



State Health Services Council Work Session

Department of State Health Services (DSHS)

909 West 45th Street, Austin, Texas

Building 2, Public Hearing Room 164

November 20, 2013

Minutes

Council Members Present

Jacinto Juarez, Ph.D., Laredo - Chair

Dr. Kirk Calhoun, Tyler

Dr. Louis Foxhall, Houston

Dr. Jeffrey Ross, Houston

Dr. David Woolweaver, Harlingen

Council Members Not Present

Nasruddin Rupani, Houston

Rev. William Lovell, Dallas

Visitors

Vilma Luna – Universal Health System

Elizabeth Stoberg – Texas Hospital Association

Kathryn Lewis – Disability Rights Texas

Anne Bradley – Sunset Commission

Eric Beverly – Sunset Commission

Erick Fajardo – Sunset Commission

Gyl Switzer – Mental Health America of Texas

Stacy Warren – Texas Medical Association

John Seago – Texas Right to Life

Call to Order – Council Chair, Dr. Jacinto Juarez called the meeting to order at 2:00 p.m.

1. Rules Scheduled for Action by Council on November 21, 2013
 - a. New rule concerning training requirements for state mental health facilities – Mike Maples introduced the rule and Peggy Perry provided the rule overview.

The Council members had the following comments and questions:

- Dr. Woolweaver – How do you determine that staff have full knowledge of the training curriculum?
- Dr. Juarez – Is there a checklist for criteria and training requirements?

- Dr. Ross – Is there a period of time that they are being evaluated? How long is this period? Does this evaluation come to the state?
- Dr. Foxhall – Describe the reporting system. Is there a process to identify near misses or opportunities for improvement? Is there a formal process where issues can be reported?
- Dr. Foxhall – Do we participate in any of the national programs for reporting?
- Dr. Juarez – Who provides the training? Are there people from outside brought in?

There was no public comment.

- b. New rules and repeal of rules concerning interventions in mental health programs – Mike Maples introduced the rule and Peggy Perry provided the rule overview.

The Council members had the following comments and questions:

- Dr. Foxhall – What is involved in reviewing the necessity of the restraint?
- Dr. Calhoun – Define initiate as in “only a physician or RN may *initiate* restraint.”
- Dr. Calhoun – Is there a professional level for who can initiate a restraint?
- Dr. Ross – If a physician orders a restraint, what happens if they are not available within 24 hours to follow up on the restraint? Who performs the follow up?
- Dr. Juarez – What specialty does the physician who is giving the order have to be? Does the physician have to be a psychiatrist?
- Dr. Ross – What happens if they are prescribing sedative narcotics? Are the same follow up procedures followed?
- Dr. Foxhall – Thanked staff for including the table of reportable incidents in the Council Agenda Memo.
- Dr. Foxhall – Are other populations showing the same rate trends over the last few years? Is there a way to track efforts or occurrences when not using restraints?
- Dr. Juarez – Success will be in training and education, including continuing education courses.
- Dr. Calhoun – Does holding a child to administer medication constitute restraint in mental health care?

Public comment provided by:

- Douglas Matney, Universal Health System – Provided written comments only
- Stacy Wilson, Texas Hospital Association
- Greg Knuckols, Timberland Mental Health
- Kathryn Lewis, Disability Rights Texas
- Gyl Switzer, Mental Health America, Texas

- c. Amendments to rules, repeal of rules, and a new rule concerning family planning services – Evelyn Delagado introduced the rule and David Auzenne provided the rule overview.

The Council members had the following comments and questions:

- Dr. Ross – Pleased to see inclusion of human trafficking issue. Houston is the largest area for human trafficking.
- Dr. Foxhall – What is the reason for the dramatic decline in the number of people receiving family planning services? Is this due to loss of funding? What is being done to help these numbers increase? Is there any health measure related to unintended pregnancies? It would be helpful to determine if current funding and funding through primary care are having the

desired effect on unintended pregnancies. Program staff will get back to Dr. Foxhall on the statistics for unintended pregnancies. Dr. Lakey indicated that this data comes from the Health and Human Services Commission (HHSC) and that staff will work with HHSC to provide this information.

