



## State Health Services Council Work Session

Department of State Health Services (DSHS)  
Robert E. Moreton Building, Public Hearing Room  
1100 W. 49<sup>th</sup> Street, Austin, Texas

May 18, 2016

2:00 p.m.

Minutes

### Council Members Attending

Jacinto Juarez, Ph.D., Laredo – Chair  
Rev. William Lovell, Dallas – Vice Chair  
Dr. Lewis Foxhall, Houston  
Dr. Jeffrey Ross, Houston – arrived at 2:55 p.m.  
Nancy Townes, Granbury  
Dr. David Woolweaver, Harlingen  
Jay Zeidman, Houston

### Council Members Not Attending

Dr. Kirk Calhoun, Tyler  
Carmen Pagan, McAllen

### Visitors:

Dudley Wait – Texas EMS Alliance  
Amy Granbury – Association of Substance Abuse Services (ASAP) and Charlie's Place  
Cynthia Humphrey – ASAP  
Tom Valentine – TXINSIGHT.com  
Heather Clam – Texas Department of Criminal Justice - RPD

Call to Order - Council Chair, Dr. Jacinto Juarez, called the meeting to order at 2:00 p.m.

1. Rules Planned for Action at a Future Council Meeting (Public comments were taken with the rule discussion for the following rules.)
  - a. Repeal of rules and new rules concerning the regulation of chemical dependency treatment facilities – Kathy Perkins introduced the rule, Allison Hughes provided the rule overview.

Council members had the following questions and comments:

- Dr. Foxhall: When the rules were originally drafted, the smoke free policy would have been immediately effective. What is the reason for the change?  
Response: Stakeholders expressed concern that withdrawing from substances combined with withdrawal from tobacco could detrimental to treatment. Need time to implement compromise with nicotine replacement therapy.

- Dr. Foxhall: Asked that be attuned to the volumes of work over the years to make areas smoke free. There is a health risk to employees and others in facility. Asked for additional work with stakeholders in this area.

Public Comment provided by:

- Amy Granbury, ASAP and Charlie's Place: Thanked regulatory staff for providing opportunities for stakeholder input during the rule development process. Expressed concern with rates and scope of practice vs. Board of Nursing requirements. Cannot provide appropriate care for tobacco use with current rates; need rates to support nicotine replacement therapy.
- Cynthia Humphrey, ASAP: Thanked regulatory staff for providing opportunities for stakeholder input during the rule development process. Expressed concern with fees; most issues come from providers being DSHS-funded. Rates have not been adjusted in two decades. Very entrenched smoking population, objections with smoking restrictions are cost-driven. Rules restrict former clients from being employed by facilities for one year. Facilities need to grow own counselors, so would like more flexibility with employment restrictions. Facilities are often in small towns where there are limited other opportunities for employment.

- b. Repeal of rules and new rules concerning current good manufacturing practice and good warehousing practice in manufacturing, packing, or holding human food – Kathy Perkins introduced the rule, Julie Loera provided the rule overview.

Council members had no questions or comments.

There was no public comment.

- c. Repeal of rules and new rules concerning Texas Asbestos Health Protection – Kathy Perkins introduced the rule, Annabelle Dillard provided the rule overview.

Council members had no questions or comments.

There was no public comment.

2. Rules Scheduled for Action by Council on May 19, 2016 (Public comments were taken with each rule discussion for the following rules.)

- a. Amendment to a rule concerning Emergency Medical Services (EMS) provider licensing – Kathy Perkins introduced the rule, Joseph Smider provided the rule overview.

Council members had the following questions and comments:

- Dr. Woolweaver: New rules require four years of experience in EMS to be an instructor. By requiring four years experience, will it adversely affect the quantity of people that you will get to apply?  
Response: Expect it to increase the quality. Have a waiver process in place if needed.
- Mr. Zeidman: Can you explain the disciplinary process?  
Response: Falsifying of documents has been tremendous issue. There has been evidence of students falsifying documents, more of a Medicaid problem. This rule packet requires the company to have a physical location and a phone to ensure they are real companies.
- Mr. Zeidman: With the new rule, will we do additional site audits to ensure implementation?  
Response: Yes, we also work with police partners and state and federal agencies. We are

making great progress in communicating with each other. Also, we are partnering with Medical Board to limit number of firms that can be under one medical director. If we suspect fraud, it is referred to the Office of Attorney General.

