



State Health Services Council Meeting

Department of State Health Services (DSHS)

Robert E. Moreton Building, M-739

1100 W. 49th Street, Austin, Texas

June 14, 2012

Minutes

Council Members Present

Glenda Kane, Chair – Corpus Christi

Dr. Kirk Calhoun – Tyler

Dr. Lewis Foxhall – Houston

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:

John Carbona – Biolife Cell Bank

Becky Dean – Office of the Governor

Joe Lovelace – Texas Council of MHMR Centers

Kyle Mauro – HillCo Partners

Kathi Seay – Representative David Simpson

Kipyn Miles – Texas Medicaid & Healthcare Partnership (TMHP)

Dina Moore – Texas Alliance for Life

Andria Franco – Office of the Governor

James Gray – American Cancer Society

Jordan Head – Senate Committee on Health and Human Services

Carol Everett – The Heidi Group

Clay Scallan – Whole Women's Health

Andrea Fernigno – Whole Women's Health

Nancy Fisher – self

John Seago – Texas Right to Life

Natasha Boston – Health and Human Services Commission (HHSC)

L. Ellen Arnold – Arnold Public Affairs

Gyl Switzer – Mental Health America of Texas

Aldna Rocha – YNN

Katherine Coleman – Children's Defense Fund

Brian K. Jammide – University of Texas System

Blake Rocap – NARAL Pro-Choice

Jordan Smith – Austin Chronicle
Trisha James – self
Clifford Gaye – self
Ana Defrates – Senator Watson
Dyana Limon-Mercado – Planned Parenthood

Glenda Kane, Chair, called the meeting to order at 10:15 a.m.

1. Approval of February 22, 2012; February 23, 2012; and May 24, 2012 Minutes. Ms. Kane asked for a motion to approve the minutes of February 22 and 23 and May 24. Motion made by Dr. Juarez, seconded by Rev. Lovell. Motion passed.
2. Update from the Executive Commissioner of the Health and Human Services Commission. Executive Commissioner Suehs arrived at 11:00. This item was moved to later in the meeting.
3. Commissioner's Report. Commissioner David Lakey provided a report on the following topics:
 - Tuberculosis (TB) – A comprehensive strategic planning process has been initiated. Workgroup meeting scheduled on June 27-29, 2012, in Austin to prioritize objectives. Their goal is to work with partners to identify issues and new technology to combat TB in Texas.
 - Expert Panel on TB – Meeting in Austin on July 9-11, 2012.
 - DSHS Strategic Plan – Reviewed by Council on May 24, has been submitted to HHSC, will be consolidated and submitted to Legislative Budget Board (LBB) later this summer
 - Legislative Appropriations Request (LAR) – Public meeting today and tomorrow. Agencies have been directed not to propose more than their base for the upcoming biennium. Written comments may be submitted until 5:00 p.m. on June 29, 2012. LAR is due to LBB and Governor's office in early August.
 - 1115 Waiver – DSHS is working with HHSC and stakeholders to identify impacts and opportunities to improve mental health services in Texas.
 - Safety Initiatives in Hospitals – Dr. Lakey provided an update on a situation that has recently been in the news regarding a former psychiatrist, Dr. Allen Childs, and our hospital's use of Cranial Electrotherapy Stimulation (CES). CES is no longer allowed to be used in our facilities as we reviewed the matter. Dr. Childs has resigned.
 - Forensic Capacity Lawsuit regarding Hospital Capacity – Judge ruled in favor of Disability Rights Texas in February. Judge ordered DSHS to make a bed available to a detainee within 21 days of sentencing. DSHS is currently appealing this decision. DSHS is adding 40 forensic beds, contracting out for 90 civil beds; this will require 132 FTEs.
 - Hurricane Season approaching – Department of Public Safety hosted a conference at Austin Bergstrom International Airport for state agency partners to demonstrate disaster capacity.
 - Local Health Department Business Relationships – Contracts will be bundled into one core contract to alleviate administrative burden.
 - Rider 59 – Related to Regulatory Services – MFR consultants hired and will make recommendations to increase efficiencies and identify cost savings that will have the least impact on services.
 - Rider 71 – Review of state mental health services – The study has two major components (1) comprehensive study of behavioral health system and (2) short and long term recommendations for the state mental health system. Joey Longley with Civic Initiatives and Public Consulting Group (PCG) are involved with this study. The final report due to the Legislature on September 21, 2012.

