



Minutes

State Health Services Council Work Session

Department of State Health Services (DSHS)
Robert E. Moreton Building, M-739
1100 W. 49th Street, Austin, Texas
February 22, 2012
3:00 p.m.

Council Members Present

Beverly Barron – Odessa
Dr. Lewis Foxhall – Houston
Dr. Jacinto Juarez – Laredo
Glenda Kane, Chair – Corpus Christi – arrived 3:15 p.m.
Dr. Jeffrey Ross – Houston
Dr. David Woolweaver – Harlingen

Council Members Not Present

Dr. Kirk Calhoun – Tyler
Rev. William Lovell – Dallas
Nasruddin Rupani – Sugar Land

Visitors

G.K. Sprinkle – Texas Ambulance Association
Leon Carpenter – ITSI
Eddie Walker – Life EMS Academy
Duane Hill – Beaumont Bone and Joint Institute
Jerry Dinsmore – PERCOM
Jane Dinsmore – PERCOM
Charles Jaquith – MCC
Elizabeth Spivey – Texas Hospital Association (THA)
Nancy Fisher – Consumer Healthcare Products Association
Velma Luna – HillCo Partners
Joe Lovelace – Texas Council of Community Centers
Haley Cornyn – HillCo Partners
Tony Wahl – Texas Spine and Joint Hospital, Tyler
Bobby Hillert – Texas Physicians Hospital Advocacy Center
Clifford Gay
Richard Peters – THOT
Charles Bailey – THA
Joey Longley – Civic Initiatives
Jordan Head – Senate Health and Human Services
Laneda Kennedy
Klaus Madsen - PHIT

Dr. Ross, Council Vice-Chair, called the meeting to order at 3:10 p.m.

1. Fiscal Year 2013-2017 Strategic Plan – Luanne Southern, Deputy Commissioner, outlined the approach for preparing the 2013-2017 Strategic Plan. The initial draft of DSHS strategic plan is due to the Health and Human Services Commission (HHSC) on March 5, 2012. Drafts will be posted on the Internet for public comment. Each agency is responsible for its section/chapter of the overall HHSC strategic plan.

Ms. Southern reviewed the working draft and the challenges and issues that will be included in the plan:

- Enhancing public health response to disasters and disease outbreaks
- Preventing chronic diseases and infectious diseases
- Improving the health of infants and women
- Addressing the evolving profile of individuals in need of DSHS funded services
- Meeting increased regulatory demands to business growth
- Increasing emphasis on health care quality
- Developing quality improvement initiatives for key business processes
- Addressing current and future workforce needs
- Enhancing health data quality and security
- Addressing infrastructure needs

Council member comments on the plan can be directed to Ms. Southern.

Discussion:

Dr. Ross - Pertaining to dealing with capacity of inpatient psychiatric hospitals, particularly the impact in Harris County, where are we looking for these services to be provided in the private sector for Medicaid and Medicare patients?

Ms. Kane - There will be an all Health and Human Services Councils meeting roundtable to discuss the plan.

2. Rules Planned for Action at a Future Council Meeting. Public comments will be taken with each rule discussion for the following rules.
 - a. Repeal of a rule and a new rule concerning the use of radiation machines in the healing arts. Kathy Perkins introduced the rule; Barbara J. Taylor provided the rule overview.

Discussion:

There was no discussion.

Public Comment:

There was no public comment.

- b. Amendments to rules concerning emergency department staffing for general and special hospitals. Kathy Perkins introduced the rule and provided the rule overview.

Discussion:

Dr. Foxhall – How did we determine the 20 minute threshold? What is the evidence to support this measure?

Dr. Ross – How will hospitals get around the 20 minute wait? What physician staffing will be required? Will this treatment time be public information for citizens about each facility?

