



## 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  
Thursday, April 12, 2007  
9:30 a.m.

**Chair's Welcome and Introduction of Guests:** Ms. Kane called the meeting to order at 9:46 a.m. Ms. Kane acknowledged the work done by Dr. Arredondo during his term as State Health Services Council Chair. She also congratulated Ms. Barron, Dr. Ross, and Dr. Juarez for their re-appointment to the Council with a term ending 2013. Ms. Kane acknowledged the attendance of Luanne Southern who will be the DSHS Deputy Commissioner effective April 16, 2007; and asked each council member to introduce themselves.

### Members Present:

Ms. Glenda Kane, Chair – Corpus Christi  
Dr. Lewis Foxhall – Houston  
Mr. James Springfield – Harlingen

Dr. Rudy Arredondo – Lubbock  
Dr. Jacinto Juarez – Laredo  
Dr. Jeffrey Ross – Houston

### Members Absent:

Dr. Jaime Davidson – Dallas  
Ms. Beverly Barron – Odessa

Ms. Graciela Cigarroa – San Antonio

**Registered Guests:** Diane Staley, Cliff Gay, Kelley Chou, Klaus Madsen, Valerie Garth, Nancy Speck, Karen Brown, Aaryce Hayes, and J. Gank

**Agenda Item #1 – Approval of Minutes:** Motion by Dr. Juarez to approve the minutes from the January 18, 2007 meeting, seconded by Dr. Ross. Motion carried. See <http://www.dshs.state.tx.us/council/minutes/013107.pdf> for meeting minutes.

**Agenda Item #2 – Commissioner's Report:** Dr. Lakey provided an overview of the Commissioner's Report. The full report can be found at: <http://www.dshs.state.tx.us/commissioner/reports/CRMarApr07.pdf>.

- a. Mental Health Transformation (MHT) grants: DSHS recently announced the community collaboratives grant awards to six communities to improve mental health service delivery in their respective areas. The six communities funded are: Coastal Bend Rural Health Partnership; Dallas County Unified Public Mental Health Initiative; Mental Health Connection; Terrell County Behavioral Mental Health Collaborative; West Texas Community Coalition; and Williamson County Mental Health Task Force. Each will receive \$50,000 per year for up to four years and will serve as models for MHT in other parts of the state.
- b. DSHS participates in Texas Tobacco-Free Kids Day – DSHS and the Center for Safe Communities and Schools sponsored Texas Tobacco-Free Kids Day on March 28, 2007 to encourage students to live tobacco free. This event was held in conjunction with the 12th Annual National Kick Butts Day sponsored by the Campaign for Tobacco-Free Kids. In Texas, 24.7 percent of high school students and 9.5 percent of middle school students smoke. Every year, tobacco use kills more than 24,000 Texans and costs the state approximately \$10 billion in medical costs and lost worker productivity.

- c. National Project – Mike Maples, from the DSHS Division for Mental Health and Substance Abuse Services, will serve on a statewide task force as part of a national initiative to improve judicial responses for persons with mental illness in the criminal justice system. Texas was one of seven states selected.
- d. Oral Rabies Vaccination Program (ORVP) – The 2007 ORVP surveillance activities began the week of February 12, 2007. Due to fox variant cases identified outside the 2007 bait drop zone, DSHS is working with the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service to carry out active surveillance. In addition, a supplemental baiting project took place March 21-24, 2007.
- e. Texas HIV Medication Program – The Program is assessing the feasibility of implementing a State Pharmacy Assistance Program (SPAP) for certain Medicare beneficiaries. Eligibility criteria for the SPAP would include Texas residency, denial of the full low-income subsidy by Social Security, an income of less than 200% of the Federal Poverty Level, and no other secondary payer for prescription drug coverage.
- f. Mosquito Abatement grants announced – DSHS awarded \$1,108,619 for mosquito abatement activities to counties affected by hurricanes during 2005. The funds were provided by the Centers for Disease Control and Prevention. The intent of these funds is to conduct mosquito and other pest abatement activities during the hurricane and West Nile virus seasons.
- g. Nuclear emergency response exercise – On March 28, 2007 staff from the DSHS Radiation Control, Environmental Health and Manufactured Foods programs participated in a reception center exercise at the Tri-State Fairgrounds in Amarillo.
- h. Perinatal Hepatitis B – DSHS hosted the first Perinatal Hepatitis B Prevention Conference in Austin on February 22, 2007. The purpose of the conference was to provide the most recent information on reporting, surveillance and case management requirements.
- i. Texas Health Steps Coalition – DSHS Texas Health Steps regional provider relations activities continue throughout the state. In Region 2/3 Texas Health Steps Coalition conducted an Expert Forum to train and update THSteps medical and dental providers on program benefits and services.
- j. Birth and anniversary certificates – Vital Statistics Unit has announced the availability of a new heirloom birth certificate and a commemorative wedding anniversary certificate. Both types of certificates bear the signatures of the Governor of Texas and the Texas State Registrar and cost \$60 per certificate.

