



## State Health Services Council Meeting

Department of State Health Services (DSHS)  
Robert E. Moreton Building, Public Hearing Room M100  
1100 W. 49<sup>th</sup> Street, Austin, Texas

February 26, 2015

9:00 a.m.

### Minutes

#### Council Members Present

Jacinto Juarez, Ph.D., Laredo – Chair  
Dr. Kirk Calhoun, Tyler  
Rev. William Lovell, Dallas  
Carmen Pagan, McAllen  
Nancy Townes, Granbury  
Dr. Jeffrey Ross, Houston  
Dr. David Woolweaver, Harlingen  
Jay Zeidman, Houston

#### Council Members Not Present

Dr. Lewis Foxhall, Houston

#### Visitors

Kathryn Lewis – Disability Rights Texas  
Kyle Mauro – HillCo Partners  
Janet Paleo – Texas Council  
Jeuyla Lea – Hogg Foundation  
Emily Horne – Texas Right to Life  
Gyl Switzer – Mental Health America of Texas  
Wendy Wilson – Law office of Davis Kaufmann

Call to Order - Council Chair, Dr. Jacinto Juarez called the meeting to order at 9:00 a.m.

1. Approval of November 19-20, 2014 Minutes – Dr. Juarez called for a motion to approve the minutes of November 19 and 20, 2014. Motion made by Rev. Lovell seconded by Dr. Woolweaver. Motion passed.

Dr. Juarez recognized Kirk Cole as Interim Commissioner.

2. Commissioner's Report – Interim Commissioner Kirk Cole provided a report on the following:
  - Dr. Lakey – Left DSHS to join University of Texas Health Science Center (UTHSC) - Tyler and the University of Texas System.

- Dr. Lisa Cornelius – Will serve as Chief Medical Executive for DSHS.
- Legislative Session – Appropriations bills are being considered by budget workgroups and subcommittees. DSHS has exceptional item requests to maintain fiscal year 2015 service levels, maintain and improve the state hospital system, ensure preparedness for infectious disease and disaster responses, enhance expanded primary health care program, enhance substance abuse services, continue increased focus on community mental health services, fund children with special health care needs waiting list, prevent and treat sexually transmitted diseases, improve prevention of chronic diseases, and improve mobile technology.
- Sunset Update – Bills have been filed in both the House and Senate for non-substantive clean-up of health and human services statutes. The bills to implement Sunset Commission statutory recommendations have not been filed yet, but we expect them to be filed by mid-March. Some activities to implement management actions are already underway.
- 2014-15 Influenza Season – 10 pediatric influenza-associated deaths have been reported as well as 33 flu-related institutional outbreaks.
- Measles Update – Large, ongoing multi-state measles outbreak began in December at Disneyland in California. To date, Texas has not had any cases connected to this outbreak.
- Staff Updates:
  - Tammy Foskey (Disease Control and Prevention Services Division) was asked to serve on the Board of the National Coalition of Sexually Transmitted Disease Directors.
  - Matt Forrester (Disease Control and Prevention Services Division) published "Comparison of adverse events involving influenza vaccine reported to two programs" in the *TX Public Health Journal*.
  - Shelley Stonecipher (Regional and Local Health Services Division) was the author of "Effect of Aerial Insecticide spraying on West Nile Virus Disease –North Central Texas, 2012" that was published in the *American Journal of Tropical Medicine and Hygiene*.
  - Dr. Diana Cervantes (Regional and Local Health Services Division) received an award for Ebola activities from the North Central Texas Council of Governments.
  - Dr. Julie Graves was selected as the Regional Medical Director for 6/5S.

Council members had the following questions and comments:

- Dr. Calhoun – Will the Exceptional Item request for Personal Protective Equipment be a reserve to be used by DSHS personnel, or is it a reserve that can be sent to hospitals to address situations where there may be backlog on orders?
  - Dr. Calhoun – Do we have any further information about the Sunset recommendations regarding the retaining some subject matter advisory councils?
  - Dr. Juarez – Pointed out a correction needed on the House Bill 1 and Senate Bill 2 Highlights document; one line should read "Data Center Services" not "Date Center Services."
5. Update on Rider 83 – State Hospital System 10-Year Plan – This item was taken out of order on the agenda to accommodate staff scheduling issues. Assistant Commissioner Lauren Lacefield Lewis provided an update on the State Hospital System 10 Year Plan. The full presentation is available at: <http://www.dshs.state.tx.us/council/agenda.shtm>.

Dr. Ross expressed his support to pursuing university affiliations, as mentioned in the presentation. He feels this is very important and strongly suggests that we get these partnerships going.

3. Recommend to the Health and Human Services Commission (HHSC) the Proposal of the Following Rule Actions for Public Comment

- a. An amendment to a rule concerning fee schedules for clinical testing and newborn screening. Janna Zumbrun introduced the rule, Grace Kubin provided the rule overview.

Council members had the following questions and comments:

- Rev. Lovell – Can you identify which fees were deleted?
- Dr. Calhoun – It is my understanding that the assay for Ebola came from the Centers for Disease Control and Prevention; was there a charge for this assay?
- Rev. Lovell – The Emerging Disease category is very broad; how do you set a price for that?

There was no public comment.

Motion to recommend to HHSC the proposed rule action for Item 3a, Amendment to a rule concerning fee schedules for clinical testing and newborn screening, for public comment made by Dr. Woolweaver, seconded by Dr. Ross. Motion passed.

