



State Health Services Council Meeting

Department of State Health Services (DSHS)

909 West 45th Street, Austin, Texas

Building 2, Public Hearing Room 164

November 21, 2013

Minutes

Council Members Present

Jacinto Juarez, Ph.D., Laredo – Chair

Dr. Kirk Calhoun, Tyler

Dr. Louis Foxhall, Houston

Rev. William Lovell, Dallas

Dr. Jeffrey Ross, Houston

Dr. David Woolweaver, Harlingen

Council Members Not Present

Nasruddin Rupani, Houston

Visitors

M. Ingraham – Allegiance EMS

Stacy Wilson – Texas Hospital Association

Justin Henderson – Texas Optometric Association

Dr. John McCormack – Texas Optometric Association

John Seago – Texas Right to Life

Anne Bradley – Sunset Commission

Katherine Teleki – Sunset Commission

Kay Hart – Office of the Governor

Elizabeth Sjoberg – Texas Hospital Association

John McCormack – Texas Department of Agriculture

Sandra Martinez – Mental Health America

Lauren Ames – House Research Organization

Call to Order – Meeting was called to order by Council Chair, Dr. Jacinto Juarez at 9:00 a.m.

1. Approval of August 28-29 Minutes – Dr. Juarez asked for a motion to approve the minutes of August 28 and 29, 2013. Motion made by Dr. Woolweaver. Motion seconded by Reverend Lovell. Motion passed.

Council members had no comments or questions.

2. Commissioner's Report – Commissioner David Lakey provided a report on the following:
- Changes to the Council – Glenda Kane and Maria Teran have both resigned from the Council; Dr. Jacinto Juarez has been appointed Council Chair.
 - Status of abortion facility regulation rules
 - DSHS Sunset review
 - Update and progress at Terrell State Hospital
 - Reporting of healthcare-associated infections
 - Measles and pertussis outbreaks
 - Multi-state outbreak of Cyclospora and collaboration with the Centers for Disease Control and Prevention
 - Flu season runs October 1 through mid-May
 - Primary Health Care Expansion for women services
 - Reductions in prematurity and infant mortality through the Healthy Texas Babies Initiative
 - Tobacco Control Summit in Texas scheduled for June 26-27, 2014; Dr. Foxhall and M.D. Anderson are coordinating.
 - Update on renovation of the Moreton Building – Completion is scheduled for Spring 2014, and is currently under budget. The Council meeting room will be relocated to the first floor.
 - Federal government shut down – Contingency planning is underway in the event of another interruption at the federal level.

Commissioner Lakey had the following staff and program acknowledgments:

- Chief Financial Office – Contract Management Procurement System Quality Initiative is underway and the contract amendment process for contract renewals has been deployed.
- The Regulatory Services Shellfish Program has met and exceeded the Food and Drug Administration's requirements in the National Shellfish Sanitation Program Model Ordinance. Kirk Wiles, Meredith Ogden, and Jan Robinson were recognized for their work in this effort.
- Evelyn Delgado, Assistant Commissioner for Family and Community Health Services (FCHS) Division, has 20 years state service.
- Debra Sexton, FCHS Division, co-authored an article accepted for publication in the *American Journal of Health Promotion*.
- Bonny Mays, Pamela Wilson, Ernest Oertli, and Pat Hunt, in the Disease Prevention and Control Services (DCPS) Division, have published an article in the *Journal of American Veterinary Medicine*.
- Peter Langlois and Mark Canfield, DCPS Division, published an article in the *Birth Defects Research Part A: Clinical and Molecular Teratology*. Mark Canfield co-authored another article in that publication.
- Brandii Mayes, Ramah Leith, Rocky Payne and Julie Prien, from the Health Promotion and Chronic Disease Prevention Section (DCPS), attended the Division of Community Health Awardee Training in Atlanta.

Council members had the following comments and questions:

- Dr. Foxhall – What steps are being taken to stop additional exposure to Cyclospora? Are restaurants working with colleagues to address the issue?
- Dr. Foxhall – Do we track the impact of ICU utilization in infant mortality? How many births are paid for by Medicaid?

- Rev. Lovell – Thanked Dr. Lakey for update on state hospitals and abortion regulation rules and provided an update on the State Hospital Chaplains’ annual meeting that he had attended.
- Dr. Ross – Provided the following tribute in acknowledgment of Glenda Kane and requested the minutes reflect the tribute. Rev. Lovell requested that the minutes reflect that this is the sentiment of the entire Council.

11-21-13

Tribute to Glenda Kane

It is with great honor that I say a few words to honor to our out-going Chair Glenda Kane. Glenda was more than just the Chair of the DSHS Council, she was an inspiration to us all. She was a true advocate for the health and well-being of all Texans. She was passionate in her volunteerism, particularly in the areas of mental health. She personally understood the importance of mental health and access here in Texas. She fought tirelessly to bring the subject to forefront.

Glenda was tenacious when she believed in something as important as mental and physical health of all Texans. She was compassionate and extremely generous. She gave incredible amounts of time to causes that we all know and respect. A true Jewish mother, and grandmother. Even through her illness she worked on behalf of this Council, the DSHS and Health and Human Services. I was proud to be her lieutenant, and to support her initiatives and leadership.