**Agenda Item #3 – Update on DSHS FY08-09 Legislative Appropriation Request (LAR):** Mabelle Pharr provided an update on the LAR. In mid-March changes were made to both the House and Senate bills. The two bills have approximately a \$5 million difference of all the funds DSHS has requested. The House Substitute recommended by House Appropriations was sent to the floor in March and the Committee Substitute was voted out of Senate Finance on April 10, 2007. DSHS’ FY08-09 LAR can be found at: <http://www.dshs.state.tx.us/budget/lar/default.shtm>.

**Agenda Item #4 – Legislative Session Update:** Kirk Coke provided an update on the 80<sup>th</sup> Legislative Session. The Session started on January 9, 2007 and is scheduled to end May 28, 2007. DSHS is tracking 730 bills. Deadline for House Bills to be out of committee is May 7, 2007. Kirk Cole briefly reviewed federal legislation that might affect DSHS.

**Agenda Item #5 – Recommend to the Health and Human Services Commission (HHSC) proposal of the following rule actions for public comment\* (public comments will be taken with each rule discussion):**

- a. Repeal of rules concerning the policies and procedures for donating and completing permanent improvements. Rules will be replaced with a DSHS policy. Permanent improvement is defined as a construction or alteration of the physical plant infrastructure, or an improvement consisting of landscaping

at a state hospital. The policy mirrors the legacy rule, streamlines the approval process, and aligns the approval levels with the DSHS donations policy.

Dr. Arredondo introduced the rule and Charlmaine Ferguson provided the rule overview. Motion by Dr. Arredondo to recommend HHSC approval for publication of the rules contained in item 5(a), seconded Mr. Springfield. Motion carried. No public comment was provided.

- b. An amendment to a rule concerning the reporting and control of occupational conditions. The proposed amendment updates legacy agency names and organizational structure to reflect the post-consolidation operations of DSHS and HHSC.

Dr. Ross introduced the rule and John Villanacci provided the rule overview. Motion by Dr. Juarez to recommend HHSC approval for publication of the rule contained in item 5(b), seconded by Dr. Arredondo. Motion carried. No public comment was provided.

- c. Amendments to rules concerning the provision of anti-rabies biologicals. The proposed amendments establish that the provision of anti-rabies biologicals be in accordance with recent recommendations. Amendments also clarify payment responsibilities; including the clarification that issuance of anti-rabies biologicals will not be withheld due to a patient's inability to pay. In addition, the amendments clarify that department-owned anti-rabies biologicals may be dispensed from depots at the price the department procures the vaccine under the current state contract, plus, the depot's responsibilities for anti-rabies biologicals stocking, issuing, returning, and loss due to negligence.

Dr. Ross introduced the rule and Jack Sims provided the rule overview. Motion by Dr. Juarez to recommend HHSC approval for publication of the rules contained in item 5(c), seconded by Mr. Springfield. No public comment was provided.

- d. An amendment to a rule concerning required vaccinations for students enrolled in health-related and veterinary courses in institutions of higher education. DSHS developed policies clarifying the meaning of direct patient contact as the term is used in the rule, worked to identify specific programs affected by the rule, and increased educational efforts for both students and institutions of higher education regarding the rules requirements and the reasoning behind them. However, department staff continue to receive reports of decreasing enrollment in affected courses of study that are two years or shorter. Non-veterinary students would be allowed to enroll and attend class with at least one dose of each vaccine requirement specified, enroll with acceptable documentation of immunizations, and enroll with acceptable evidence of serologic confirmation to immunity.

