To more effectively use DSHS tobacco program resources, all substance-abuse prevention efforts, including tobacco prevention and control were consolidated September 1 under the Division for Mental Health and Substance Abuse Services. By reducing duplication of tobacco activities within DSHS, staff will be able to intensify tobacco-use prevention efforts across a statewide population base with a key strategy to reach as many Texas children as possible through schools, media outlets, community programs, and law enforcement. .

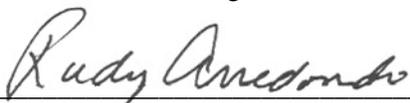
Dr. Sanchez thanked the Council for the privilege to have served along with them during his time as Commissioner of DSHS.

Agenda Item #7 - Council Operations

- a. The chair announced that the November Council Meeting was canceled.
- b. Motion by Jim Springfield to approve the proposed 2007 Council meeting dates as follow: January 18-19, April 12-13, July 26-27, and October 11-12, 2007, seconded by Dr. Jacinto Juarez. Motion carried.

Adjournment: Jim Springfield moved that the meeting be adjourned. The motion seconded by Dr. Jacinto Juarez. Dr. Rudy Arredondo adjourned the Council meeting at 1:18 p.m.

Next Council meeting is scheduled for: January 18-19, 2007 at 10:00 a.m.



Dr. Rudy Arredondo, Chair

January 31, 2007

Date Approved by Council