



## State Health Services Council Work Session

Department of State Health Services (DSHS)

909 West 45<sup>th</sup> Street, Austin, Texas

Building 2, Public Hearing Room 164

May 21, 2014

2:00 p.m.

**Minutes**

### Council Members Present

Jacinto Juarez, Ph.D., Laredo – Chair

Dr. Kirk Calhoun, Tyler

Dr. Louis Foxhall, Houston

Rev. William Lovell, Dallas

Maria “Carmen” Pagan, McAllen

Dr. Jeffrey Ross, Houston

Nancy Townes, Granbury

Jay Zeidman, Houston

### Council Members Not Present

Dr. David Woolweaver, Harlingen

### Visitors

Bob Hillert – Texas Orthopedic Association

Cindy Corley – Texas Environmental Health Association

Call to Order - Council Chair, Dr. Jacinto Juarez called the meeting to order at 2:00 p.m.

1. Introduction of New State Health Services Council Members. Commissioner David Lakey introduced the new Council members: Carmen Pagan of McAllen, replacing Glenda Kane, Nancy Townes of Granbury, replacing Nasruddin Rupani, and Jay S. Zeidman of Houston, replacing Maria Teran.
2. Rules Scheduled for Action by Council on May 22, 2014 (Public comments will be taken with each rule discussion for the following rules.) Item 2.b. was removed from the agenda for consideration at a future meeting.
  - a. Repeal of a rules and new rules concerning provider network development – Lauren Lacefield Lewis introduced the rule and Ross Robinson provided the rule overview.

Council members had no questions or comments.

There was no public comment.

~~b. Amendments to rules concerning sexually transmitted diseases, including Acquired Immunodeficiency Syndrome and Human Immunodeficiency Virus .....Tammy Foskey~~

c. Amendments to rules concerning the reporting of preventable adverse events – Janna Zumbrun introduced the rule and Marilyn Felkner provided the rule overview.

The Council members had the following questions and comments:

- Dr. Foxhall – Is there anything in the statute that speaks to addressing adverse events? Is there any required follow up or corrective action reports that have to be filed? What other process would kick in if there were repeated problems? Is this an administrative penalty if they fail to report?
- Dr. Ross – If a hospital has a number of adverse events and they are reporting, how do we convey this information to the public so that the consumer knows about these complaints to be able to choose healthcare based on statistics? How do we advertise the website to the public and how do we get this information out to the citizens of Texas? Administrators from the hospital will be on notice until they take action and the public will be informed.
- Dr. Calhoun – Thank you for the transparency. How quickly must a facility report? May need to explain to providers in a more simple language.
- Dr. Ross – How do we measure psychological harm or injury to the person? Does the person who inflicted the injury or the institution recognize the injury and is it reported? Requested more discussion and a report back on psychological harm. Section K lists what is measured under surgical site infections, but there is a lot missing, particularly injuries involving hips, knees, feet.
- Dr. Foxhall – Are any facilities exempt from reporting? In other rules, there has been concern that reporting for facilities in rural areas may divulge personal healthcare information due to the small number of reports. Is any data suppressed? It may appear that the agency is complacent in release of data. Lisa Hernandez explained that this issue would be looked during the general evaluation and review process.
- Dr. Jaurez – Are there plans for future translations into Spanish?

There was no public comment.

d. Amendments to rules, repeal of rules, and new rules concerning the Spinal Screening Program – Evelyn Delgado introduced the rule and Margaret Bruch provided the rule overview.

