



State Health Services Council Meeting

Department of State Health Services (DSHS)

Robert E. Moreton Building, M-739

1100 W. 49th Street, Austin, Texas

November 4, 2009

9:00 a.m.

Members Present:

Ms. Glenda Kane, Chair – Corpus Christi
Ms. Beverly Barron – Odessa (left just before 3:00 p.m.)
Dr. Kirk Calhoun – Tyler
Dr. Lewis Foxhall – Houston
Dr. Jacinto Juarez – Laredo
Dr. Jeffrey Ross, D.P.M. – Houston (arrived 9:10 a.m.)
Dr. David Woolweaver – Harlingen
Ms. Graciela Cigarroa – San Antonio (left 2:55 p.m.)

Not Present:

Mr. Nasruddin Rupani – Sugar Land

Visitors:

Darren Turley, Emily Erickson, Judith McGeary, Cynthia Cinadr, Ryan McKeeman, Bob Stryk, Dr. Mary Traverse. Andrew Smiley. Liz Hoffmaster, Dr. Mark Shannon, Byron Courtney, Patrick Timpone, Katrina Hartsock, Chris Patterson, Duaine King, Bill Swail, Paul Norris, Deborah Wark, Joe Pojman, Ph.D., Bobby Schmidt, Betty R. Smith, Anne Ishmael, Mike McGerry, Randy Cain, Bill Hinh, Jennifer Deegan, Haley Mack, Sharon Crow, Bryan Lambeth, Marianna Gomez, Barbette Mays, Dianna Sosa, Belinda Carlton, Jane Louis, Lisa Poynor, Tania, Laura Waters, Denise Rose, Elizabeth Syuby, Joan Freney, Cathy Johnson, Dine Meyer, Brett Ventura, Dan Topkis, Margaret Rittenhauer, Rachel Bradley, Brenda M. Morris, Beverly Doragan, Jeneen Schloz, Cliff Gay

Call to Order – Chair, Glenda Kane called the meeting to order at 9:01 a.m.

Agenda Item 1 – Approval of Minutes – Glenda Kane asked for a motion to approve the minutes from the June 25, 2009 meeting. Motion by Dr. Juarez to approve the minutes, seconded by Dr. Jeffrey Ross. Motion carried.

Agenda Item 2 – Commissioner’s Report –Commissioner Dr. David L. Lakey provided an update on the following:

Dr. Vince Fonseca is leaving DSHS at the end of November to start a non-profit organization, the Population Health Institute of Texas (PHIT). Since 2006 when Dr. Fonseca joined our department as the state epidemiologist he has been on the frontline of projects that cross the health spectrum, from traditional public health to mental health and substance abuse. He has served as the co-chair of the Robert Bernstein Population Health Research Agenda, a team

member in establishing the Medicaid exemption for tobacco cessation pharmacotherapy, and clinical consultant for the Mental Health Transformation Grant. Dr. Lakey wished Dr. Fonseca success in his endeavors.

The Women Infants and Children Program (WIC), under the Family and Community Health Division has received national recognition for reaching the Healthy People 2010 goal. The WIC program is receiving \$9 million this year for breastfeeding initiatives.

Esther Betts, in the Mental Health and Substance Abuse division, is the recipient of the 2009 Ketty Award. This award is presented annually to the National Prevention Network representative who has made outstanding contributions to the Network and in the field of prevention.

Dr. Sandra Guerra, Regional Medical Director HSR 8, has been selected as the new chair of the Council of Preventative Medicine Residency Directors. Dr. Guerra has been very instrumental in reactivating our Residency Program here at DSHS.

DSHS was recently selected as a recipient of a 2009 ASTHO Vision Award. The ASTHO Vision Awards recognize outstanding state health department programs and initiatives that use a creative approach to address public health needs or problems. ASTHO recognized DSHS' efforts by selecting the Texas Farm to Work Program for first place in category B. The Farm to Work Program is managed by the Prevention and Preparedness Division under Dr. Adolfo Valadez.

Council member Beverly Barron is the 2009 Recipient of Lone Star Award. This award is for individual service and sustained leadership in substance abuse prevention and treatment.

Dr. Lakey provided an update on H1N1 response including status, infrastructure, communication campaign, vaccine allocations, anti-viral update, system of allocation, 211, continuing education of public and continuing challenges with vaccine shortage and rumor control. In August a conference was held in Austin which was followed by 13 regional conferences. DSHS has received a little better than one half of the vaccine that DSHS was allocated. Priority groups are still the main target audience to receive vaccine. By end of January, DSHS expects to receive about 13 million doses. 2-1-1 has received approximately 18,000 calls to date. Dr. Lakey recapped the good hygiene protocols.

Family Planning Contracts have been awarded. Requests for Proposals were delayed until June 29 due to legislative session and the need to get information and guidance from the legislature. Contracts were effective November 1, and include an increase in funding this year to just over \$47 million. Requests for funding also increased to approximately \$64 million and 75 institutions were funded.

