



State Health Services Council Meeting

Department of State Health Services (DSHS)

Robert E. Moreton Building, M-739

1100 W. 49th Street, Austin, Texas

January 22, 2010

Minutes

Members Present:

Ms. Glenda Kane, Chair – Corpus Christi

Ms. Beverly Barron – Odessa

Dr. Kirk Calhoun – Tyler

Dr. Jacinto Juarez – Laredo

Dr. David Woolweaver – Harlingen

Mr. Nasruddin Rupani – Sugar Land

Members Not Present:

Ms. Graciela Cigarroa – San Antonio

Dr. Lewis Foxhall – Houston

Dr. Jeffrey Ross, D.P.M. – Houston

Visitors:

Jennifer Fox, Jarad Wolfe, Alison Little, Vilma Luna, Dianna Sosa, Chris Cronn, Helen Kent Davis, Chuck Girard, Michelle Apodaca, Becky Nichols, Rhonda Sandel, Brad Shields, Linda Porter, James Jackson, Cynthia Humphrey, Nancy Fisher, Mike White, Heather Vasek, Kathy Eckster, Kimberly Teague, Starr West, Kimberly Leighton, Brittani Bilsse, Jordan Head, Matt Wall

Call to Order: Council Chair, Glenda Kane called the meeting to order at 9:05 a.m.

Agenda Item 1: Approval of [November 3 and 4, 2009 Minutes](#) – Glenda Kane asked for a motion to approve the minutes from the Council meeting of November 3 and 4, 2009. Motion made by Dr. Calhoun, seconded by Dr. Woolweaver. Motion passed.

Agenda Item 2: Commissioner's Report – Commissioner David Lakey provided a report regarding H1N1 response, Joint Congressional Committee Hearing on H1N1 and vaccine challenges. He also highlighted the following staff and program accomplishments:

- Trust for America's Health Preparedness Report,
- State hospital accreditation,
- Growing Communities video series featured on the RWJ website,
- Jennifer Sims left to be associate commissioner at DADS,
- Dr. Janet Lawson receipt of Presidential Leadership Award,

- Paul McGaha receipt of a difference maker award from MADD East Texas in Tyler, and
- EMS Annual Awards.

Other report topics included:

- Mental Health and Substance Abuse services request for proposals due today,
- Cystic fibrosis screening,
- Newborn screening lawsuit settlement,
- Governor's EMS Trauma Council – Stroke Designation for St. David's Hospital,
- Texas Cancer Registry co-location at CPRIT,
- Strategic Planning Process – members can submit feedback on draft plan via a telephone conference or feedback on final plan at next council meeting.
- Legislative Appropriations Request development – internal work groups submitting items by March 31; public meetings will be held in May
- Sunset Commission review preparation, and
- Budget Reduction Update – The Governor has requested that State Agencies submit a five percent reduction in their budgets. DSHS leadership is looking very carefully at the impact of these reductions on any of our services. Council will be consulted and involved in this process.

Agenda Item 3: Health Reform Update – Natasha Boston provided an overview of the federal health care reform bill and detailed recent developments and new options that are now being considered. The full presentation can be found at: [Texas Department of State Health Services, Council Agendas, Minutes, and Rule Actions](#). Council members asked how many eligible children are not served now on Medicaid and CHIP due to parents not reenrolling them or being unable to afford the premium. Ms. Boston will check on these numbers and reply to Ms. Kane.

Agenda Item 4: Preventive Medicine/Public Health Residency Program – Commissioner Lakey and Sandra Guerra, M.D. presented on the Residency Program. Dr. Guerra explained the process and schedule that the residents experience. Dr. Guerra and Dr. Lakey presented the certificate of graduation to Dr. Kimberly Leighton, the most recent graduate of the DSHS residency program.

Agenda Item 3 continued: Health Care Reform Update – Troy Alexander discussed the impact of the federal health care reform on DSHS. Mr. Alexander's presentation can be found at: [Health Care Reform Presentation](#). Council members asked what provisions are being made for substance abuse prevention. Mr. Alexander will check on how substance abuse will be provided in the proposed health care reform and report back to Ms. Kane.

Agenda Item 5: Recommend to the Health and Human Services Commission proposal of the following rule actions for public comment.

Kathy Perkins provided a general overview of the Regulatory Services rules being presented.

- a. New rule concerning registration and radiation safety requirements for use of laser hair removal devices. Cindy Cardwell provided the rule overview. Motion by Ms. Barron to recommend the rule be moved to HHSC for public comment. Motion seconded by Dr. Juarez. Motion carried. Public comment provided by Michael White – attorney, Texas Association for Cosmetic Regulation Administration.
- b. New rules concerning the regulation of freestanding emergency medical care facilities. Beth Albro-Pratt provided the rule overview.

Lisa Hernandez asked Ms. Albro-Pratt to address the question posed by Matt Wall from the work session held on January 21, 2010, which concerned patients being kept longer than 23 hours. There is not an incentive for these facilities to keep patients longer than 23 hours. Dr. Calhoun discussed the issue of controlling mandatory overtime for nurses in hospitals, and governance of nurses working in these facilities. Senate Bill 476 is a start at looking at nursing staffing and hours. Council members asked “What is the definition of emergency care?” An emergency facility should evaluate and stabilize the emergent need. Beth Albro-Pratt provided response to the public comment and licensing requirements. Ms. Kane asked about the section of the rule stating a medical director must be on site a minimum of 12 hours a month. Ms. Albro-Pratt addressed Ms. Kane’s concerns. Ms. Barron asked if Ms. Sandel has recommendations to address these questions. Ms. Kane asked that public comment be presented on the day of the work session. Ms. Sandel suggests that the physicians minimally be ACLS, TLS or PALS licensed. Dr. Calhoun explained that the rules can be constructed to require emergency room experience for physicians. Dr. Calhoun suggested that there be minimal emergency room experience requirements for all physicians. Kathy Perkins indicated these issues can be resolved during the comment period.