- Rider 63 – Required DSHS to perform a study to privatize one state hospital. Implementation is contingent upon approval of the final contract by the Governor and LBB. RFI produced bids by five vendors. RFP due later this month. Contract start date by September 15, 2012.
- Moreton Building Update – 40 percent of employee relocation complete, remaining 60 percent will be out of the building by July 31, 2012. Work on the renovation will begin in September 2012.
- Legislative Meetings –
 - May 8 – Dr. Chassay and Dr. Lakey testified on preventable adverse events and infant mortality
 - May 9 – Mike Maples testified on Community Mental Health funding and State Hospital Capacity
 - May 22 – Mike Montgomery (WIC) testified on Healthy Foods.

Staff Recognitions

- Dr. Noha Farag – Centers for Disease Control and Prevention (CDC) epidemic intelligence officer, Birth Defects Epi Surveillance Branch. First national officer to win prestigious CDC award two years in a row for her work on Listeriosis and Food Borne Outbreak.
- New Epi officer – Dr. Duke Ruktanonchai – Epidemic Intelligence Officer
- Renee Beckham – Laboratory Operations – Thomas E Maxim Public Health Award from the Association of Public Health
- Preventive Medicine Residency Program – Has now graduated five residents. Sandra Delgado staff mentor recognized. Residents Dr. Lisa Cornelius and Dr. Lillian Ringsdorf both are now on staff.
- Awards – Abstinence Education Program has received four Bronze Telly awards for commercials.
- Texas Health Steps – Silver Telly Award – Highest level of Telly Award – Jann Melton Kissell, Family and Community Health Services, was recognized.
- Richard Ratliff – 40 years of service to DSHS. Health Physicist in Regulatory Services, Radiation Safety Branch. Dr. Ross commended him on leadership, years of service, and professionalism of staff.
- Healthy People 2020 – Texas WIC program – Met target of breastfeeding campaign. Tracy Erickson was recognized.
- Dr. Lakey recognized Dr. Jacinto Juarez who was recently appointed to Texas Institute for Health Care Quality and Efficiency Board of Directors. Dr. Juarez has served on the State Health Services Council since 2006. He will retire his position on the State Health Services Council after this meeting.

4. Recommend to the Health and Human Services Commission proposal of the following rule actions for public comment:

Consent Agenda

Items a, b, and h were removed from the Consent Agenda and voted on separately.

- a. ~~New rule concerning Autologous Adult Stem Cell Banks~~
- b. ~~New rules concerning the Texas Women's Health Program~~
- c. Amendments to rules concerning the provision of primary health care services in Texas
- d. New rules concerning the review and revision process for the Woman's Right to Know informational materials (booklet)
- e. Amendments to rules concerning the mental health case management services
- f. Repeal of a rule and a new rule concerning the use of radiation machines in the healing arts

- g. Amendments to rules concerning the regulation of abortion facilities. Approximately 130 yellow cards were received after the work session. Lisa Hernandez advised council of the receipt of these cards and provided a sample of the cards, which were all identical except for the signatures. Council members were given the opportunity to pull this rule from the consent agenda. Council members declined to pull the rule. The rule remained on the consent agenda.
- ~~h. Repeal of rules and new rules concerning a rule concerning the control of communicable diseases and amendments to rules concerning the Respiratory Syncytial Virus~~

Discussion: The council members had no comments or questions. There was no public comment. Motion to accept rules and send to HHSC for public comment was made by Rev Lovell; seconded by Dr. Juarez. Motion passed.

The following rules were pulled from the consent agenda for further discussion.