- Ms. Townes: Thank you for doing such a good job on such a big issue.
- Mr. Zeidman: Does this also apply to air transport?  
Response: Under Federal Aviation Administration (FAA) rules we can control patient care, anything under operation of craft is under FAA.

Public Comment provided by:

Dudley Waite, Texas EMS Alliance: In favor of the rules and commended the regulatory staff on their work with stakeholders.

- b. New rules, amendments to rules, and repeal of rules concerning occupational licensing for military service members, military veterans, and military spouses and new rules concerning the authority of Chemical Dependency Counselors regarding child custody evaluations – Kathy Perkins introduced the rule, Carol Miller provided the rule overview.

Council members had no questions or comments.

There was no public comment.

- c. Amendments to rules concerning local authority responsibilities – Lauren Lacefield Lewis introduced the rule, Trina Ita provided the rule overview.

Council members had the following questions and comments:

- Dr. Juarez: What is the role of the RN; do they have the same training as a physicians assistant?
- Dr. Ross: Are you referring to an Advanced Practice Nurse?  
Response: Advanced Practice Nurses are included in the rules.

There was no public comment.

- d. Amendment to a rule concerning health authorities – Dave Gruber introduced the rule, Dan Smith provided the rule overview.

Council members had no questions or comments.

There was no public comment.

- e. Amendment to a rule concerning the Texas HIV Medication Advisory Committee – Janna Zumbrun introduced the rule, Shelly Lucas provided the rule overview.

Council members had the following questions and comments:

- Ms. Townes: What will happen in 2020, the date in the revised rules for the committee expiration?  
Response: We expect will adopt another rule to extend the committee.
- Dr. Ross: Will the committee still be convening and in practice in 2020?

Response: Yes, that is our intent.

There was no public comment.

- f. Repeal of rules concerning the care of animals by circuses, carnivals, and zoos – Janna Zumbrun introduced the rule, Tom Sidwa provided the rule overview.

Dr. Hellerstedt: Do you agree that a disease like Zika is not a zoonosis?

Response: It is a vector borne disease.

There was no public comment.

- g. Amendments to rules concerning the caging requirements and registration for dangerous wild animals – Janna Zumbrun introduced the rule, Tom Sidwa provided the rule overview.

Council members had the following questions and comments:

- Mr. Zeidman: Do you have responsibility to also enforce requirements?  
Response: No, this is done at the local level. Maintaining data is only requirement for the agency. Compliance is at the local level.
- Dr. Foxhall: Does this rule apply to snakes? Are they covered under some other regulation?  
Response: This rule does not cover snakes. There is no statewide caging requirements for snakes that we are aware of.
- Dr. Juarez: What about pit bulls?  
Response: This rule does not cover pit bulls. Breed specific requirements would be a local ordinance.

There was no public comment.

- h. Amendment to a rule concerning reptile-associated salmonellosis – Janna Zumbrun introduced the rule, Tom Sidwa provided the rule overview.

Council members had the following questions and comments:

Rev. Lovell: What is your job title?

Response: State Veterinary Health Examiner; have a very broad portfolio.

There was no public comment.

3. General Public Comment – Dr. Juarez asked for general public comment. There was not public comment.

Mr. Zeidman asked about posing a general question about innovation. It will be planned for the August meeting.

Adjourn – Dr. Juarez asked for a motion to adjourn. Motion made by Dr. Woolweaver, seconded by Rev. Lovell. Meeting adjourned at 3:47 p.m. until 9:00 a.m. Thursday, May 19, 2016.

Approved:

A handwritten signature in black ink that reads "Jacinto Juarez". The signature is written in a cursive style with a large, prominent initial "J".

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Jacinto Juarez, Ph.D., Council Chair

August 18, 2016

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Date