



## State Health Services Council Meeting

Department of State Health Services (DSHS)

909 West 45<sup>th</sup> Street, Austin, Texas

Building 2, Public Hearing Room 164

June 13, 2013

9:00 a.m.

### Council Members Present

Ms. Glenda Kane, Chair, Corpus Christi

Dr. Jacinto Juarez, Laredo

Dr. Kirk Calhoun, Tyler

Dr. Louis Foxhall, Houston

Rev. William Lovell, Dallas

Dr. Jeffrey Ross, Houston

Dr. David Woolweaver, Harlingen

### Council Members Not Present

Mr. Nasruddin Rupani, Houston

Ms. Maria Teran, El Paso

### Visitors:

Danette Castle	Texas Council of Community Centers
Jennifer Deegan	Speaker's Office
Kim Dey	Texas Medicaid & Healthcare Partnership
Heather Fleming	House Appropriations Committee
Judy Graham	
Kyle Mauro	HillCo
Lynn Nolan	GOVantage
Maxine Tomlinson	Texas & New Mexico Hospice Organization
Tom Valentine	TXINSIGHT.com

Call to Order – Council Chair, Glenda Kane called the meeting to order at 9:11 a.m.

1. Approval of April 3, 2013 Minutes – Chair Glenda Kane asked for approval of the minutes from April 3, 2013. Motion to approve the minutes made by Dr. Juarez, seconded by Rev. Lovell. Motion passed.
2. Commissioner's Report - Commissioner David Lakey provided an update on the following items:
  - 83<sup>rd</sup> Legislative Session

- Staff recognition for hard work.
- \$483 million additional general revenue above FY 2012-13 levels was approved.
- Mental Health and Substance Abuse Services funding increased significantly; \$143 million additional appropriation in general revenue for specific community mental health programs.
- Funding was received for Youth Empowerment Services (YES) waiver, veterans services, jail diversion and jail based competency restoration, hospital safety, increased capacity for mental health and substance abuse services, and supported housing for persons with mental illness that are homeless.
- Women's health received bipartisan support. DSHS asked for \$70 million for primary health care for women, this was increased to \$100 million.
- Other examples of approved appropriations requests included infectious disease prevention, tobacco prevention, preparedness and disaster response, and prevention of health care associated infections.

DSHS' role is now to implement these programs. Planning is taking place now to roll out large programs. The Governor has called a special session; topics to include redistricting, juvenile justice, and abortion. Four Senate bills have been filed on abortion that may impact DSHS.

- West, Texas incident – Explosion at West Fertilizer Company on April 17, 2013.
  - DSHS staff participated in response.
  - DSHS provided behavioral health support, deployed assets to assist with relief efforts, and assisted local EMS.
  - At request of Texas Commission on Environmental Quality, DSHS assisted with asbestos removal.
  - On May 1, the House Committee on Homeland Security invited select agencies to testify about their jurisdiction or oversight relating to the operation of facilities such as the West Texas Fertilizer Plant. Dr. Lakey provided testimony explaining that facilities that hold hazardous substances or extremely hazardous substances are required to annually report storage capacity to DSHS, Local Emergency Planning Committees and local fire chiefs.
  - The thresholds for reporting are laid out in state and federal statutes. These reports are available on request. DSHS role is to act as an information repository and make reports available as requested.
- Hospital Safety – On Friday May 24, 2013, the Centers for Medicare and Medicaid Services (CMS) issued a 23-day termination notice regarding Terrell State Hospital.
  - CMS found issues with medical restraints, doctor orders, and nurse monitoring.
  - DSHS is committed to running a safe hospital.
  - DSHS submitted a plan to address these findings, including policy revisions, and staff training.
  - CMS approved DSHS' plan last week.
- West Nile Virus (WNV) – Texas' first case of WNV was identified on May 24, 2013.
  - There was much activity last year regarding WNV. DSHS will continue to monitor; however, do not anticipate that WNV activity will reach the levels that it did last year.
  - DSHS held action sessions to help identify gaps in last year's response and has developed an improved response for this year. DSHS Lab has begun earlier and more rapid testing of mosquitoes.

- Hurricane Season – June 1 through November 30
  - Mid-August to late October is the peak hurricane season.
  - The National Oceanic and Atmospheric Administration estimates at least 20 named storms this year, 7-11 expected to become hurricanes.
  - DSHS is reviewing policies, procedures, and response guidelines.
  