The Council members had the following questions and comments:

- Rev. Lovell – Please clarify, 900 out of 2400 schools have not complied? Please discuss the benefits of this screening?
- Dr. Foxhall – To clarify, is it correct that the Preventive Services Task Force does not recommend this screening? Have the other groups not said whether they support or not? Expressed concern that due to the lack of reporting, there is limited information on the results. Are expenses beyond what the agency incurs charged to the family and the provider?
- Rev. Lovell – What is the negative impact of the screening? Is it just in the removal of the shirt for the screening?
- Dr. Ross – Do the merits outweigh the risk to the child psychologically? If the child has severe scoliosis, without the diagnosis, they could be walking for the rest of their life with the related disabilities that could have been treated at a very early age. Very concerned with how the

screening is performed and the psychological impact to the child. Who is doing the testing? How is it assessed? What kind of follow up is done? How is it reported?

- Dr. Juarez – What level are the school nurses who are performing the screenings—RN or LVN?
- Ms. Pagan – Is the criteria for education for a screener just a high school diploma? Is this policy in place primarily to reach those children who do not get regular checkups or have a primary care physician?
- Dr. Calhoun – Does the rule require that the screening take place in the school or can the primary care provider certify that the screening has been done? Were there any other issues with how the rules were written that the stakeholders were concerned about other than the shirt issue?
- Dr. Ross – What is the data regarding how many screened and how many referred? Were the 55 having surgery reported over a one or three year period? Would like to know the results of the surgical intervention. Is physical therapy the appropriate treatment; is surgery overdone or over recommended? Do we have standards for surgeons to follow? Results go into the hands of the primary care physician, but DSHS then loses contact with the patient and does not get statistical results. Dr. Ross would like to get outcomes for the programs and costs. Is it working? Would a child be better off having surgery, or having conservative treatment? What is the return on investment?
- Dr. Foxhall – What is our obligation as an agency to inform the trainers and screeners and those getting screened that there is a discrepancy in the language and direction? We are in a difficult situation as advisory council when there are conflicting recommendations. Need to provide feedback to the Legislature that the circumstances have changed and may need to be looked at again.

Public comment provided by Bobby Hillert, representing the Texas Orthopedic Associates (TOA). He provided copies of a *New York Times* article that cited a study affirming the benefit of back braces.

- Dr. Calhoun – Can you explain why the Task Force recommended that the screening was not needed?
  - Dr. Foxhall – Please explain the effectiveness trial on brace use and screening vs. non-screening?
  - Dr. Ross – Did TOA look at other interventions, such as exercise or physical therapy? Is there consistency on who is providing and how they are providing treatment? What are the outcomes?
  - Rev. Lovell – Is the main issue whether bracing works?
- e. Repeal of rules and new rules concerning the Hemophilia Assistance Program – Evelyn Delgado introduced the rule and Carol Pavlica Labaj provided the rule overview.

The Council members had no questions and comments.

There was no public comment.

- f. Amendments to rules, new rules, and repeal of rules concerning the licensing and regulation of health professions – Kathy Perkins introduced the rule and Crystal Beard provided the rule overview. Ms. Beard stated that contact lens dispensers and personal ERS providers were omitted from the list of professions on the Council Agenda Memo, but are included in the rule revision.

The Council members no questions or comments.

Public comment provided by Cindy Courly in support of the rules.

- g. Amendment to rules concerning radioactive materials and general requirements and license regulations for radiation control – Kathy Perkins introduced the rule and Monica Perez provided the rule overview.

The Council members had the following questions and comments:

- Dr. Calhoun – How much money is there and what is it used for?
- Dr. Foxhall – Is there an idea about how this fund will increase over time? How much has been put into it in the last few years? Is there any projection on what would happen if there was a serious radiological incident? Have there been occurrences that have required accessing this money in the past?

There was no public comment.

- 3. General Public Comment – Council Chair, Dr. Jacinto Juarez asked for general public comments. There were no general public comments.

Adjourn - Rev. Lovell made the motion to adjourn. Dr. Calhoun seconded. Dr. Juarez adjourned the meeting at 3:42 p.m. The Council will reconvene on Thursday, May 22, 2014 at 9:00 a.m.

Approved by:



August 14, 2014

---

Jacinto Juarez, Ph.D., Chair

---

Date