



## 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  
Wednesday, July 9, 2008  
9:00 a.m.

**Chair's Welcome and Introduction of Guests:** Glenda Kane called the meeting to order at 9:05 and welcomed Dr. Kirk Calhoun, who has just been appointed to the Council. Item #5 relating to Mental Health and Substance Abuse was cancelled on the agenda for today, there will be a special meeting scheduled in the fall to discuss Mental Health and Substance Abuse.

#### Members Present:

Ms. Glenda Kane, Chair – Corpus Christi	Dr. Lewis Foxhall – Houston
Dr. Rudy Arredondo – Lubbock	Dr. Jacinto Juarez – Laredo
Ms. Beverly Barron – Odessa (until 2:45)	Dr. Jeffrey Ross – Houston
Dr. Kirk Calhoun – Tyler	Dr. James Springfield – Harlingen (9:40-12:10)
Ms. Graciela Cigarroa – San Antonio	

#### Members Absent: NONE

**Registered Guests:** P. L. Schmeits, Jason Turner, Rick Robinette, Marissa Robinette, Marilyn Halsell, Don Halsell, Carla Cox, Nilda Tull, Carolyn Scott Naile, Deborah Korpi, Laura Culver Edgar, S. Pualam Gillespie, Janine Ray, Dave Quiring, Pam Ferguson, Tina Williams, Mike Maloney, Joe Lovelace, Cathey Brown, Amy M. Young, Lisa Seguin, Bobby Lane, Kathy Hutton, Chuck Girard, Tina Stephen, Kelly Carl, Sharen Luther, September Fredericks, Mary Cano, Bobby Hillert, Dale Ellison, Sandra Owen, Ariana Vincent, Jennifer Fox, Abby Stone, Paul Stone, Bruce Levi, Raul Flores, Jolene, Zych, Jaime Capolo, P.J. Caporusso, John Conway, Norma Reyna, Monica Oster, Cliff Gay, James Laird, Dee Cooper, Alex Matthews, Nancy Walker, Andrea Stricklin, Stacey Lemire, Seth Thomas Potts, Steve Jackson, Renea Pape, Merrit Walters, Daisy Martinez, Bill Truong, Edith Gonzalez, Martha Martinez, Jose Pichardo, Don Carol, Cameron Walters, Marsha Jones, Margaret Clemmons, Kathleen Ford, Donna Greenlee-Klaso, Angela Carrasco

**See:** [http://www.dshs.state.tx.us/council/attendance/Jul0908\\_Attendance.pdf](http://www.dshs.state.tx.us/council/attendance/Jul0908_Attendance.pdf)

**Agenda Item #1 – Approval of Minutes:** \*Motion by Dr. Juarez to approve the minutes from the April 10 meeting, seconded by Dr. Arredondo. Motion carried. See <http://www.dshs.state.tx.us/council/minutes/041008.pdf> for meeting minutes.

**Agenda Item #2 – Commissioner's Report:** Commissioner David Lakey provided updates on:

- Dr. Kirk Aquila Calhoun, newest appointee to the SHS Council
- LAR public meetings held in May. May 2, 2008 meeting was held in Austin, May 9, 2008 and was held via video conference in 16 sites across the state. Approximately 100 stakeholders attended and testimony was provided on a variety of topics affecting DSHS, particularly requesting increased funding for substance abuse.

- DSHS submitted final draft of our strategic plan to HHSC. This document addresses the scope of DSHS services at a high level and encompasses comments provided in public forums at meetings held around the state earlier this year. HHSC will submit the overall plan on behalf of the HHS agencies.
- The DSHS involvement in the El Dorado operation ended in mid-May. Several hundred DSHS employees were directly involved in the effort which included attending to the medical needs and care of the children. Many other employees provided a supporting role in this effort.
- DSHS continues to work with federal, state and local officials on the investigation of a multi-state outbreak of Salmonella.
- Employee Responsibility in Continuity of Operations Planning. A Commissioner's Directive was issued to ensure that employees are trained and know what to do and what their role is, in the event of an emergency.
- Pandemic Flu Response Plan – Staff has been working in conjunction with other agencies to update this document which has not been updated since 2007. The report entitled “Federal Request for Information Regarding State-level Pandemic Influenza Operating Plans in Texas” was submitted on July 8, 2008. The federal government will evaluate this report and the results will be announced publicly at a later date. Special thanks to Governors Office in assisting in coordination.
- Texas has maintained its North American Association of Central Cancer Registries (NAACR) Gold Certification.
- \$21.4 million was awarded to 14 local mental health authorities to establish or enhance psychiatric emergency service centers or for other services that provide alternatives to sending mentally ill patients to hospitals or jails.
- \$38 million in substance abuse prevention funding has tentatively been awarded for FY 2009.
- Testimony provided at legislative hearings May 20, 2008, May 29, 2008 and June 30, 2008 addressing Hospital budget shortfalls, the challenges of placing individuals with mental health or mental retardation who are committed by a court to the Sexually Violent Predator program and Healthcare Workforce Issues.

