



## State Health Services Council Meeting

Department of State Health Services (DSHS)

Robert E. Moreton Building, M-739

1100 W. 49<sup>th</sup> Street, Austin, Texas

June 25, 2009

9:00 a.m.

### Minutes

#### Members Present:

Ms. Glenda Kane, Chair – Corpus Christi

Dr. Lewis Foxhall – Houston

Dr. Jacinto Juarez – Laredo

Dr. Jeffrey Ross, D.P.M. – Houston

Mr. Nasruddin Rupani – Sugar Land

Dr. David Woolweaver – Harlingen

Ms. Graciela Cigarroa – San Antonio

#### Not Present:

Dr. Kirk Calhoun – Tyler

Ms. Beverly Barron – Odessa

#### Visitors:

Pam McDonald, JoAnne Hargraves, Chet Brooks, Beth Albro-Pratt, Matt Ferrara, Nicole Haskins, Roxie Johnson, Joe Smit, Alison Little, Jim Timberlane, Lisa Poynor, Starr West, Nancy Miller, Deborah Marlow, Luz Walker, Jodi Christianson, Holly Chapman, Callie Clemons, Ione Wazel, Jessica Allison, Charles Bubnes, Kipym Miller, Kathleen Ford, Lesly Ramsey, Dawn Campbell, Doug Campbell, Brittani Bilse, Judith McGeary, Ed Weckerly, Rachel Bradley, Rebekah Schroeder, Brenda M. Morris, James Smith, Ro Cazenavi, Roy Atkinson, Hannah Diller, Julie Lake, Bob Stryk, Elyse Chaloufke, Roxanna Smock, Gabrielle Shannon, Mark Shannon, Emily Erickson, Curt Raabe, Julia Raabe, Rachel Raabe, Jr. Lawson, Marie Walker, Jennifer Everett

Call to Order – Chair, Glenda Kane called the meeting to order at 9:10 a.m.

Ms. Kane welcomed Mr. Nasruddin Rupani, newest appointed Council member. Mr. Rupani is from Sugar Land, Texas. He is the president of World's Gold and Diamonds. He is also chair of the IBnSina and Rupani Foundation boards and has been instrumental in opening health care clinics in Houston.

Agenda Item 1: Approval of Minutes – Glenda Kane asked for a motion to approve the minutes from the April 23, 2009 meeting. Motion by Dr. David Woolweaver to approve the minutes, seconded by Dr. Jeffrey Ross. Motion carried.

Agenda Item 2: Commissioner’s Report – Deputy Commissioner Luanne Southern provided an update regarding:

DSHS was actively involved in response to the H1N1 flu outbreak. In April 2009, DSHS became aware of two cases of influenza virus in two high school students in the San Antonio area. This discovery led DSHS on a response effort that included activation of the Pandemic Influenza Response Plan. Region 8 was the first to be affected and they worked hard to trace contact, determine the extent of the outbreak and to control the spread of the virus. As of today, no region in Texas is unaffected. Since April, Texas has had over 2,500 cases of the H1N1 virus. Currently, DSHS staff are working with others to address lessons learned in order to strengthen our readiness capacity. It is believed that the H1N1 flu virus will resurge in the fall and DSHS staff are preparing for that. On June 11, 2009 the World Health Organization elevated the H1N1 to a pandemic alert phase six, which is the highest level. This designation defines a worldwide outbreak of H1N1. Dr. Adolfo Valadez and Dr. James Morgan are leading efforts on evaluation and planning that will improve and enhance our response capacity for the fall. [www.texasflu.org](http://www.texasflu.org) was developed to provide information for providers and the general public.

The Legislative session ended on June 1, 2009. There were over 7,400 bills that were filed this session and 1,457 passed. DSHS tracked over 920 bills and about 190 of those bills actually passed. DSHS had a budget request of over \$480 million and received an additional \$229 million in general revenue and appropriated receipts to address agency and legislative initiatives for the next biennium.

The Sunset Commission has put the DSHS review on hold. During the session there was an attempt to put off the review for two years but that effort did not pass by the end of the session. Special Session begins July 1, 2009 and we may have further direction at that time.

Luanne Southern introduced the following staff members:

Dr Emilie Becker, Medical Director for Behavioral Health effective June 15, 2009.

Duiona Baker, Senior Management Official for the Center for Disease Control and Prevention

Dr. Jozef Smit, Preventive Medicine Resident

Other Announcements:

R. J. Dutton, Director of the Office of Border, was recently honored as health worker of the year by the United States Mexico Border Health Association.

Ann Robbins, Manager of the DSHS HIV program, was elected chair of the National Alliance of State and Territorial AIDS Directors. She will assume this position at their next annual meeting in spring 2010 and will serve a one year term.

Agenda Item 3:

- a. Machel Pharr provided an update on the 2010-2011 Biennium Legislative Appropriations. DSHS was partially or fully funded for twelve of the thirteen exceptional items submitted to the Senate and House at the beginning of the session. In addition, several requests were consolidated across the Enterprise and included in the Health and Human Service Commission's (HHSC) exceptional item request. Two of those requests were funded. Ms. Pharr provided a handout that included information by goal presented in January reflecting the final version of SB1 and additional funding provided for the 2008-09 biennium through HB4586.
- b. Nick Dauster provided a summary of the 81<sup>st</sup> Legislative Session. He reviewed bills that were passed and their impact on DSHS.

