



State Health Services Council Meeting

Department of State Health Services (DSHS)

Robert E. Moreton Building, M-739

1100 W. 49th Street, Austin, Texas

November 3, 2009

3:30 p.m.

Minutes

Members Present:

Ms. Glenda Kane, Chair – Corpus Christi

Ms. Beverly Barron – Odessa

Dr. Kirk Calhoun – Tyler

Dr. Lewis Foxhall – Houston

Dr. Jeffrey Ross, D.P.M. – Houston – arrived at 4:32 p.m.

Dr. David Woolweaver – Harlingen

Ms. Graciela Cigarroa – San Antonio

Not Present:

Dr. Jacinto Juarez – Laredo

Mr. Nasruddin Rupani – Sugar Land

Visitors:

Matt Wall, Lindsay Littlefield

Call to Order – Chair, Glenda Kane called the meeting to order at 3:32 p.m.

Agenda Item 1 – Discussion pertaining to amendment to a rule concerning prophylaxis against ophthalmia neonatorum. Lucina Suarez introduced the first agenda item. Ann Robbins explained the item. This item will be considered at the November 4 Council meeting.

Discussion: Questions raised included the protocol for following up if the mother has a STD and if one dose is sufficient for newborns.

Agenda Item 2 – Discussion pertaining to amendments to rules and new rule concerning the regulation of Texas youth camps. Kathy Perkins introduced the second agenda item. Paula Anderson explained the rule. Ms. Perkins explained that not all the Advisory Committee recommendations are included in the proposed rule packet but all but one item can be addressed and incorporated into rule language before adoption. The remaining issue will be considered in the next rule session. Ms. Perkins explained the importance of moving forward with the rule for the criminal background checks and licensing issues. This rule will be considered at the November 4, 2009 Council meeting.

Discussion: Questions raised included the definition of a youth camp, ramifications if someone with a criminal background is hired, if testimonials by persons convicted of a crime would be prohibited, enforcement authority in the event of a violation, type of action involved

(administrative or criminal), percentage of inspections performed each year, and number of enforcement actions taken last year.

Agenda Item 3 – Discussion pertaining to repeal of rules and new rules concerning the regulation of end stage renal disease facilities. Kathy Perkins introduced the rule. Beth Albro-Pratt explained the rule and the fiscal impact. Staff ratios may be brought up by stakeholders at the council meeting. Social worker and dietician needs may be considered unresolved. This rule will be considered at the November 4, 2009 council meeting.

Discussion: A question was raised about how long it takes to dialyze a patient when a facility has 50 stations. Dr. Calhoun answered with 3-4 hours. Most facilities run 2-3 shifts. Patients come 3 times a week. Social workers do not see patients every time. Other questions included how many people are in end stage renal disease at one time; what are the requirements for instituting or moving a patient; and what are the requirements for doctor to patient ratio in rural areas.

Agenda Item 4 – Discussion pertaining to new rules concerning the regulation of free standing emergency medical care facilities. Kathy Perkins introduced the rule. Beth Albro-Pratt explained the rule and scope of services. Stakeholder meetings have been held. This rule will be considered at the January 2010 council meeting.

Discussion: Questions included repercussions for not providing CT scan or ultrasound after one year; how these rules differ from rules governing medical centers connected with hospitals; limitations on services provided; how the benefit of these facilities will be measured; will facilities be required to take uncompensated care patients and Medicare patients; and the differences between these facilities and a minor emergency or urgent care facility.

Agenda Item 5: Discussion pertaining to new rules concerning the registration and radiation safety requirements for use of laser hair removal devices. Kathy Perkins introduced the rule. Cindy Cardwell explained the rule and reporting requirements. This is a new fee funded program. These are not considered medical procedures. Inspections will be held at two year intervals. Program has conducted stakeholder meetings. Representative Jim Jackson, sponsor of the bill (HB 449) attended one of the stakeholder meetings. HB 449 is very specific in its scope and only includes laser hair removal. State of Arizona is the only other state that has comparable rules. Ms. Cardwell discussed the requirement for the reporting of adverse events.

Discussion: Questions included what type of anesthesia will be administered and by whom; how many “laser professionals” are operating under the general supervision of a doctor; did any dermatologists attend the stakeholder meetings; in the case of an adverse event, where are patients sent for treatment; what training is required; and is this an infringement on the practice of medicine. DSHS will reach out to the medical board for comment.

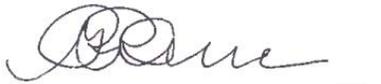
Agenda Item 6: Discussion pertaining to amendments to rules concerning wholesale drug distributors. Kathy Perkins introduced the rule. Karen Tannert explained the rule and discussed pedigree requirements and exemptions. Only remaining controversy will be fiscal impact to small, independent pharmacies. States have been exempted. Some waivers are in place.

Discussion: Questions included how many events of illicit drugs have been identified and if this is a common occurrence. For several years there had been some issues with high dollar products. Now there is a pre-licensing inspection to identify fraudulent or counterfeit suppliers, so it is not as common. Other questions were about how are these rules were different from rules that were considered three years ago and what measures are used to gauge success of program.

Council members commented that they appreciated this format for discussing the rules.

Glenda Kane adjourned the meeting at 6:05 p.m.

Meeting re adjourns, in the morning at 9:00 a.m., November 4, 2009.



Glenda Kane, Chair

January 22, 1010
Date Approved by Council