#### Recognitions

- **Gloria Castillo and Kevin Crump** – On May 30, 2008 Gloria and Kevin, (RLHS) were recognized by US Attorney General, Michael B. Mukasey for their heroic efforts in saving residents of a burning building.
- **Linda Altenhoff** – (FCHS) presented with a Service Recognition Award for “Significant Contributions to the Oral Health of the Public and to the Profession of Dentistry” by the Texas Dental Association
- **Casey Blass** – the DSHS HIV/STD Conference established the Casey S. Blass Award for Excellence and Achievement in HIV/STD Prevention. Casey Blass is the first recipient of this award which recognizes exemplary contributions to advance the public awareness of this disease and prevention and intervention efforts.
- **Mike Montgomery** – WIC State Director received the National WIC Association Leadership Award
- **Dr. Susan Neill** – Laboratory Director – President-elect of the Board of Directors for the Association of Public Health Laboratories on July 1, 2008. She will become president of the Board for this association on July 1, 2009.
- **Mark Fussell** – Senior Management Team member and member of the federal CDC is leaving both organizations to pursue a position as director of International Operations with the International Union against Tuberculosis and Lung Disease.

Glenda Kane – very proud and honored to know that staff worked in very unusual circumstances in a low key manner during handling of YFZ effort. Thanked staff for dignified manner of handling. Ms. Kane stated that she would like to have a meeting/event/reception later in the year when those who served at El Dorado can be brought together to be honored by the council.

**Agenda Item #3 – 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 and new rules concerning the regulation of ambulatory surgical centers. Kathy Perkins introduced the rule and Nance Stearman provided rule overview.

Public comment was provided by Dr. Bruce Levy and Carla Cox

Glenda Kane asked for a motion to accept the rule: Dr. Ross recused himself for the record. Vote on Motion called. Dr. Juarez motioned to recommend HHSC approval for publication of the rules contained in item 3a. Dr. Foxhall seconded. Motion carried.

Dr. Foxhall asked for staff discussion to allow staff to comment on points raised. Gerard Vandewerken discussed the need for the architectural changes made in the rules. Grandfathered for current structures, proposed rule will only apply to new structures. Glenda mentioned that a public hearing was held on this issue. Glenda Kane asked that Lisa Hernandez to articulate next steps. Lisa reviewed the rule process and steps when public comment can be made.

\*Ms. Kane requested that the council members comments be included in the memo that summarizes comment that was held, by whom and what was said so that that these comments may be taken into consideration.

- b. Repeal of rules and new rules concerning the regulation of abortion facilities. Kathy Perkins introduced the rule and Nance Stearman provided rule overview.

Dr. Arredondo moved to accept rule, Ms. Cigarroa seconded. Motion carried. Discussion: Dr. Foxhall asked to be assured rules are consistent with regulatory authorities that govern practice. Comment by Mr. Springfield to table rules and not to recommend HHSC approval until question of whether this is an expansion of the practice act and is it allowable under the act. No motion follows. Public comment was provided by Dr. Bruce Levy and Carla Cox.

- c. Amendments concerning general provisions and standards for the protection against radiation from radioactive materials.

Kathryn Perkins introduced the rule and Cindy Cardwell provided rule overview. Motion by Dr. Juarez to recommend HHSC approval for publication of the rules contained in item 3(c), seconded by Dr. Calhoun. Motion carried. No public comment was provided.

### **Break 10:25 – resumed at 10:40**

Glenda Kane stated that the intention of council after the meeting in January was that rules for massage therapy be vetted at length by staff and advocates. Council will vote today on these rules going to HHSC as presented. Executive staff at DSHS took a great deal of time to discuss and review. Ms. Kane stated that the Council is much more comfortable with rules being presented today. There will be another opportunity to comment as these rules move forward to HHSC.

- d. Repeal of rules and new rules concerning the licensing and regulation of massage therapists, massage therapy instructors, massage schools, and massage establishments. Kathryn Perkins introduced the rule and provided rule overview.