Public Comment:

Duane Hill – support

Bobby Hillert – support

Tony Wall – support

Charles Bailey – has concerns about the proposal, prefers a waiver process

3. Rules Scheduled for Action by Council on February 23, 2012 to be included on the consent agenda. Public comments will be taken with each rule discussion for the following rules.
- a. Amendments to rules concerning the regulation of hospitals. Kathy Perkins introduced the rule; and Ellen Cooper provided the rule overview.

Discussion:

Dr. Woolweaver – What is the new terminology that will be used?

Dr. Foxhall – In practical terms, how will this be implemented? Are any written documents from state agencies required to use these terms?

Ms. Kane – What are the current hospital retention schedules? When we do outreach, can we encourage patients to obtain DVDs and copies of their medical records?

Public Comment:

There was no public comment.

- b. New rules concerning a vaccine preventable disease policy for health care facilities regulated and operated by DSHS. Kathy Perkins introduced the rule; Ellen Cooper provided the rule overview.

Discussion:

Dr. Foxhall – Is this a different approach for asking for exemptions from vaccines, regardless of the reason? Would it be up to the employer to determine criteria? Would DSHS limit the facility in any way if an employee with direct patient care requested an exemption?

Public Comment:

There was no public comment.

- c. Amendment to a rule concerning the licensure of food manufacturers, food wholesalers, and warehouse operators. Kathy Perkins introduced the rule; Lewis Ressler provided the rule overview.

Discussion

Ms. Barron – If we do not know where these manufacturers are now, how are we going to know where they are for enforcement purposes? Do we have a system in place for assessing penalties for those who are not licensed?

Dr. Woolweaver – What kind of license fee are we looking at, and once licensed, is there a new set of regulations that the manufacturer must comply with?

Dr. Juarez – What regulations exist on foreign products brought into the country? The USDA has changed the policy on eggs coming in from Mexico; has DSHS policy changed to mirror this policy?

Dr. Woolweaver – Are these distribution centers handling food manufactured in the United States, or from a foreign country? If the packaging is done at the location of harvest, is it exempt? Is it correct that if a farm has a full packaging center, they would not be licensed or inspected? This rule appears to be increasing the cost of food but not enforcing the regulation. How many outbreaks have we had to deal with and where did these cases originate? Will we be able to prevent or just identify outbreaks with these rules?

Dr. Foxhall – With the legislation that was passed, is there a requirement that these rules be implemented? In the future, could we have a discussion about these issues prior to the legislation being passed? If this results in improved handling processes, and we are able to identify and track the source of the outbreak more quickly, then this would be a good result. The challenge is that this will result in a great deal more regulation and licenses. We have to figure out as a department how we are going to pay for this and determine how these outcomes will be measured. We need some baseline information to measure outcomes to determine if this amount of regulation is cost effective and has a positive health impact.

Ms. Kane – Can we collaborate with UT School of Nutrition to help with this process? Food safety compliance officers need to be licensed and trained to oversee restaurants. Many illnesses are brought on by antibiotic resistant bacteria.

Public Comment:

There was no public comment.

- d. Amendments to rules, new rules, and repeal of a rule concerning limitations on sales of products containing ephedrine, pseudoephedrine, and norpseudoephedrine. Kathy Perkins introduced the rule; Karen Tannert provided the rule overview.

Discussion:

There was no discussion.

Public Comment:

There was no public comment.

- e. Amendment to a rule concerning Emergency Medical Services (EMS) training and course approval. Kathy Perkins introduced the rule; Maxie Bishop provided the rule overview.

Discussion:

Ms. Kane – Does this have any effect on the program for returning military medics? Do they have to go through some integration process?

Dr. Juarez – Is the training for instructors going to change? Why is there a requirement for both contractors to accredit the organization and for oversight?

Ms. Barron – What is the necessity for the consortium? Is this the same as the sponsorship?

Ms. Kane – DSHS should look at consortiums of people willing to help so that the providers themselves do not have to form the consortium. It is disconcerting that nationwide regulatory agencies are changing rules at the last minute; it is exorbitantly expensive. We want to protect the public, but changing and implementing rules at the last minute is extremely frustrating and cost prohibitive.

