



State Health Services Council Meeting

Department of State Health Services (DSHS)

909 West 45th Street, Austin, Texas

Building 2, Public Hearing Room 164

Minutes

November 29, 2012

9:00 a.m.

Council Members Present

Ms. Beverly Barron, Odessa

Dr. Louis Foxhall, Houston

Rev. William Lovell, Dallas

Dr. Jeffrey Ross, Houston, Vice-Chair

Ms. Maria Teran, El Paso

Dr. David Woolweaver, Harlingen

Council Members Not Present

Ms. Glenda Kane, Corpus Christi, Chair

Dr. Kirk Calhoun, Tyler

Mr. Nasruddin Rupani, Houston

Visitors

Cynthia Humphrey – Association of Substance Abuse Professionals

Rob Fields – Texas Medicaid & Healthcare Partnership XEROX

Janet Paleo – Texas Council of Community Centers

Amy Beard – Cammack and Strong, PC

John Seago – Texas Right to Life

Gretchen Ellison – HillCo Partners

Denise Rose – Texas Hospital Association

Call to Order – Council Vice-Chair, Dr. Jeffrey Ross called the meeting to order at 9:01 a.m.

1. Approval of September 5 and September 6, 2012 minutes – Council Vice-Chair, Dr. Jeffrey Ross asked for a motion to approve the minutes of the September 5, 2012 work session and the September 6, 2012 Council meeting. Motion made by Rev. Lovell, seconded by Dr. Woolweaver. Motion passed.

2. **Public Health Funding and Policy Committee Report – Stephen Williams, Chair, Public Health Funding and Policy Committee, provided an update on the committee’s activities. Some of the common themes the Committee is looking at:**
- Staff retention and training
 - Clarity between local and state services
 - Leveraging funding at the federal, state, and local levels
 - Bundling contracts
 - Programmatic issues – immunizations, tuberculosis, core public health services
 - Definition of core public health services

Mr. Williams described the following accomplishments:

- Bundling contracts with local health departments (LHDs)
- Allow 25 percent transfer between contract budget categories
- Increase capital equipment definition
- Conducted a survey of LHDs to help define core services

Future efforts are expected to focus on:

- Impact of 1115 Waiver and Affordable Care Act on public health
- Collaborative efforts between LHDs and DSHS
- Adequate resources for regulatory services
- Making recommendations on structure of LHDs

Dr. Foxhall asked if the relationship between DSHS and LHDs had improved over the last five years. Mr. Williams said he believed there has been overall improvement despite some ups and downs. He said the responsibility lies both with DSHS and LHDs and that it boils down to resources and accountability.

Dr. Foxhall recognized Mr. Williams for his outstanding service in Houston and Dr. Lakey also recognized Mr. Williams for his partnership with DSHS and his service. Dr. Lakey also introduced Mike Hill, Chief Executive Officer, Texas Association of Local Health Officials, who was in the audience.

3. **Commissioner’s Report – Commissioner David Lakey provided an update on the following topics:**
- Welcomed and recognized the new council member, Maria Teran of El Paso.
 - West Nile outbreak update – This was a major outbreak especially in Dallas-Fort Worth (DFW) area. DSHS worked with LHDs and located staff in DFW area.
 - 1.3 million acres were sprayed
 - Great deal of public health outreach
 - Public service announcements were developed
 - Worked with a variety of businesses and faith-based community outreach
 - Committed to being a learning institution and held after action meetings to determine how we can improve the system and response
 - Staff changes – Dr. Tate Erlinger left at end of August. Currently in the midst of search to replace state epidemiologist position. Linda Gaul is acting State Epidemiologist.
 - Conducting final interviews for Assistant Commissioner positions for Disease Control and Prevention Services and Regional and Local Health Services.