Federal Health Care Reform – Staff are looking at some of the most recent proposals. Although much of the federal health care reform effort does not directly alter DSHS programs, DSHS has been monitoring activities at the national level. DSHS has also been providing information to HHSC as requested regarding particular changes. Because the legislation has gone through a number of modifications, it is hard to pin down exactly what will come out in the end. DSHS is

currently looking at some of the most recent proposals and staff are analyzing the impact for DSHS. DSHS will be providing this information to HHSC for the overall enterprise assessment.

DSHS will apply for ARRA funds in the form of Prevention and Wellness grants which focus on obesity and tobacco. The grants contain two parts: a state supplemental component and a competitive component. DSHS continues to work with local communities. DSHS is applying for all the funds that it is to as a state agency. By October 30, 2009 we were required to submit a letter of intent to the CDC for a competitive grant. The next deadline is November 20, 2009 to submit State Supplemental grant to CDC, and then November 24 to submit Competitive grant to CDC.

Agenda Item 3 – Texas Drug Demand Reduction Advisory Committee Report. Mike Maples provided an update on the Drug Demand Reduction Advisory Committee Report (DDRAC) of 2009. TDMHMR and TCADA were charged with preparing a report to detail expenditures. TCADA was charged with developing a comprehensive statewide strategy and legislative recommendations to reduce drug demand in Texas. With consolidation in 2004, the Mental Health and Substance Abuse Division of DSHS acquired this committee. Mimi McKay was the author of the 2009 report. The full report is available online at http://www.dshs.state.tx.us/sa/ddrac/reports/2009_DDRAC_Full.pdf.

Glenda Kane suggested that council members and stakeholders have a work session on this topic, to include Ken Shine, Dr. Foxhall, Dr. Ross, and other partners to discuss how to move forward with this program. Topics to be discussed will include the best method to employ staff, what vehicle is needed, the need to obtain private funding, and university curriculum development.

Item 6 taken out of order

**Agenda Item 6 – Youth Empowerment Services (YES) Waiver Program Update. Mike Maples provided an update on this waiver program which requested a Medicaid waiver to prevent custody relinquishment of children with severe developmental disability. Details of this program are available online at <http://www.dshs.state.tx.us/mhsa/yes/default.shtm>.

Item 8 taken out of order

**Agenda Item 8 – Update on Substance Abuse Medicaid Benefit. Tania Colon provided an update on the comprehensive substance abuse benefits to Medicaid services. Article IX, Section 1715 of the General Appropriations Act directed HHSC to add a comprehensive substance abuse benefit to the Medicaid Program. Details of this program are available on the HHSC website at <http://www.hhsc.state.tx.us/SubstanceAbuseBenefit.shtml>.

Agenda Item 4 – Texas School Health Advisory Committee (SHAC) Report. Jane Tustin, Presiding Officer, SHAC provided an update on the annual report. Ms. Tustin reviewed key accomplishments of the Advisory Committee over the last year and the SHAC awards which were given in May to five local SHAC's. Recommendations from the committee are to expand the current definition of Coordinated School Health (CSH) to include all eight components of CHS. The report is available online at <http://www.dshs.state.tx.us/schoolhealth/tshac/files/annualreport0809.doc>.

Dr. Ross would like to see coordination between this group and the Governor's Health Advisory Fitness Council to look at seed money which may be available, and best ways to appropriate this seed money. Commissioner Suehs offered to assist with this effort.

Executive Commissioner Tom Suehs provided a brief update on his vision and mission. His plans are to attend all council meetings when possible and to include councils on hearings, decisions, and questions. He views this as a partnership and wants to use the councils as much as possible. He also intends to participate in the council work sessions whenever possible.

Agenda Item 5 – removed.

Agenda Item 7 – Recommend to HHSC proposal of the following rule actions for public comment:

- a. New rule concerning Texas Health Steps environmental lead investigations. Jann Melton-Kissel introduced the rule and provided the rule overview. Motion by Dr. Foxhall, to recommend HHSC approval of this rule. Motion seconded by Dr. Juarez. Motion carried. No public comment was provided.
- b. Repeal of rules and new rules concerning the regulation of end stage renal disease facilities. Kathy Perkins introduced the rule and Beth Albro-Pratt provided the rule overview. Public comment was provided by Jeff Boroczky representing Davita, Jaime Capelo representing Davita, Susan Raulie representing Fresenius, Jane Louis, Betty Smith (passed). There is a 30 day comment period on these rules. Motion by Beverly Barron to recommend HHSC approval of this rule. Motion seconded by Dr. Calhoun. Motion carried.
- c. New rules concerning the regulation of public interactive water features and fountains. Kathy Perkins introduced the rule and Paula Anderson provided the rule overview. No public comment was provided. Motion by Dr. Juarez to recommend HHSC approval of this rule. Motion seconded by Dr. Foxhall. Motion carried.

Texas State Aquarium has a pool, council members wanted to know if a warning needs to be posted for this. A section of the operating rules relate to signage and if the water has been treated.