- Moreton Building Recladding Project Update
  - Contractors will start applying exterior cladding this summer.
  - Council meeting room will be moved from the 7<sup>th</sup> floor to the 1<sup>st</sup> floor.
  - Expected completion to be late spring 2014.
  
- Contract Management and Procurement System
  - Web-based system for managing client sub-recipient contracts.
  - Used to improve and expedite process for administering contracts.
  - Instructor-led and web-based training will be provided for approximately 600 contractors.
  - Since Phase 2 began in Spring 2012, DSHS has achieved approximately a ten percent reduction in contract process cycle time, and eliminated non-value added forms and approvals.
  
- Rider 59 – Reevaluation of Regulatory Programs
  - Two phases – management evaluation and independent assessment by an external contracting firm.
  - Charge 1 – Determine where new fees could be assessed or existing fees increased.
  - Charge 2 – Analyze business operations and administrative processes to recommend improvements for increasing efficiencies.
  - Charge 3 – Identify programs to decrease number of inspections and investigations that would have the least impact on services.
  
- Staff Recognitions
  - Linda Gaul – named State Epidemiologist.
  - Nagla Elerian – appointed Director of the Center for Health Statistics –
    - Health Status Report will be an ongoing project for DSHS.
  - Dr. Sharon Melville – selected as Regional Medical Director for Health Service Region 7 in Temple.
  - Staff recognized for efforts during legislative session:
    - Amanda Broden – Government Affairs
    - Rachael Hendrickson – Government Affairs
    - Vivian Owens – Government Affairs
    - Olivia Walker – Government Affairs
    - Nick Dauster – Government Affairs
    - Alison McCool – Family and Community Health Services
    - Bruce Burns – Center for Health Statistics
    - Evelyn Hahn – Disease Control and Prevention Services
    - Kelly Wade and Mary Ann Uranga – Budget
    - Mimi McKay – Mental Health and Substance Abuse Services
    - Rachel Samsel – Center for Program Coordination and Health Policy
    - Renee Deakin – Information Technology

- Stephen Mills and Greg Wilburn – Regulatory
- HHSC Leadership Academy graduates
  - Greg Wilburn – Regulatory
  - Catherine Camp – Chief Operating Office
  - Ann Barnett – Center for Health Statistics
  - Imelda Garcia – Family and Community Health Services
- Cory Handy, Pharmacy Branch – nominated for the Delta Omega national public health honor society.
- Ann Robbins, Disease Prevention and Control, HIV/STD Prevention and Care Branch – awarded the Nicholas A. Rango Leadership Award.
- Dr. Duke Ruktanonchai, Centers for Disease Control and Prevention (CDC), Epidemic Intelligence Service Officer assigned to Texas for 2013-14 – awarded the Mitch Singal Award for Excellence in Occupational and Environmental Health.
- Texas Cancer Registry – received the North American Association of Central Cancer Registries Gold Certification and the National Program of Cancer Registries CDC High Quality Data Standards recognition.
- Dr. Kirk Calhoun – received the 2013 W.T. “Doc” Ballard Award for Excellence in Public Health.

Council members had the following comments and questions:

- Rev. Lovell – Thanked staff for the presentation on diabetes at work session. Thanked Dr. Lakey for continuing commitment to transparency in state hospital investigations.
- Ms. Kane – Commended Dr. Calhoun for recognition. UT Tyler is an unsung hero in Texas. Commended Dr. Calhoun for UT Tyler’s outreach to underserved populations.
- Ms. Kane – Recognized Rev. Lovell for promoting diabetes presentation at work session. Thanked the Legislature, and guests attending from Legislature for work and support during session.
- Ms. Kane – Although DSHS does not regulate pipelines or gas burn off, in the event of a hurricane, whose responsibility is it to make sure refineries are secure? What procedures are in place for response?
- Ms. Kane –Sunset process may afford an opportunity to discuss procedures presently under DSHS jurisdiction that would be better placed under TCEQ or other agencies.

### 3. Review of 83<sup>rd</sup> Legislative Session

- a. Commissioner Lakey and Bill Wheeler, Chief Financial Officer, provided an update on Legislative Appropriations for the 2014-15 biennium. The data discussed can be found at <http://www.dshs.state.tx.us/council/agenda.shtm>. Mr. Wheeler discussed employee pay raises, pension system, and the ten-year state hospital infrastructure plan. There are 23 new riders that DSHS is charged with implementing.
- b. Ricky Garcia, Director, Center for Consumer and External Affairs and Nick Dauster, Director, Government Affairs, provided an update on legislation passed during the 83<sup>rd</sup> Legislative Session that will impact DSHS. DSHS tracked approximately 820 bills. The veto deadline for the Governor is Sunday, June 16, 2013. The summary of bills that will impact DSHS can be found at <http://www.dshs.state.tx.us/council/agenda.shtm>.