- Rider 71 – Required a contract with independent entity (PCG) to review the mental health system. Phase I was released in June 2012. Phase II was released in October 2012. The recommendations are posted on DSHS website. Recommendations will be considered during the next legislative session.
- Rider 59 – Required DSHS to evaluate its regulatory programs. Contracted with consulting firm (MFR) accountants and consultants to determine where new fees can be assessed or existing fees increased, analyze business operations, and develop recommendations to increase efficiencies and decrease costs. MFR is currently in reporting phase. Report due in January 2013.
- Rider 63 – Required DSHS to develop a request for proposals (RFP) to privatize one of the state mental health hospitals. RFP was posted; DSHS received one proposal for one hospital. During evaluation that proposal received a score of 64 out of 100. DSHS had significant concerns with staffing models presented. Recommendation given to the Governor’s office and the Legislative Budget Board that this was not in the best interest of the state.
- Hospital Safety – North Texas State Hospital research performing Cranial Electrotherapy Stimulation (CES) was done without proper approvals. Questions were raised. DSHS put together an external team of three members to review safety of this therapy. Team determined limited therapy is appropriate if recommended.
- Fungal Meningitis Outbreak – There were two cases in Texas. On November 1, 2012, a message was sent to all states about this issue. There were 11 cases identified and all had received the epidural injections. Product had been distributed to 23 states including Texas. DSHS is collaborating with two LHDs to identify the individuals who had received the product. To date two individuals have been identified in Dallas County. Both patients survived and all the product has been destroyed or recalled. DSHS sent a letter to all facilities that received the product from this company, asking that they follow up on anyone who received any of the product. This continues to be a developing issue. DSHS continues to work with the Food and Drug Administration to look at the whole issue of compounding drugs.
- National Immunization Survey – Ten years ago, Texas was at the bottom of the list in providing immunizations. Texas continues to improve; coverage is now at 72.7 percent or 14 percent increase. National average is 68.5 percent. Texas is now ranked number nine in the nation. However, there are still challenges that DSHS is working to address. Adult immunization rates need improvement.
- Centralized Accounting and Payroll Processing System (CAPPS) – Replaced Access HR. CAPPS is part of a unified statewide system and part of Project One.
- 83rd Legislative session starts Tuesday, January 8, 2013. First task is to prepare and submit Legislative Appropriations Request for the biennium. Typically 4000 pieces of legislation are submitted. DSHS monitors about 800.
- Government Affairs is currently holding training for resource witnesses, cost analysis, and tracking legislation. Some of the public health bills that we will be monitoring that have already been filed include:
 - HB 46 - Sale of raw milk
 - HB 104 - Repeal driver responsibility program
 - HB 128 - Childhood health grant
 - SB 40 - Immunizations
 - SB 58 - Physical health program under managed care program
 - SB 62 - Vaccination against bacterial meningitis
 - SB 63 - Immunizations for children
 - SB 86 - Elimination of smoking in certain workplaces

Additionally, Dr. Lakey recognized the following staff and programs for their accomplishments:

- Regional and Local Health Services was recognized for work on West Nile Virus response.
- Family and Community Health Services (FCHS) – Travis Duke was nominated to participate in expert work group tasked with revising the Title X Family Planning Annual Report (FPAR). The FPAR is a required federal report that summarizes participation in the Title X family planning program.
- FCHS WIC – DSHS received federal approval to develop the next generation of the WIC system, the Texas Integrated Network (TXIN). The contract was awarded to Currier, McCabe and Associates. The new system will provide improved customer service, quicker response to changing regulations, improved timeliness of data for key management decisions, and an enhanced ability to handle electronic benefits transfer (EBT) data. Total projected cost is 68 million dollars. Work will begin in January 2013.
- Internal Audit – Nicole Campbell, team lead in Internal Audit, has completed all required forms and passed certification exams to be an internal auditor.
- Regulatory Services – Karen Tannert was selected for the 2012 President’s Award for many years of service to the National Association of State Controlled Substances Authorities.
- Regulatory Services received high praise from the Texas Commission on Environmental Quality Commissioner, Carlos Rubenstein, and Ernie Rodriguez for our regulatory automation system improvements, in particular online electronic licensing. This is an important quality improvement initiative.
- Center for Consumer and External Affairs (CCEA) – Ricky Garcia joined DSHS in October as Director of CCEA.
- Disease Control and Prevention Services (DCPS) – Lucina Suarez is retiring January 31, 2013. Dr. Suarez is currently acting Assistant Commissioner for DCPS. Dr. Suarez has 30 years of public service.
- Chief Operating Office – Gladys Tinsley, Director of Operations Management, is retiring at end of the year.