- a. New rule concerning Autologous Adult Stem Cell Banks. Lisa Hernandez explained the changes in the rule as presented in the Work Session. Kirk Cole was available for questions. DSHS has worked with the stakeholders and provided updated language. Stakeholders are in agreement with the proposed language.

Section 1.451. Purpose and Eligibility Criteria

Current language: 1.451 (b) Autologous Adult Stem Cells are stem cells taken from bone marrow, adipose tissue, or blood of a person to be transplanted into that same person.

Amend: 1.451 (b) Autologous Adult Stem Cells are stem cells taken from ~~bone marrow, adipose tissue, or blood~~ of a person to be transplanted into that same person.

Revised: 1.451 (b) Autologous Adult Stem Cells are stem cells taken from a person to be transplanted into that same person.

The council members had no comments or questions. Motion to approve autologous stem cell bank rules, with the amended language presented by staff, was made by Dr. Ross and seconded by Dr. Calhoun. Motion passed.

Public Comment was provided by John Carbona, Biolife Cell Bank, who thanked the council members for the expanded rule language.

- b. New rules concerning the Texas Women's Health Program. New language is being proposed that this program does not cover incarcerated individuals. This language is not yet available. Kymberly Oltrogge with HHSC explained changes to language. Additionally, after the June 13, 2012, work session, HHSC discovered that there were clerical errors in the rule language requiring further amendment. The Council was also provided with proposed amendments for its consideration that corrected these errors. Kymberly Oltrogge again explained the proposed amendments to the Council. Both of the amendments were then before the Council for consideration as amendments to the rule draft that was presented and discussed with the Council at its June 13, 2012, work session.

Council members had no questions or comments. Motion to approve the Texas Women's Health Program rules as amended by HHSC, and with additional language to clarify the limitation of coverage of DSHS state mental health facility and incarcerated individuals, made by Dr. Woolweaver, seconded by Dr. Ross. Motion passed.

- h. Amendments to rules and the repeal of a rule concerning the control of communicable diseases and amendments to rules concerning the Respiratory Syncytial Virus. Jeff Taylor provided an overview and changes to the rules.

Council members provided the following comments and questions:

Dr. Foxhall – What was learned from the Methicillin Resistant Staphylococcus Aureus (MRSA) pilot, and why was it discontinued?

Dr. Lakey asked that Dr. Foxhall be provided with a report on this pilot study. Dr. Ross also expressed an interest in the report.

Dr. Ross – How many more university MRSA infections are being seen in relation to hospital associated infections?

Dr. Ross – Antibiotics are becoming resistant, newer more expensive antibiotics must now be used to combat MRSA viruses.

Motion to accept rules and send to HHSC for public comment made by Dr. Foxhall, Dr. Woolweaver seconded. Motion passed.

5. General Public Comment – Ms. Kane called for general public comment. Public comment provided by:
- Blake Rocap – NARAL Pro Choice – regulation of abortion facilities (Request for comment received after Consent Agenda item vote.)
- Lisa Hernandez – Informed council members of a letter from Senator Jose Rodriguez, regarding the regulation of abortion facilities. (Letter delivered after Consent Agenda item vote.)
2. Update from the Executive Commissioner of the Health and Human Services Commission. Executive Commissioner Tom Suehs provided an update on the following topics:
- Legislative items imposed during last session on five state health agencies
 - Stressed the importance of transparency and public comment in the rulemaking process
 - 1115 Waiver impact
 - Will work with federal partners over next few months to leverage mental health dollars
 - Implementation of Medicaid managed care
 - House Government Efficiencies hearing
 - House County Affairs hearing
 - House Human Services hearing
 - House Appropriations Article II Subcommittee
 - Senate Health and Human Services Committee

No questions from the council members.

Motion to adjourn made by Dr. Ross, seconded by Reverend Lovell: Meeting adjourned at 11:43 a.m. Next meeting will be the LAR stakeholder meeting at 1:30 on Thursday, June 14.

Approved:



Glenda Kane, Council Chair

September 6, 2012

Date