



# Minutes

## 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  
February 23, 2012  
9:00 a.m.

### **Council Members Present**

Glenda Kane, Chair – Corpus Christi  
Beverly Barron – Odessa  
Dr. Kirk Calhoun – Tyler  
Dr. Lewis Foxhall – Houston  
Dr. Jacinto Juarez – Laredo  
Dr. Jeffrey Ross – Houston  
Dr. David Woolweaver – Harlingen

### **Council Members Not Present**

Rev. William Lovell – Dallas  
Nasruddin Rupani – Sugar Land

### **Visitors:**

Elaine Arnold – Texas Medicaid and Healthcare Partnerships (TMHP)  
Nancy Fisher – Consumer Healthcare Products Association  
Tom Valentine – Eric Wright Associates  
Elizabeth Spivey – Texas Hospital Association (THA)  
Jeff Fritz – EMS  
Judy Granger – Eli Lilly  
Nora Belcher – THA  
Jonel Ney – National Nurses Organizing Committee (NNOC)  
Paula Littlos - NNOC  
Jody Harbert – Blinn College  
Emily Kidd – University of Texas Health Science Center at San Antonio  
James Gray – American Cancer Society  
Linda Dickerson – Governor’s EMS and Trauma Advisory Committee (GETAC)  
James Dickerson  
Jeff McDonald – EMS, GETAC Education Committee  
Eddie Walker – Life EMS Academy  
Rob Fields – TMHP  
Joe Lovelace – Texas Council of Community Centers

Jerry Dinsmore – PERCOM  
Jane Dinsmore – PERCOM  
G. K. Sprinkle – Texas Ambulance Association  
Christy Havel – Legislative Budget Board  
Lee Johnson – Texas Council of Community Centers  
Haley Cornyn – HillCo  
Gyl Switzer – Mental Health America of Texas  
Joey Longley – Civic Initiatives  
Stem Timmons – MHM  
Terry Cowan – Association of Substance Abuse Providers  
Belinda Carlton – TLDD  
Leon Carpenter

Council Chair, Glenda Kane called the meeting to order at 9:06 a.m.

1. Glenda Kane asked for approval of November 30, 2011 and December 1, 2011 Minutes. Motion to approve was made by Dr. Juarez, seconded by Dr. Ross. Motion passed.
2. Commissioner's Report  
Commissioner Lakey provided updates on the following program initiatives:
  - Public Health Preparedness Summit in California
  - Rider 71 update – DSHS is required to hire an independent contractor to evaluate the public behavioral health system
  - Update on sexual and physical abuse procedures and new guidelines being implemented at state hospitals
  - State hospital capacity lawsuit – DSHS was ordered to have beds available for detainees within 28 days. DSHS is reviewing options to respond.
  - HIV medication program and shortfall in AIDS drug program – DSHS was directed to seek funding from the Health and Human Services Commission (HHSC) if funds are not available through the AIDS Drug Assistance (ADAP) Program. It has been determined that ADAP Program will not experience a shortfall in the next biennium. DSHS has been able to increase revenues through rebates and prices did not go up, so DSHS will not need to seek funding from HHSC.
  - Moreton Building update – Moves will begin within the next two weeks. Construction will begin in August.
  - Healthy Texas Baby Program – Goals are to use evidence-based practices to reduce pre-term births by 7.2 percent.
  - House Bill 15 (sonogram law) – The bill applies to abortions performed on or after October 1, 2011. An injunction was filed but lifted in January 2012. In February, DSHS sent guidance and forms to abortion providers.
  - Senate Bill (SB) 1107 (meningitis vaccine) – DSHS manages a small part of the meningitis vaccine through the Adult Safety Net Program. DSHS is temporarily providing this vaccine to support students and stakeholders in order to implement SB 1107. The temporary policy was extended through February 15, 2012.
  - Red Tide update – DSHS has issued a warning on eating oysters, mollusks, and mussels from the gulf.
  - Transforming Texas Health People in Healthy Communities – This grant supports public health efforts to reduce chronic illness, promote healthier lifestyles, reduce health disparities, and control health care spending. Grants were awarded to 18 organizations. Goals are to:

- Reduce death due to tobacco use by five percent
- Reduce death due to obesity by five percent
- Reduce death due to heart attack and stroke by five percent
- Newborn Screening Program – The program currently screens for 28 conditions. We are working with HHSC and other stakeholders to expand program. DSHS is working to add Severe Combined Immune Deficiency (SCID) to the screening panel.
- Strategic Plan update – Dr. Lakey discussed the timeline of the 2013-2015 Strategic Plan.
- Interim legislative activities

Dr. Lakey recognized the following programs:

- Mental Health and Substance Abuse Services – Texas Society of Psychiatric Physicians awarded the annual David Pharris Award to the North Texas Hospital’s Behavioral Management and Treatment program
- DSHS’ investigation of mercury in face cream was highlighted in an issue of the Centers for Disease Control and Prevention *Have You Heard*
- Regulatory Services – Barring a change in the Federal Drug Administration budget, the Texas Rapid Response Team grant will be funded.

#### Discussion

Dr. Foxhall – Can a list be distributed of the awardees for the Community Transformation Grants (CTG) and what they are working on? A link will be provided for this information. Also, the Healthy Texas Babies initiative link will be available.

Dr. Foxhall – Is DSHS working with Texas Higher Education Coordinating Board to change the meningitis vaccine rules?

Dr. Ross – Regarding the Community Transformation Grants, can Council members get a report on the safe bike paths and safe routes to schools and other initiatives to share with the Texas School Health Advisory Council and the Governor’s Council on Physical Fitness. DSHS money is used as seed money for Mayor’s Fitness Councils; these grants fit in well with Mayor’s Fitness Councils’ goals.

### 3. Briefing on Medicaid 1115 Waiver and Public Health Interactions

Maureen Milligan with HHSC provided an update on the Medicaid 1115 Waiver and public health interactions. The complete presentation can be found at:

<http://www.dshs.state.tx.us/council/agenda.shtm>

#### Discussion

Glenda Kane – What is the timeframe for payments to be made under this waiver?

Dr. Calhoun – The state was counting on going to Medicaid managed care to balance the budget. This waiver process was a lifesaver in helping to move to managed care. Funding in East Texas is extremely important for local and rural hospitals. East Texas will need to create regional plans by the end of summer that include an assessment of challenges. Key to attaining this goal is working with local DSHS office, since they already have much of the data necessary.

Glenda Kane – Medical assets will be identified; everyone will be talking to each other and redundancy will be eliminated. It is important that we do this in a way to be homogenous and transparent in using assets in the best way possible.

Dr. Lakey – HHSC has been very open to working with DSHS on this project.

4. Consent Agenda - Recommend to the Health and Human Services Commission proposal of the following rule actions for public comment:
  - a. Amendments to rules concerning the regulation of hospitals
  - b. ~~New rules concerning a vaccine preventable disease policy for health care facilities regulated and operated by DSHS~~ – removed from consent agenda
  - c. Amendment to a rule concerning the licensure of food manufacturers, food wholesalers, and warehouse operators
  - d. Amendments to rules, new rules, and repeal of a rule concerning limitations on sales of products containing ephedrine, pseudoephedrine, and norpseudoephedrine
  - e. ~~Amendment to a rule concerning Emergency Medical Services (EMS) training and course approval~~ – removed from consent agenda
  - f. Amendments to rules, repeal of rules, and new rules concerning the licensing and regulation of chemical dependency counselors
  - 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
  - h. Repeal of a rule and a new rule concerning the Texas HIV Medication Advisory Committee
  - i. Repeal of rules concerning life-sustaining treatment in state hospitals
  - j. Amendments to rules concerning the County Indigent Health Care Program
  - k. Amendments to rules concerning the distribution of tobacco settlement proceeds to political subdivisions

Motion to recommend to HHSC proposal of rule actions for public comment made by Dr. Woolweaver; seconded by Dr. Ross. Motion passed.