The Council members had the following questions and comments:

- Rev. Lovell – This is National Diabetes Month. Almost two million adult Texans are affected. Rev. Lovell requested a briefing at a future Council meeting on what DSHS is doing to address diabetes.
- Dr. Foxhall – Requested briefings on a regular basis on major public health challenges, such as diabetes, tobacco, mental health issues, major challenges to the department, and licensing process. Does DSHS conduct a satisfaction survey? The Council would like to get input from customers on effects on areas where changes were implemented and core services.
- Regarding the WIC program initiative, is there a risk that innovations will be lost in standardization?
- Is DSHS involved in supporting HPV vaccine? Dr. Lakey responded that DSHS’ role is to monitor rates. Adolescent and adult immunization rates are not as high as child rates.
- Dr. Foxhall – Have other states have adopted HPV as a mandated vaccine?
- Beverly Barron – Why is Texas behind the curve in adult vaccinations? Key infrastructure reminders are not present for adults as they are for children.
- Dr. Ross – What changes or precautions will DSHS develop to prevent recurrence of West Nile Virus outbreak? Is there ongoing research?
- Dr. Ross – How were patients that developed fungal meningitis treated post epidural?

Dr. Ross thanked Dr. Lakey for his report and service. He also thanked staff who had made presentations at the work session.

4. Update on Healthy Texas Babies Initiative – Assistant Commissioner Evelyn Delgado and Imelda Garcia provided an update on the Healthy Texas Babies Initiative. The website is www.dshs.state.tx.us/HealthyTexasBabies. A copy of the presentation can be found at: <http://www.dshs.state.tx.us/council/agenda.shtm>

The Council members had the following questions and comments:

- Dr. Ross – Who is the contractor for the campaign? Is DSHS targeting other venues such as marathons? Dr. Ross is the co-chair of the Governors Fitness Advisory Council and his co-chair, Paul Carrozza owns a business that may provide opportunity for collaboration.
- Dr. Foxhall – Is there outreach or training for the medical community to raise awareness? He suggested outreach to the Texas Medical Association or local medical associations in urban areas.
- Dr. Ross – Suggests “quit smoking before you are pregnant” to be brought to contractor as message.
- Dr. Foxhall – Materials also address tobacco use; provides great opportunity.
- Beverly Barron – Is there applicability to working with Texas Education Agency to reach health classes and physical education classes?
- Reverend Lovell – Has there been any outreach to faith-based groups?

Dr. Lakey described other parts of the Health Texas Babies initiative, including policies to discourage delivery before 39 weeks. He said that in future Council meetings, we can show realtime data and matrix on improvements for healthy babies.

The Council took a 10 minute break at 10:50 a.m. and reconvened at 11:00 a.m.

5. Consent Agenda – Recommend to the Health and Human Services Commission proposal of the following rule actions for public comment:
 - a. Amendments to rules concerning fee schedules for clinical testing, newborn screening, and chemical analysis
 - b. Amendments to rules and new rules concerning administration and registration of vital statistics records
 - ~~c. Amendments to rules and the repeal of a rule concerning DSHS family planning services~~
 - d. Repeal of rules and new rules concerning Case Management for Children and Pregnant Women
 - e. Amendments to rules concerning the Oral Health Program

Motion to remove item “5c” from the consent agenda for further discussion made by Rev. Lovell; Ms. Barron seconded the motion. Item 5c was removed from the consent agenda to be discussed and voted on separately from the consent agenda.

Motion to approve consent agenda made by Beverly Barron, seconded by Rev. Lovell. Motion passed.

The following rules were removed from the consent agenda for further discussion:

- ~~c. Amendments to rules and the repeal of a rule concerning DSHS family planning services.~~

Lisa Hernandez explained that changes had been made based upon the Council members' recommendation at the work session.

Motion to approve the 5c rule as amended was made by Rev. Lovell, seconded by Dr. Woolweaver. Motion passed.

6. Council Vice-Chair, Dr. Ross called for any general public comments. Public comment provided by: Jeannette Castle. She thanked Mrs. Kane, Council members, and staff for their work with the Rider 71 report. She also indicated her support for recently filed Senate Bill 58, relating to integrating behavioral health and physical health services provided under the Medicaid program.

Council members had no further comments or questions.

Adjourn – Council Vice-Chair, Dr. Ross, asked for a motion to adjourn the meeting. Motion made by Ms. Teran, seconded by Dr. Woolweaver. Meeting adjourned at 11:15 a.m.:



Dr. Jeffery Ross, Vice-Chair

April 3, 2013
Date