We will all miss Glenda as our Chair, and her leadership, but I know that she will continue to fight for a healthy Texas, and will give us inspiration and advice when need it. I hope that Glenda will serve as an inspiration to us all, and cause us to strive forward with the same energy and zeal that she possessed. I am sure that our new Chair Dr. Juarez will continue in the tradition that Glenda so admirably defined. Thank you Glenda for all you have done, and for the work that I know you will continue to do in the future.



- Dr. Calhoun – Asked Dr. Lakey to describe the effects of the federal sequestration on DSHS.
 - Dr. Calhoun – Asked Dr. Lakey to discuss the effects of mosquitoes and the incidence of West Nile Virus and Dengue fever.
3. Update on Sunset Commission Review of Health and Human Services System – Kelly Garcia, Texas Health and Human Services Commission, provided an update on the Sunset process. All reviews started in October. There are five teams looking at the five HHSC agencies. Katharine Teleki is the lead project manager for the DSHS Sunset review. The public hearing for DSHS should be in late

June, exact date to be determined. HHSC is under review until September 2014, with a report due out in October 2014.

Council members had no comments or questions.

4. Consent Agenda – Recommend to HHSC the proposal of the following rule actions for public comment*
 - a. New rule concerning training requirements for state mental health facilities
 - ~~b. New rules and repeal of rules concerning interventions in mental health programs~~
 - c. Amendments to rules, repeal of rules, and a new rule concerning family planning services
 - ~~d. Amendments to rules, new rules, and repeal of rules concerning vision and hearing screening services~~
 - ~~e. Amendments to rules concerning the reporting of health care-associated infections resulting in the deaths of patients while hospitalized~~
 - f. Amendment to a rule concerning emergency medical services provider licensing
 - g. Amendment to a rule concerning cottage food production operations
 - h. New rules concerning the regulation of food at farmers' markets
 - i. New rules concerning requests for information or official determination on food regulation

Agenda Items 4.b, 4.d., and 4.e. were removed from the Consent Agenda. Dr. Juarez asked for a motion to approve the remaining items on the Consent Agenda and recommend to HHSC the proposal of the rule actions for public comment. Motion made by Dr. Foxhall, seconded by Dr. Ross, motion passed.

4. b. New rules and repeal of rules concerning interventions in mental health programs – Mike Maples and Peggy Perry provided clarification on the rules as follow-up to public comments during the work session.

The Council members had the following questions and comments:

- Dr. Calhoun – When would the reporting requirement be effective?
- Dr. Woolweaver and Dr. Ross – Concern about the time frame for implementation.

Motion to recommend to HHSC the proposal of the rule action for public comment made by Dr. Calhoun, seconded by Rev. Lovell. Motion passed.

4.d. Amendments to rules, new rules, and repeal of rules concerning vision and hearing screening services.

Public comment provided by Dr. John McCormack, Texas Optometric Association.

Motion to recommend to HHSC the proposal of the rule action for public comment made by Dr. Ross, seconded by Dr. Woolweaver. Motion passed.

4.e. Amendments to rules concerning the reporting of health care-associated infections (HAI) resulting in the deaths of patients while hospitalized.

Public comment provided by Elizabeth Sjoberg, Texas Hospital Association

Council members had the following comments and questions:

- Dr. Juarez – Asked Janna Zumbrun and Dr. Felkner to respond to Texas Hospital Association comments.
- Dr. Foxhall – Would reporting be in accordance with National Healthcare Safety Network (NHSN)
- Dr. Calhoun – Does the language specify death during admission or resulting from admission?
- Dr. Foxhall – The definition of death used by NHSN would be “contributed to,” rather than “resulting from.” Must have a clear definition of death when making the rule for what is to be reported. What is our definition of death?
- Dr. Calhoun – The timing of death is consistent with NHSN.
- Dr. Ross – “Contributed” vs. “cause” of death wording is unclear.
- Dr. Calhoun – Seldom is the infection the only factor listed in cause of death. It is the desire of Council to go back to look at language, to make sure we are as precise as possible, because death certificate will not list HAI as cause of death.

Dr. Felkner asked if it is sufficient in the rules to defer to the national definitions, realizing that the DSHS rules are not in conflict with the national definitions. If we become overly prescriptive in the rules, then are we constantly having to update the rules whenever changes are made to the national definitions.

Lisa Hernandez indicated that staff can continue working with stakeholders on the wording to make it more clear and consistently defined. Staff will go back and look at the federal guidelines and the law to ensure consistently applied language throughout the rules regarding use of the term “contribute.” We need to be sure that the use of the term is within our authority and ability to follow. If we don’t find the basis upon which HAI is “contributing to” but rather “resulting from,” then we will have to use the term based on the state statute.

Dr. Calhoun made a motion to recommend to HHSC, with clarification of the language as discussed, the proposal of the rule action for public comment. The motion was seconded by Dr. Foxhall. Motion passed.

5. General Public Comment – Dr. Juarez asked for general public comment. There was none.

Adjourn – Dr. Juarez asked for a motion to adjourn. Motion made by Dr. Woolweaver, seconded by Rev. Lovell, motion passed. Dr. Juarez adjourned the meeting at 10:27 a.m.

Next Council Work Session will be held February 26, 2014 and Council Meeting will be February 27, 2014.



Jacinto Juarez, Ph.D., Council Chair

February 27, 2014

Date