Dr. Juarez – How many states are participating in national accreditation and what is the success of the accreditation? Kathy Perkins explained that accreditation is necessary for reciprocity between states.

Dr. Woolweaver – If the net result of requiring accreditation is the loss of students due to small companies closing, the impact on the state must be considered.

Public Comment:

Jerry Dinsmore – against; discussed financial impact of accreditation. Mr. Dinsmore, whose business is still not accredited, discussed the cost in man hours and travel and the larger impact on micro and private/small businesses.

Jane Dinsmore – against; discussed difficulties with the required sponsorship and the impact on private/small organizations.

Eddie Walker – against; discussed difficulties with the required consortium sponsorship agreement and impact on private/small organizations. Mr. Walker requested that DSHS serve as a consortium sponsor for small/private organizations that meet the other requirements. Ms. Kane asked that Mr. Walker put this in writing for the Council and present it at the meeting tomorrow.

G. K. Sprinkle – against; discussed problems with consortium sponsorship and having only one accrediting body.

Leon Carpenter – against accreditation program and consortium sponsorship.

Break – 5:10 p.m. – Reconvene – 5:35 p.m.

Item 3(e) was removed from consent agenda to allow more discussion at tomorrow's Council meeting.

- f. Amendments to rules, repeal of rules, and new rules concerning the licensing and regulation of chemical dependency counselors. Kathy Perkins introduced the rule; Stewart Myrick provided the rule overview.

Discussion:

Dr. Ross – Please describe what is meant by criminal history standards?

Public Comment:

There was no public comment.

Ms. Kane called for general public comment. General public comment was provided by Clifford Gay regarding Rider 71. He thanked the Council for their support of the initiative.

- g. Repeal of rules, new rules, and amendments to rules concerning fees for laboratory services and fee schedules for clinical testing, newborn screening, and chemical analysis. Dr. Valadez introduced the rule; Grace Kubin provided the rule overview.

Discussion:

Dr. Juarez – How do our fees compare with the fees charged by other states?

Dr. Ross – After the extreme drought this year, are we seeing changes in the water supplies and water specimens submitted?

Public Comment:

There was no public comment.

- h. Repeal of a rule and a new rule concerning the Texas HIV Medication Advisory Committee. Dr. Adolfo Valadez introduced the rule; Wayne Hough provided the rule overview.

Discussion:

There was no discussion.

Public Comment:

There was no public comment.

- i. Repeal of rules concerning life-sustaining treatment in state hospitals. Mike Maples introduced the rule; Dr. Emilie Becker provided the rule overview.

Discussion:

There was no discussion.

Public Comment:

There was no public comment.

- j. Amendments to rules concerning the County Indigent Health Care Program. Evelyn Delgado introduced the rule; Imelda M. Garcia provided the rule overview.

Discussion:

Dr. Foxhall – Are all counties in Texas eligible and are all required to report? There are 108 counties that report into this system; is there a requirement for the other counties to report? Is there only \$211,000 for this program?

Glenda Kane – DARS used to handle this program. At that time there was a lot of money from the federal government through the Rehabilitation Commission for this program.

Public Comment:

There was no public comment.

- k. Amendments to rules concerning the distribution of tobacco settlement proceeds to political subdivisions. Pat Czepiel Feagin introduced the rule; and provided the rule overview.

Discussion:

Dr. Foxhall – How much of the tobacco settlement dollars are actually used for tobacco control purposes?

Public Comment:

There was no public comment.

- 4. General Public Comment - Glenda Kane asked for any additional general public comment. There was no further public comment.

Glenda Kane adjourned the meeting at 6:18 p.m. The Council will reconvene at 9:00 on Thursday, February 23, 2012.



Glenda Kane, Chair
State Health Services Council

June 14, 2012

Date