Dr. Ross introduced the rule and Jack Sims provided the rule overview. Motion by Dr. Arredondo to postpone action on a recommendation to HHSC of approval for publication of the rule contained in item 5(d), seconded by Dr Juarez. Motion carried. No public comment was provided.

- e. An amendment to a rule concerning standards for protection against radiation from radioactive materials; the repeal and new rule concerning radiation safety requirements and licensing and registration procedures for industrial radiography; and the repeal and new rule concerning medical and veterinary use of radioactive material. Texas is an Agreement State, which means the state has an agreement with the United States Nuclear Regulatory Commission (NRC) under which the NRC has relinquished control over the majority of radioactive material uses in Texas. However, Texas must maintain certain rules compatible with the NRC.

The amendment is necessary because the revised requirements are items of immediate mandatory compatibility with the NRC and Texas. The amendment adds a definition of nationally tracked source and requirements for reports of transactions involving nationally tracked sources; provides the nationally tracked source thresholds; and incorporates the requirements for source manufacturers to assign a unique serial number to each nationally tracked source. The new radiation safety rule includes: an increase of the

industrial radiographer examination fee to \$120 and the certification fee to 110; and a change in record retention requirements. The new rule regarding standards for medical and veterinary use of radioactive materials includes: new training and qualification standards for individuals responsible for the uses of radioactive materials for medical and veterinary purposes; and standards for mobile nuclear medicine services. The training and qualification requirements are also items of compatibility with the NRC.

Dr. Foxhall introduced the rule and Cindy Cardwell provided the rule overview. Motion by Dr. Foxhall to recommend to HHSC of approval for publication of the rule contained in item 5(e) with inclusion of Council and public comments, seconded by Dr. Juarez. Motion carried. Public comment was submitted by Michael S. Ford submitted written public comments.

- f. Repeal of rules and new rules concerning registration of code enforcement officers. No significant changes are proposed, and no new requirements are being imposed on applicants or registrants. Four additional national code enforcement certifications previously omitted from the rules are being added to the list of certifications acceptable for continuing education credit.

Dr. Foxhall introduced the rule and Debbie Peterson provided the rule overview. Motion by Dr. Juarez to recommend to HHSC of approval of publication of the rules contained in item 5(f), seconded by Dr. Arredondo. Motion carried. No public comment was provided.

**Agenda Item #6 – Policy and Program Briefings:**

- a. Sunset Review – Bill Campbell provided a brief overview of activities coordinated by HHSC across HHS agencies in preparation for the upcoming Sunset Review. As established by HB 2292 (78<sup>th</sup> Texas Legislature), all Texas HHS agencies will undergo Sunset Review in 2008 – 2009 to determine need for existence. In October 2006 HHSC initiated a systematic process to ensure readiness and availability of information for the self review among the agencies. Dr. Rick Danko provided a brief overview of DSHS activities. The goal is to ensure readiness. It is expected that the first week of June 2007, DSHS will be asked to complete a self evaluation by August 2007. A detailed presentation may be found at: [http://www.dshs.state.tx.us/council/agendas/041207/6a\\_Sunset\\_Review\\_Process\\_to\\_DSHS\\_Council\\_4-11.pdf](http://www.dshs.state.tx.us/council/agendas/041207/6a_Sunset_Review_Process_to_DSHS_Council_4-11.pdf)
- b. Mental Health Transformation (MHT) Update – Dr. Lakey provided an update on the MHT stakeholder contract. Dr. Lakey has taken on the responsibilities and role of Dr. Sanchez and Joe Vesowate has taken on the responsibilities of Dave Wanser. Sam Shore provided an update on the MHT Grant. Requests were submitted including a statewide needs assessment and comprehensive Mental Health plan. The workgroup will develop a comprehensive Mental Health plan looking at adult services, children’s services, workforce, data infrastructure, information technology, and housing.

**Agenda Item #7 – General Public Comment:** Public comment was provided by: Aaryce Hayes, and Kelly Chou. Michael Ford submitted written public comments.

**Adjournment:** Dr. Ross moved that the meeting be adjourned. The motion was seconded by Dr. Arredondo. Ms. Kane adjourned the Council meeting at 2:32 p.m.

Next Council meeting is scheduled for: July 26-27, 2007 at 10:00 a.m.

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Glenda Kane, Chair

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Date Approved by Council