Motion by Ms. Barron to recommend the rule be moved to HHSC for public comment. Motion by Dr. Calhoun for amendment to the rule, to require that staff work on minimal requirements for physicians. Dr. Juarez seconded the motion for the amendment. Motion by Dr. Woolweaver to vote on the rule as amended, to move forward to HHSC for public comment. Ms. Barron seconded the motion. Motion carried. Public comment provided by: James Jackson registered, but waived time, and Robin Sandel.

- c. Amendments to rules and a new rule concerning issuance of Certificates of Free Sale and Sanitation and/or Certificates of Origin and Sanitation. Claire Perkins provided the rule overview. Motion by Dr. Juarez to recommend HHSC approval of the amendments and approval of the new rule. Motion seconded by Ms. Barron. Motion carried. No public comment.

Break 10:45- 11:01

- d. New rules concerning the licensing and regulation of dyslexia therapists and dyslexia practitioners. Cindy Bourland provided the rule overview.

Motion by Dr. Juarez to recommend HHSC approval of the rules for public comment. Motion seconded by Dr. Calhoun. Motion carried. No public comment.

- e. Amendments to rules and new rules concerning fees and procedures for issuance of criminal history evaluation letters in the perfusionist, sanitarian, code enforcement officer, respiratory care practitioner, optician, massage therapist, chemical dependency counselor, and medical radiologic technologist regulatory programs. Cindy Bourland provided the rule overview. Motion by Dr. Woolweaver to recommend approval by HHSC of the amendments and new rules for public comment. Motion seconded by Ms. Barron. Motion carried. The question raised in the work session about international background checks was addressed. No public comment provided.
- f. Repeal of rules and new rules concerning the negotiation and mediation of certain contract claims against the Department of State Health Services. Elizabeth Jones explained the repeal, introduced the new rule, and provided the rule overview. Motion by Dr. Juarez to recommend HHSC repeal

the old rule and approval of the new rules. Motion seconded by Dr. Woolweaver. Motion carried. No public comment provided.

- g. Amendments to rules concerning the collection and release of hospital discharge data. Bruce Burns introduced the rule and provided the rule overview. Bruce Burns clarified that this is a preliminary step in collecting data and addressed the questions raised at the work session.

Dr. Juarez asked how many data elements would be affected if rural hospitals did not report the data. Rural hospitals are allowed to submit on a voluntary basis. This is a supportive data element that enhances their reporting on patient safety. Dr. Lakey clarified that our goal is to have all data reported by all hospitals. Dr. Calhoun questioned that a big piece of this is disclosure. Question was raised about whether or not exempted hospitals would be identified on the website. This would be an incentive to have hospitals report. Ramdas Menon clarified the intent of the rule.

Motion by Dr. Juarez to recommend HHSC approval of the amendments. Motion seconded by Dr. Calhoun. Motion carried. Public comment provided by Starr West with the Texas Hospital Association.

Evelyn Delgado introduced the following four rules and provided some background.

- h. Amendments to rules, new rules, and repeal of a rule concerning the regulation of training and certification of promotores or community health workers. Sam Cooper provided the rule overview. Motion by Dr. Juarez to recommend HHSC approval of the amendments, approval of the new rule, and repeal of the old rule. Motion seconded by Dr. Woolweaver. Motion carried. No public comment provided.
- i. Repeal of rules concerning the Program for Amplification for Children of Texas. Jann Melton-Kissel provided the rule overview. Motion by Ms. Barron to recommend HHSC repeal of the rules. Motion seconded by Dr. Calhoun. Motion carried. No public comment provided.
- j. Amendments to rules, repeal of a rule, and new rules concerning the Children with Special Health Care Needs Program. Jann Melton-Kissel provided the rule overview. Motion by Mr. Rupani to recommend HHSC approval of the amendments, repeal of the rule and approval of the new rule to move forward for public comment. Motion seconded by Dr. Woolweaver. Motion carried. No public comment provided.
- k. New rule concerning the Texas Organ, Tissue, and Eye Donor Council. Jann Melton-Kissel provided the rule overview. Motion by Dr. Juarez to recommend HHSC approval of the rule. Motion seconded by Ms. Barron. Motion carried. No public comment provided.
- l. Repeal of a rule and an amendment to a rule concerning the testing of Sexually Transmitted Diseases including Acquired Immunodeficiency Syndrome and Human Immunodeficiency Virus. Dr. Adolfo Valadez introduced the rule; Ann Robbins provided the rule overview. Motion by Dr. Calhoun to recommend HHSC repeal the rule and approval of the amendment. Motion seconded by Ms. Barron. Motion carried. No public comment provided.

- m. Repeal of rules concerning poison control centers. Dr. Adolfo Valadez introduced the rule. Dr. John Villanaci provided the rule overview. Motion by Dr. Juarez to recommend HHSC repeal the rule. Motion seconded by Dr. Woolweaver. Motion carried. No public comment provided.

Agenda Item 6: General Public Comment

Glenda Kane asked for public comment. There was no general public comment.

Glenda Kane asked for a motion to adjourn the meeting. Motion made by Ms. Barron. Seconded by Dr. Woolweaver. Motion carried. Meeting adjourned at 11:55 a.m.

Next Council work session and meeting scheduled for April 28 and 29, 2010.



Glenda Kane, Chair

April 29, 1010

Date Approved by Council