



## **State Health Services Council Work Session**

Department of State Health Services (DSHS)

Robert E. Moreton Building, M-739

1100 W. 49<sup>th</sup> Street, Austin, Texas

June 13, 2012

### **Minutes**

#### **Council Members Present**

Glenda Kane, Chair – Corpus Christi  
Dr. Kirk Calhoun – Tyler  
Dr. Lewis Foxhall – Houston – arrived at 11:30 a.m.  
Dr. Jacinto Juarez – Laredo  
Rev. William Lovell – Dallas  
Dr. Jeffrey Ross – Houston  
Dr. David Woolweaver – Harlingen

#### **Council Members Not Present**

Beverly Barron – Odessa  
Nasruddin Rupani – Sugar Land

#### **Visitors**

Tom Suehs, Executive Commissioner – Health and Human Services Commission (HHSC)  
John Carbona – Biolife Cell Bank  
Chris Ward – Bus. Assess. Group  
John Seago – Texas Right to Life  
Tom Valentine – TXInsight.com  
Stacy Wilson – Texas Hospital Association  
Kym Oltrogge – HHSC  
Nicole Harbert – self  
Kathy Seay – Representative David Simpson  
Carolyn Jones – self  
Dina Moore – Texas Alliance for Life  
Jordan Miller – HillCo partners  
Jordan Head – Senate Committee on Health and Human Services  
Ricardo Garza – HHSC  
Andria Franco – Office of the Governor  
Joe Pogman – Texas Alliance for Life  
Nancy Walker – Representative Naishtat  
Emily Babcock – Texas Medical Association  
Joe Lovelace – Texas Council of MHRM Centers  
Natasha Boston – HHSC

Mary Pat Moyer – InCell  
Mario Salinas – Texans for Stem Cell Research  
Carol Everett – The Heidi Group  
Andrea Grimes – R.H. Peabody Organization  
Kathy Coleman – Children’s Defense Fund  
Nawal Traish – Children’s Defense Fund

Glenda Kane, Chair, called the meeting to order at 10:09 a.m.

1. Rules Scheduled for Action by Council on June 14, 2012 (Public comments will be taken with each rule discussion for the following rules.)

a. New rule concerning Autologous Adult Stem Cell Banks. Kirk Cole introduced the rule and provided the rule overview.

Discussion: The council members provided the following comments and questions.

Dr. Ross – Can the rule going to HHSC be amended at the Council meeting on June 14?

Glenda Kane – Clarified that this is a registration for who would be listed as a stem cell bank in Texas.

Dr. Calhoun – Could “other tissues” be added to the rule language to expand the definition of autologous stem cells?

Dr. Woolweaver – Indicated he would favor an expansion of the language for adult stem cells to include “other tissues.”

Lisa Hernandez will review. This rule will be pulled from the consent agenda for further discussion.

Public Comment provided by:

John Carbona – Biolife Cell Bank. Provided a handout and suggested expansion of definition of autologous adult stem cells.

Chris Ward – Bus. Assess. Group

Dr. Mary Pat Moyer – InCell. Provided a handout with suggested changes to the rule language to address patient safety and standards

Mario Salinas – Texans for Stem Cell Research. Rules are a good first step. Also spoke to importance of patient safety.

b. Amendments to rules and new rules concerning Primary Health Care Services. Evelyn Delgado introduced this, and the following rule.

b.i. New rules concerning the Texas Women’s Health Program. Imelda Garcia provided the rule overview. Kay Gharemani, HHSC, was available as a resource and provided a high level overview of the rules and changes.

Discussion: The council members provided the following comments and questions.

Dr. Calhoun – Are women who are incarcerated and patients at state hospitals eligible for these services? This is unclear, issue must be clarified and resolved.

Public Comment: There was no public comment.

b.ii. Amendments to rules concerning the provision of primary health care services in Texas. Imelda Garcia provided the rule overview.

Discussion: The council members had the following comments and questions.

Dr. Juarez – Description of legal residence of Texas language in first rule, not in this rule. Does this rule have the requirement of citizenship and legal residency requirements for subchapter b?

Glenda Kane – Through what vehicle do we provide these services?

Public Comment: There was no public comment.

d. New rules concerning the review and revision process for the Woman’s Right to Know informational materials (booklet). Evelyn Delgado introduced the rule. Sam Cooper provided the rule overview.

Discussion: The council members provided the following comments and questions:

Dr. Juarez – Is the website or url listed in the booklet?

Public Comment: There was no public comment.

d. Amendments to rules concerning the regulation of abortion facilities. Kathy Perkins introduced the rule and provided the rule overview and discussed the position statements that have been received since the stakeholder meeting that was held on April 5.

Discussion: The council members provided the following comments and questions.

Dr. Ross – If a patient needs to be transported to a hospital as a result of complications, would this data be collected and would the follow up at the hospital be reported?

Rev. Lovell – Was the information in Section (d) addressing release of information collected new or is it just being restated?

Public comment was provided by:

John Seago – Legislative Director, Texas Right to Life.

e. Repeal of a rule and a new rule concerning the use of radiation machines in the healing arts. Kathy Perkins introduced the rule. June Ayers provided the rule overview.

Discussion: The council members provided the following comments and questions.

Dr. Calhoun – Are invasive cardiologists exempt? What is the rationale for them not being exempt?

Dr. Woolweaver – Is the cost for the training an annual cost or a one-time cost? Is the cost for the machine registration annual or a one-time cost? Has that cost changed?

Dr. Ross – Are small fluoroscopic machines exempt from this rule other than for calibration? Does Regulatory have other rules that apply to the smaller machines?

Dr. Calhoun – Which physicians have to undergo additional training?

Dr. Juarez – Are the pieces of equipment that are being used for training being monitored?

Dr. Woolweaver – When you inspect these machines, how often is adjustment necessary?

Public Comment: There was no public comment.

f. Repeal of rules and new rules concerning mental health case management services. Mike Maples introduced the rule. Ross Robinson provided the rule overview.

Discussion: The council members had no comments or questions.  
Public Comment - There was no public comment.

- g. Amendments to rules and the repeal of a rule concerning the control of communicable diseases and amendments to rules concerning the Respiratory Syncytial Virus. Monty Waters, Office of General Counsel, introduced the rule and provided the rule overview.

Discussion: The council members provided the following comments and questions.

Dr. Foxhall – What was the intent of the legislation that established the pilot program? What were the results of the pilot program?

Lisa Hernandez – This item will be pulled at the council meeting on June 14, and Jeff Taylor will be asked to explain the outcome of the pilot program.

- 2. General Public Comment – Ms. Kane asked for general public comment. There was no general public comment.

Ms. Kane adjourned the meeting at 11:44 a.m.: Council will reconvene at 9:00 a.m. on Thursday, June 14, 2012.

Approved:



Glenda Kane, Chair

September 6, 2012

Date