There was no public comment.

- d. Amendments to rules, new rules, and repeal of rules concerning vision and hearing screening services – Evelyn Delgado introduced the rule and Margaret Bruch provided the rule overview.

The Council members had the following comments and questions:

- Dr. Ross – Would like DSHS to look at dental screening and foot screening for obese preschool children in order that they can be referred for appropriate treatment.
- Dr. Foxhall – What screenings are recommended or recognized by the federal authorities? How are the referrals handled for follow up?
- Dr. Ross – Are the referrals made to the primary care physician rather than a specialist? Concern that students may go to their primary care physicians, but not follow up with specialists.
- Dr. Juarez – When a referral is made, do we receive any documentation on the follow through with a specialist? Recommendation is to follow up on the referrals that are made.
- Dr. Calhoun – We have good value for the amount of funds that have been invested in this program. Does the agency expect more federal funding coming for this initiative?

There was no public comment.

- e. Amendments to rules concerning the reporting of health care-associated infections resulting in the deaths of patients while hospitalized – Janna Zumbrun introduced the rule and Marilyn Felkner provided the rule overview.

The Council members had the following comments and questions:

- Dr. Ross – These complications are going to affect hospitals, which will now be required to report these events. Doctors understand that the Centers for Medicare and Medicaid Services is reviewing for quality assurance. Need to look at co-morbidity involved in complications. The infection reporting requirement is onset 48 hours after admission.

There was no public comment.

- f. Amendment to a rule concerning emergency medical services provider licensing – Kathy Perkins introduced the rule and Joseph Schmider provided the rule overview.

The Council members had the following comments and questions:

- Dr. Foxhall – Is there some positive health outcome we expect or track from EMS providers that we license?
- Dr. Ross – Do we have any idea how much money will be saved by curtailing fraud and abuse?

There was no public comment.

- g. Amendment to a rule concerning cottage food production operations – Kathy Perkins introduced the rule and Cheryl Wilson provided the rule overview.

The Council members had the following comments and questions:

- Dr. Ross – Do the vendors have the ability to show documentation of training?
- Dr. Woolweaver – How expensive is it to hold the training sessions? Who certifies the programs/trainings? Is DSHS going to accredit these programs? Having the information available in a food handling course is good, but these courses are not accredited.
- Dr. Calhoun – Are we limited in putting accreditation in process due to the legislation?
- Dr. Juarez – Can local health departments monitor these places?
- Dr. Woolweaver – Is Texas in common with other states prohibiting food sales on the internet?
- Dr. Juarez – Does this only apply to cottage food industry, not applicable to restaurants?

There was no public comment.

- h. New rules concerning the regulation of food at farmers markets – Kathy Perkins introduced the rule and Christopher Sparks provided the rule overview.

The Council members had the following comments and questions:

- Dr. Foxhall – Is this still complaint-based surveillance? How does farmers market surveillance work? How will things be different once these rules take effect? Can a local public health authority implement these rules?
- Dr. Woolweaver – How do the vendors find out about these rules? What do we do about sushi? How are temperature requirements met?
- Dr. Ross – Can raw milk be sold at farmers markets?

There was no public comment.

- i. New rules concerning requests for information or official determination on food regulation – Kathy Perkins introduced the rule and Lewis Ressler provided the rule overview.

The Council members had the following comments and questions:

- Dr. Foxhall – Is this a matter of DSHS instructing the inspectors to interpret the rules? This is a good thing because citizens look at DSHS as being experts.

There was no public comment.

2. General Public Comment – Dr. Juarez asked for general public comment. There was no public comment.

Adjourn - Dr. Juarez adjourned the meeting at 4:15 p.m. Meeting will reconvene at 9:00 a.m. on Thursday, November 21, 2013.



February 27, 2014

Jacinto Juarez, Ph.D., Chair

Date