- d. Amendments to rules and new rule concerning the regulation of Texas youth camps. Kathy Perkins introduced the rule and Paula Anderson provided the rule overview and a recap of the recent review by the Advisory Committee. Public comment was provided by Bill Hinton, chair of the Youth Camp Advisory Committee. Motion by Dr. Ross to recommend HHSC approval of this rule. Motion seconded by Dr. Juarez. Motion carried.
- e. Amendments to rules concerning statewide Out-of-Hospital Do Not Resuscitate (DNR) Order protocols, criteria for denial and disciplinary actions for Emergency Medical Services (EMS) personnel and certification and licensure of persons with criminal backgrounds. Kathy Perkins introduced the rule and Maxie Bishop provided the rule overview. No public

comment was provided. Motion by Dr. Ross to recommend HHSC approval of this rule. Motion seconded by Dr. Calhoun. Motion carried.

- f. New rule concerning the establishment of a diabetes pilot project that will create an electronic registry to track glycosylated hemoglobin levels and to govern the format and method of collecting glycosylated hemoglobin data. Lucina Suarez introduced the rule and Cassandra DeLeon provided the rule overview. Council members expressed interest in expanding the program to high impact areas such as the border area after the pilot program expires. Recommendations will be made in a report to the Legislature. No public comment was provided. Motion by Dr. Ross to recommend HHSC approval of this rule. Motion seconded by Dr. Juarez. Motion carried.
- g. Amendment to a rule concerning required vaccinations for students enrolled in health-related and veterinary courses in institutions of higher education. Lucina Suarez introduced rule and Jack Sims provided the rule overview. No public comment was provided. Motion by Dr. Woolweaver to recommend HHSC approval of this rule. Motion seconded by Graciela Cigarroa. Motion carried.
- h. Amendment to a rule concerning prophylaxis against ophthalmia neonatorum. Lucina Suarez introduced the rule and Ann Robbins provided the rule overview. No public comment was provided. Motion by Dr. Foxhall to recommend HHSC approval of this rule. Motion seconded by Dr. Calhoun. Motion carried.

Break for lunch – 12:34 p.m.

Reconvene – 1:06 p.m.

Agenda Item 9 – Raw Milk Regulation – Lisa Hernandez provided an update on actions taken at the last council meeting regarding raw milk rules. The council amended the rule packet at the June meeting which removed the section of rules pertaining to raw milk. Council recommended that the remaining milk and dairy rules move forward for approval by HHSC and to be published in the Texas Register. She explained that today's presentation is for information only and to obtain public comment, and that there will be no action taken at today's meeting.

- a. Provider Perspective – Dr. Ted Beals provided a provider perspective on fresh, non-pasteurized milk. He disputed any negative aspects of, and detailed the positive aspects of, consumption of raw milk. He also discussed from a regulatory perspective the lack of pathogens and disease developed from ingestion of raw milk and the quality of the milk, as well as the maintenance of the herds from which raw milk is cultivated. Dr. Beals stated that these herds are much smaller, grass fed, and particular attention is taken to ensure that the cows are healthy.
- b. Regulatory Perspective – Dr. Linda Gaul provided the regulatory perspective on the consumption of raw milk. Dr. Gaul explained the results of stakeholder meetings held since the June council meeting. Dr. Gaul detailed the history of pasteurization and the position statements of subject matter experts and medical authorities, as well as excerpts from the Morbidity and Mortality Weekly Report. Dr. Gaul detailed the types of diseases that can be

acquired through the consumption of raw, unpasteurized milk or milk products and associated outbreaks and the higher incidence of disease associated with the consumption of raw milk. Not all outbreaks get recorded. Approximately 81.6% of the population who drink milk, prefer to drink pasteurized milk as opposed to 3.5% who prefer to drink unpasteurized milk.

Councilmember Questions – Texas does allow retail sale of unpasteurized cheeses, please clarify. As we balance public health against individual freedom, many things are sold, e.g. oysters, sushi, cigarettes, etc. where warning signs are posted. In order to understand the relative risk, are we able to quantify the rates of disease based on population directly related to the consumption of raw milk? Clarify that retail sales would not be beyond the final consumer. If it is not permissible to allow wide distribution, why is it permissible to allow limited distribution of product?

Agenda Item 10. General Public Comment

The following individuals provided comment on raw milk regulation:

- Darren Turley
- Emily Erickson
- Judith McGeary
- Cynthia Cinadr
- Ryan McKeeman
- Bob Stryk
- Dr. Mary Traverse
- Andrew Smiley
- Liz Hoffmaster
- Dr. Mark Shannon
- Byron Courtney
- Patrick Timpone
- Katrina Hartsock
- Chris Patterson
- Duaine King
- Bill Swail
- Paul Norris
- Deborah Wark
- Joe Pojman, Ph.D.,

Glenda Kane adjourned the meeting at 3:04 p.m. Motion by Dr. Juarez and seconded by Dr. Ross

Next meeting is scheduled for January 22, 2010.



Glenda Kane, Chair

January 22, 2010
Date Approved by Council