Agenda Item 4: Recommend to HHSC proposal of the following rule actions for public comment:

- a. New rules concerning the Youth Empowerment Services (YES) Waiver Program. Mike Maples introduced the rule and Matthew Ferrara provided the rule overview. Motion by Dr. Jeffrey Ross to recommend HHSC approval of this rule. Motion seconded by Dr. Jacinto Juarez. Motion carried. No public comment was provided.  
  
Dr. Foxhall asked for a report back to the Council on the program one year after implementation. Mrs. Kane also asked for a full briefing of the program to the Council at a future meeting.
- b. New rule concerning reimbursement methodology for the YES Waiver Program. Sarah Hambrick introduced the rule and provided the rule overview. Motion by Dr. Jacinto Juarez to recommend HHSC approval of this rule. Motion seconded by Dr. David Woolweaver. Motion carried. No public comment was provided.
- c. Repeal of rules and new rules concerning Kidney Health Care. Evelyn Delgado introduced the rule and Jann Melton-Kissel provided the rule overview. Motion by Dr. Jacinto Juarez to recommend HHSC approval to repeal this rule and accept the new rules. Motion seconded by Dr. David Woolweaver. Motion carried. No public comment was provided.

Ms. Kane asked how DSHS could partner with drug companies to maximize clients' access to needed medications. Program responded that some drug rebate programs are in place. Dr. Foxhall suggested working with HHSC on a waiver program for this population.

**Break 10:40 a.m. – resumed at 11:02 a.m.**

- d. Amendment of rules concerning the reporting of sexually transmitted diseases, including Acquired Immunodeficiency Syndrome and Human Immunodeficiency Virus. Dr. Adolfo Valadez introduced the rule and Sharon Melville provided the rule overview. Motion by Dr. Jeffery Ross to recommend HHSC approval to amend this rule. Motion seconded by Dr. David Woolweaver. Motion carried. No public comment was provided.

Dr. Ross asked about the correlation with trends in teenage pregnancies. Ms. Kane suggested a presentation be provided at the November 4, 2009 Council meeting to discuss trends and to provide an in-depth report on this subject.

- e. Amendment of rules concerning the surveillance and control of birth defects. Dr. Adolfo Valadez introduced the rule and Mark Canfield provided the rule overview. Motion by Dr. Jeffrey Ross to recommend HHSC approval to amend this rule. Motion seconded by Ms. Graciela Cigarroa. Motion carried. No public comment was provided.
- f. Amendment of rules concerning general provisions for radioactive material; radiation notices, instructions, reports to workers, and inspection protocol; exemptions, general licenses, and general license acknowledgements; and licensing of radioactive material. Kathy Perkins introduced the rule and Cindy Cardwell provided the rule overview. Motion by Dr. Lewis Foxhall to recommend HHSC approval to amend this rule. Motion seconded by Dr. Jacinto Juarez. Motion carried. No public comment was provided.
- g. Repeal of rules and new rules concerning the accreditation of certified food management programs and the certification of food managers. Kathy Perkins introduced the rule and Ione Wenzel provided the rule overview. Motion by Dr. Jacinto Juarez to recommend HHSC approval to repeal this rule and accept the new rules. Motion seconded by Dr. David Woolweaver. Motion carried. No public comment was provided.
- h. Repeal of rules and new rules concerning the Milk and Dairy Program. Kathy Perkins introduced the rule and Julie Loera provided the rule overview.

**Lunch: 12:00 p.m. – resumed 12:32 p.m.**

Following the lunch break, public comment was provided on the Milk and Dairy Program rules by: Charles Bubnts, Dr. Mark Shannan, Dawn Campbell, Judith McGeary, Donna Jo Voetee, Rachel Bradley, Mel Mason, Bryan Lambeth, Steve Sharp, Ro Cazenave, Stuart Velduizen, James Smith, Julie Lake, Bob Stryk, Elyse Chaloupka, Emily Erickson, Roy Atkinson, Brenda M. Morris, Marie Walker and Jennifer Everett. Commenters generally expressed a desire to increase the availability of raw milk to consumers.

Discussion – After public comment was provided, the Council members had several questions regarding the rules. Kathy Perkins, Susan Penfield, and Julie Loera provided additional information regarding the requirements for the inspection, transportation, sale, and safety of raw milk

**Break at 1:45 p.m. – resumed at 1:52pm**

Motion by Dr. Jeffrey Ross to recommend HHSC approval to repeal rules and accept the new rules. A member motioned (Dr. Lewis Foxhall) to amend the new rules to remove all changes related to raw milk. Motion to amend seconded by Dr. Jacinto Juarez. Motion to amend carried and Main Motion to recommend HHSC approval to repeal the

rules and accept the new rules was amended, having been seconded by Dr. Lewis Foxhall. Main motion, as amended, carried.

Ms. Kane noted that the regulation of raw milk will be discussed further at the November 4, 2009 Council meeting. Time will be set aside to respond to Council members questions.

Agenda Item 5: Emergency rules regarding interactive water features and fountains. Marc Connelly explained the requirements and justification for emergency rules. Kathleen Moore provided the rule overview. These rules will be presented to the Council at the November meeting for recommendation to HHSC for proposal for public comment, according to the regular rule adoption process.

Agenda Item 6: There were no general public comments.

Glenda Kane adjourned the meeting at 2:02 p.m. Motion by Dr. Ross and seconded by Dr. Foxhall.

Next meeting is scheduled for November 4, 2009.



---

Glenda Kane, Chair

11/04/2009

Date Approved by Council