Rev. Lovell thanked the lab staff for the thoroughness, competency, and work they did during the Ebola outbreak.

- b. Amendments to rules concerning the reporting of sexually transmitted diseases, including Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV). Janna Zumbrun introduced the rule, Rebecca Filipowicz and Jennifer Chase provided the rule overview.

Council members had the following questions and comments:

- Dr. Ross – Why are we seeing an increase in cases? Is DSHS doing enough in terms of prevention or is the increase due to more reporting?
- Dr. Ross – Are the numbers in the pediatric cases increasing, stable, or decreasing? After the rule change, what reporting will be required in pediatric cases, and what information will providers be required to provide?
- Dr. Ross – Can we differentiate from those that are acquired vs. those that are born with AIDS?
- Rev. Lovell – What are the numbers for pediatric exposure to AIDS?

There was no public comment.

Motion to recommend to HHSC the proposed rule action for Item 3b, Amendments to rules concerning the reporting of sexually transmitted diseases, including Acquired Immunodeficiency Syndrome and Human Immunodeficiency Virus, for public comment made by Dr. Calhoun, seconded by Dr. Ross. Motion passed.

- c. Repeal of rules and new rules concerning abuse, neglect, and exploitation in Department of State Health Services state hospitals. Lauren Lacefield Lewis introduced the rule, Peggy Perry provided the rule overview.

Dr. Calhoun, recused himself from vote since UTHSC operates a DSHS clinic on their campus.

Council members had the following questions and comments:

- Rev. Lovell – Why would the stakeholders who provided comment not want the same rules to apply to them as applies to the private sector?

There was no public comment.

Motion to recommend to HHSC the proposed rule action for Item 3c, Repeal of rules and new rules concerning the abuse, neglect, and exploitation in DSHS state hospitals, for public comment made by Carmen Pagan, seconded by Nancy Townsend. Motion passed.

d. New rules concerning the standards for a Jail-based Competency Restoration Program. Lauren Lacefield Lewis introduced the rule, Trina Ita provided the rule overview.

Public comment provided by:

- Gyl Switzer – Mental Health Texas – opposed
- Katherine Lewis – Disability Rights Texas – opposed
- Wendy Wilson – Law Office of Davis Kaufmann – resource

Council members had the following questions and comments:

- Rev. Lovell – How does the department respond to the concerns raised by the public testimony?
- Carmen Pagan – Where are the pilot programs located and how long do you anticipate them going on?
- Dr. Woolweaver – Seems like there is a significant shortfall with staffing? Was this due to cost?

Dr. Juarez asked for a motion to recommend to HHSC the proposed rule actions for Item 3d for public comment. There was no motion to move the rule forward. Lisa Hernandez indicated members can move not to approve, or the item can be tabled. The rules will still go to HHSC for Executive Commissioner approval to publish for public comment.

Council members continued discussion of the agenda item:

- Carmen Pagan – Indicated they need more information to make a decision.
- Jay Zeidman – One of the fundamental issues is that jails are not the place to have this type of program. Mike Maples explained the theory behind restoring competency, and helping inmates understand why they are in jail and being able to communicate with counsel so they can stand trial.
- Dr. Calhoun – If this does not go forward what will happen to the rule? If it is tabled for the next meeting, will it still go to the Executive Commissioner?
- Jay Zeidman – Given this is a pilot program, what determines the success of the program?
- Nancy Townes – Can we rework some things to address staffing concerns? Have concerns about understaffing when there are mental health issues.
- Dr. Ross – These individuals are getting care to try to restore competency during the week, but are they incarcerated on weekends? Question the continuity of care, is this of benefit to the inmates?
- Dr. Ross – Did stakeholders who have experience in this area feel this is an improvement, or are these inmates going to slip back in the evenings and on the weekends?
- Dr. Woolweaver – Is there a time limit on this pilot program?
- Carmen Pagan – How does this work in other communities? Do they live at home? Are they necessarily incarcerated?
- Dr. Calhoun – If someone is identified as lacking competency, they are going to stay in jail until they are discharged to a program or go to a state hospital. If they stay in jail, they can participate in a competency restoration program.

- Dr. Juarez - Are there other programs that they can participate in? What impact would this have on other programs? This is another tool to help with providing services to those in need.

Additional public comment provided by:

- Wendy Wilson – Law Office of Davis Kaufmann – resource

Dr. Calhoun made a motion to recommend to HHSC the proposed rule action on Item 3d, New rules concerning the standards for a Jail Based Competency Pilot, but asked DSHS staff and the Executive Commissioner to carefully review staffing issues and determine they are adequate in order to address the public comment expressed. Rev. Lovell seconded the motion. Rev. Lovell spoke to the motion, asked for staff to look at the staffing issue. Motion passed.

4. Report on Texas Cancer Registry – Melanie Williams and Heidi Bojes presented on the Texas Cancer Registry. Ms. Williams introduced Emily Hall and Dr. Leticia Negera, Registry staff. The complete presentation can be found at: <http://www.dshs.state.tx.us/council/agenda.shtm>.

Council members had the following questions and comments:

Ms. Pagan – Are findings and outcomes posted on the website?

6. General Public Comment - Dr. Juarez asked for general public comment. There was no public comment.

Adjourn - Dr. Juarez asked for a motion to adjourn. Motion made by Dr. Ross, seconded by Carmen Pagan. Meeting adjourned at 11:34 a.m.

Acknowledged:



July 14, 2016

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Jacinto Juarez, Ph.D.  
Chair, State Health Services Council

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Date