**Public comment was provided by:**

Lisa Seguin  
Mary Cano  
Norma Reyna  
Monica Oster  
Abby Stone  
Laura Edgar  
S. Pualam Gillespie  
Paul Stone  
David Quiring  
Bobby Lane  
Marilyn Halsell  
P. L. Schmeidts  
Nilda Tull  
Pamela Ferguson  
Raul Flores  
Russell Rust

Michael Maloney  
Tina Williams  
Pietro John Caporusso  
Carolyn Scott Naile  
Alex Matthews  
Janine Ray  
Kelly Carl  
Tina Stephen  
Martha Martinez  
Bill Truong  
Steve Jackson  
Renae Reynolds Pape  
Edith Gonzales  
Jose Pichardo  
Amanda Caldera

Discussion: Dr. Foxhall questioned if we have statutory authority to change from a state licensing exam to a national exam. Lisa Hernandez – Yes, we have chosen to use National exam as state exam. Several council members questioned why draping would not be a requirement. Kathy Perkins – did not have full stakeholder input on this issue and that this will be reviewed as a rule change at a later date.

Glenda Kane – thanked those who came and provided testimony. In regard to the issue of internship, Ms. Kane questioned staff if there is anything that precludes school from allowing students to continue on and pay back to school once they are licensed? Lisa – there is nothing precluding school from allowing this. Alleviates economic impact raised by students in response to internship cap. Rule will go to HHSC and the public will have further option to comment before implementation of rule.

Motion by Dr. Ross to recommend HHSC approval for publication of the rules contained in item 3(d), seconded by Ms. Barron. Motion carried.

**Recess for lunch: 12:42 p.m.- Return: 1:25 p.m.**

- e. Repeal of rules and new rules concerning the Hemophilia Assistance Program.

Evelyn Delgado introduced the rule and Jann Melton-Kissel provided rule overview. Motion by Dr. Juarez to recommend HHSC approval for publication of the rules contained in item 3(e), seconded by Dr. Arredondo. Motion carried. No public comment was provided.

- f. Amendment and repeal of rules concerning the Special Supplemental Nutrition Program for women, infants, and children.

Evelyn Delgado introduced the rule and Mike Montgomery provided rule overview. Motion by Dr. Calhoun to recommend HHSC approval for publication of the rules contained in item 3(d), seconded by Ms. Barron. Motion carried. No public comment was provided.

- g. Repeal of rules and new rules concerning the recruitment of physicians to underserved areas  
Evelyn Delgado introduced the rule and Connie Berry provided rule overview. Motion by Dr. Ross to recommend HHSC approval for publication of the rules contained in item 3(e), seconded by Ms. Barron. Motion carried. No public comment was provided.

\*Approach federal legislators to allow Texas to use some of the J-1 Waivers that are not used by other states.

\*Set up meeting with Dr. Lakey and council members to look at workforce development and ways to advocate to meet current and future needs.

- h. Amendments concerning immunization requirements in Texas elementary and secondary schools and institutions of higher education.

Dr. Adolfo Valadez introduced the rule and Jack Sims provided rule overview. Motion by Dr. Ross to recommend HHSC approval for publication of the rules contained in item 3(e), seconded by Dr. Calhoun. Motion carried. No public comment was provided.

**Agenda Item #4 – Legislative Appropriations:** Machel Pharr reviewed the Legislative Appropriations preliminary list. The list is structured in order of largest need identified. See exhibit: [http://www.dshs.state.tx.us/council/agendas/070908/EI\\_presentation\\_graph-061808.pdf](http://www.dshs.state.tx.us/council/agendas/070908/EI_presentation_graph-061808.pdf)

**Agenda Item #5 – Substance Abuse Prevention and Treatment Block Grant Presentation and Public Comment.** This item was tabled for another meeting to be held in September. Date and time to be determined.

**Agenda Item #6 – General Public Comment:** Cathy Brown provided public comment on behalf of Association of Substance Abuse Programs.

**Agenda Item #7 – Council Operations.** Glenda Kane indicated provided the date of the next regular Council meeting which will be Thursday, November 6, 2008. All council members will be provided a list of the rules to be discussed at that meeting. There will also be an all HHS Councils Meeting to be held on Friday, November 7, 2008 at the Capitol Conference Center. The proposed 2009 Council meeting dates are January 29, 2009, April 16, 2009, June 25, 2009 and November 5, 2009.

A special meeting will be called for September to discuss Substance Abuse and Mental Health Issues. This will be a strategic meeting; there will be no rules to consider. Glenda Kane proposed the second week of September, or September 24 and 25, 2008. Rosamaria will poll the council members to determine what dates will work and will send out a meeting notice to the council.

**Adjournment:** Dr. Arredondo moved that the meeting be adjourned. The motion seconded by Dr. Juarez. Ms. Kane adjourned the Council meeting at 3:40 p.m.

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Glenda Kane, Chair

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Date Approved by Council

\* Denotes action items.