- b. New rules concerning a vaccine preventable disease policy for health care facilities regulated and operated by DSHS.

Public comment:

Jodie Nye – against

Discussion:

Lisa Hernandez stated that this was mandated by law, and DSHS role is to implement the law. Dr. Ross knows of some physicians who refuse to take flu shot.

Motion to recommend to HHSC proposal of rule action for public comment made by Dr. Juarez; seconded by Ms. Barron. Motion passed.

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

Public Comment:

Linda Dickerson – GETAC – pro

Eddie Walker – Life EMS Academy – against accreditation sponsorship

Jeff McDonald – GETAC Education Committee, Program Coordinator, Fort Worth – pro

Jerry Dinsmore – against accreditation sponsorships

Leon Carpenter – against accreditation cost and sponsorship

Jeff Fritz – Program Director, Temple – pro

Jody Harbort – GETAC, Program director, Blinn College – pro

Emily Kidd – Emergency medicine physician, EMS Director, San Antonio – pro

Discussion:

Dr. Calhoun – Regarding accreditation, is there an application fee through the other agency and how does the cost compare?

Dr. Foxhall – Is there an adequate process to report concerns regarding the accreditation process? It is important to have the process in place and for the organizations to use that process to report problems.

Ms. Kane – One of the stakeholders provided an amount that has been paid for accreditation. Are they the only ones having this issue and are the amounts subject to change?

At the request of Dr. Lakey, Lisa Hernandez explained where we are in the rule process, the actions of the Council today, and what happens next.

Break: 10:42 a.m. Resume: 10:50 a.m.

Motion to recommend to HHSC proposal of rule action for public comment made by Dr. Calhoun; seconded by Dr. Ross.

5. Report on Tuberculosis (TB) Prevention and Control Activities - Dr. Adolfo Valadez provided a report on TB prevention and control activities. The complete presentation can be found at: <http://www.dshs.state.tx.us/council/agenda.shtm>

Discussion:

Dr. Foxhall – What are the results noted on the slide? Dr. Valadez will check with staff and respond back to Dr. Foxhall.

Dr. Ross – What is the overall number for funding now? Are we still lower than last year and the year before?

Dr. Calhoun – Does this exclude funding for the Texas Center for Infectious Disease (TCID)?

Dr. Juarez – Considering the Mexico border, do intrastate borders have higher or lower instances?

Dr. Lakey – The US border states and counties have higher rates of complicated disease.

Dr. Ross – In university settings, where did the isolates come from? Did you work with the health systems departments in the universities?

Dr. Foxhall – What are the recommendations for testing for groups or individuals in school settings that are in contact with refugee populations? Dr. Valadez will get back to Dr. Foxhall.

Dr. Calhoun – UT Tyler was named as a TB center in the 1940s and works in conjunction with TCID.

Glenda Kane – How are we going to address the fear of vaccine in this country and the mindset of “chickenpox parties” to inflict exposure all at one time? Is the reason we do not have a TB vaccine appropriate to our area due to the DNA of the illness?

Dr. Lakey – There is a vaccine for TB meningitis in children that is used in third world countries. It does not protect against the kind of illness that we see and can actually inhibit detection of other TB illnesses.

6. General Public Comment

Glenda Kane asked for general public comment. There was no general public comment.

Adjourn – Glenda Kane asked for a motion to adjourn. Motion made by Ms. Barron; seconded by Dr. Ross. Meeting adjourned at 11:50 a.m.

Next Council work session will be held June 13, 2012 and next Council meeting will be held June 14, 2012.



Glenda Kane, Chair  
State Health Services Council

June 14, 2012  
Date