Council members had the following comments and questions:

- Dr. Calhoun – What services does the YES waiver provide? Is this purely related to mental health issues?

- Dr. Calhoun – How will federal sequestration and cuts affect health care and DSHS programs and services?
  - Dr. Ross – Texas is fiscally in a better situation than many states. How does the federal budget situation affect other states that are bordering on bankruptcy? How will this affect Texas and DSHS in the next ten years, with population growth and increased financial and health care costs?
  - Dr. Ross – How is DSHS poised in the future in terms of prevention of chronic diseases?
  - Dr. Calhoun – Regarding the 1115 waiver, Region 1 will have \$450 million in all funds for delivery system reform. About 20 percent of the projects are related to mental health. Partners need to work with DSHS to make sure there is no overlap and that dollars are used most wisely.
  - Dr. Foxhall – Critical to look at new funding and determine how to develop framework to ensure that DSHS’ efforts have greatest value added.
  - Rev. Lovell – How do we avoid having this year’s funding turning into a “business as usual” mindset? How do we do a better job of investing these funds carefully for long lasting results?
  - Dr. Juarez – What impact will immigration reform have on DSHS and health care services? Do we have the resources if this legislation passes?
  - Ms. Kane – Have we looked at alternative methods for buying vehicles for state hospitals? Can we lease them rather than owning them? Same concern with state-owned buildings although controlled by Texas Facilities Commission.
  - Ms. Kane– Is there a time frame for selecting members of the Protect Our Kids Commission established by SB 66? Someone from the Council should be on the Commission; those interested should submit their names.
  - Ms. Kane – Regarding SB 62, can we advocate for meningitis vaccines for college students?
  - Ms. Kane – What does Rider 82 do?
  - Ms. Kane – Regarding HB 15, all neonatal intensive care units (NICUs) are not the same. It needs to be made clear to parents that have children in NICUs that it may be in their best interest to transfer the child to a high level NICU.
  - Ms. Kane – Regarding to SB 471, what happens to records we are keeping digitally?
4. Consent Agenda – Recommend that the Health and Human Services Commission (HHSC) proceed with the rulemaking process in the following rule action
- a. Amendments to rules concerning the provision of primary health care services in Texas.  
Lisa Hernandez provided an explanation for the direction for these expedited rules.

Motion to approve consent agenda 4.a. made by Dr. Calhoun, seconded by Dr. Juarez. Motion passed.

5. Consent Agenda – Recommend to HHSC the proposal of the following rule actions for public comment:
- a. Repeal of a rule concerning the Texas Organ, Tissue, and Eye Donor Council
  - b. Amendments to rules concerning the care of animals by circuses, carnivals, and zoos
  - c. ~~Repeal of rules and new rules concerning mental health rehabilitative services~~

Item 5.c. was removed from the consent agenda for further action discussion by the Council. Motion to approve consent agenda 5. a. and b. made by Rev. Lovell, seconded by Dr. Calhoun. Motion passed.

5. c. Repeal of rules and new rules concerning mental health rehabilitative services. Lisa Hernandez handed out the revised Council Agenda Memo (CAM). Mike Maples explained the updated CAM information.

The Council members had the following comments and questions:

Dr. Foxhall – Was the definition of a licensed health practitioner addressed in this revision?

This definition was updated by recently passed legislation.

Motion to move the rules in Item 5.c. to HHSC for public comment made by Dr. Juarez; seconded by Dr. Woolweaver. Motion passed.

6. General Public Comment – Council Chair, Glenda Kane asked for any general public comment.

Public comment provided by:

- Tom Valentine regarding overlapping timing of council meetings for DSHS, Department of Aging and Disability Services, Department of Assistive and Rehabilitative Services, Department of Family and Protective Services and the Health and Human Services Commission. He requested that we avoid having meetings at the same time in order to allow interested stakeholders to attend all meetings.
- Danette Castle regarding Integrated Care System, recently passed legislation and funding.

Council Chair, Glenda Kane asked for a motion to adjourn. Motion made by Dr. Ross; seconded by Dr. Woolweaver. Motion passed. Ms. Kane adjourned the meeting at 11:30 a.m.



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Glenda Kane, Council Chair

August 29, 2013

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Date

The next scheduled Work Session and Council meeting for the State Health Services Council is August 28 and 29, 2013.