



## State Health Services Council Meeting

Department of State Health Services (DSHS)  
Robert E. Moreton Building, Public Hearing Room  
1100 W. 49<sup>th</sup> Street, Austin, Texas  
August 14, 2014  
9:00 a.m.

### Minutes

#### Council Members Present

Jacinto Juarez, Ph.D., Laredo – Chair  
Dr. Kirk Calhoun, Tyler  
Dr. Lewis Foxhall, Houston  
Rev. William Lovell, Dallas  
Maria “Carmen” Pagan, McAllen  
Dr. Jeffrey Ross, Houston  
Nancy Townes, Granbury  
Dr. David Woolweaver, Harlingen  
Jay Zeidman, Houston

#### Visitors Present

Del Negron – Novartis Vaccines  
Janet Paleo – Texas Council of Community Centers  
Sharon Beasley – Texas Hospital Association  
Cate Graziani – Mental Health America, Texas  
Helen Davis – Texas Medical Association  
Colleen McKinney – National Association of Social Workers, Texas  
Jolene Sanders – Easter Seals

Call to Order – Dr. Jacinto Juarez, Council Chair, called the meeting to order at 9:04 a.m.

1. Approval of May 21-22, 2014 Minutes – Dr. Juarez asked for a motion to approve the minutes from the May 21, 2014 work session and the May 22, 2014 meeting. Motion made by Rev. Lovell, seconded by Carmen Pagan. Motion passed.
2. Commissioner’s Report – Commissioner Lakey provided an update on the following items:
  - Moreton Building Update – Ed House, Gabe Pina, and Joe Rainosek were recognized for their efforts in the move.
  - Border Health Conference – Rev. Lovell also attended and provided comments.

- Texas Tobacco Summit – Dr. Foxhall was instrumental in planning the summit and Rev. Lovell also attended. Dr. Foxhall and Rev. Lovell provided comments.
- Behavioral Health Institute Conference – Dr. Juarez attended this event and provided comments.
- Flower Mound Cancer Cluster study – Council members had the following questions and comments:
  - Dr. Ross – What was the statistical deviation from the first study to the last study on breast cancer? Was this a significant deviation?
  - Dr. Foxhall – Is it a normal occurrence to have a significant deviation in cancer types across the state? There is a website on the cancer that indicates these variations.
  - Dr. Calhoun – Please discuss DSHS’ role in investigating these situations and how do we decide this merits investigation? How do we address public concerns?
  - Dr. Calhoun – Will DSHS respond to inquiries from local health departments?
  - Dr. Foxhall – Since cancer is a concern across the state, it would be helpful for the Council to learn more about the work of the Cancer Registry. Can we have Cancer Registry staff come to a future meeting and discuss cancer clusters, and how the Registry staff do their work?
  - Dr. Ross – Requested that the Cancer Registry prepare a presentation for a future meeting to discuss prevention efforts.
- Unaccompanied children (UAC) at the border and coordination with state and federal partners – Council members had the following questions and comments:
  - Dr. Calhoun – Were there four cases of TB? Were these people who had positive screening tests or active TB?
  - Dr. Ross – How are they being treated at hospitals and is there follow up with the family when they are released?
  - Dr. Ross – Do we have any data and numbers on the deaths at the border and causes of death? Dr. Lakey stated that this information will be provided to Council members as a follow-up to the meeting.
  - Carmen Pagan – 520 UAC released to family members, what happened to those children that did not have family members to be released to?
  - Nancy Townes – Some of these children are being sent to Dallas for fostering. Is it true that the federal government is paying individuals to foster these kids?
  - Rev. Lovell – Concern about screening and our transparency. Rumors are rampant.
- Mental Health First Aid Initiative
- State Hospital Long Term Plan
- Behavioral Health Media Campaign
- Terrell State Hospital request for proposals to privatize
- MONARHQ – My Own Network powered by Healthcare Research and Quality
- Recent Hearings: Sunset, UAC, child protection, mental health and substance abuse services
- Upcoming Session – Legislative Appropriations Request and Exceptional Items

Commissioner Lakey provided the following staff announcements:

- Pam Wilson, IDPS – Published a chapter titled “Rabies” in the 7<sup>th</sup> edition of the Current Therapy in Equine Medicine.
- The Cancer Registry received the High Quality Data Standards rating for the 2011 diagnosis year from the National Program of Cancer Registries. The Cancer Registry also achieved Silver Certification based on the completeness of 2011 diagnosis year data.
- Dr. Paul McGaha and Teresa Santiago coauthored “Eliminating Tuberculosis One Neighborhood at a Time,” an article based on a TB project conducted in Tyler in 1996. This article won the

Charles C. Shephard Award, presented by the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) to authors of outstanding peer-reviewed research papers published by CDC/ATSDR scientists during the preceding year.

- David Goodwin, with the TB Program in Region 6/5, was awarded the Lifetime Achievement Award for community volunteer work and outstanding contributions to service.
- Dr. Sharon Melville, regional medical director for Region 7, coauthored a paper on “Perinatal HIV Prevention Outcomes in U.S. Born vs. Foreign Born Blacks, PSD Cohort, 1995-2004.”
- Sonia Baeva and Michelle Kormondy, with the Office of Program Decision Support, received full Sponsorship Awards to travel to the 2014 CityMatCH Leadership and Epidemiology Conference in Phoenix, Arizona, in September.
- Dr. Manda Hall, Title V Director, completed the Maternal Child Health Public Health Leadership Institute at the University of North Carolina.
- The Health Professions Resource Center and the Texas Center for Nurses Workforce Studies won an award for outstanding presentation at the annual meeting of the Texas Public Health Association in March 2014.
- DSHS Potentially Preventable Hospitalizations (PPH) Initiative was selected for a 2014 Association of Territorial Health Officials Vision Award. Through this initiative, DSHS has contracted with 16 counties to implement interventions to reduce hospitalizations and/or hospital charges among adult residents for selected PPH conditions. Mike Gilliam, with the Center for Program Coordination and Health Policy, is the DSHS lead and will accept the award on DSHS’ behalf.
- Joe Schmider, State EMS Director, was appointed to the Federal Interagency Committee on Emergency Medical Services.
- Kathy Perkins, Assistant Commissioner for Regulatory Services, was recognized for 25 years of service to the State.

Council Members had no further comments and questions.

3. DSHS Legislative Appropriations Request (LAR) for Fiscal Years 2016-2017 – Commissioner Lakey and Chief Financial Officer Bill Wheeler provided information on the LAR for Fiscal Years 2016-2017. Mr. Wheeler recognized Becky O’Brien and the budget staff for all of their work on the budget, and described the process for the LAR. There will be a meeting on September 25, 2014, with the Legislative Budget Board. The base bill will be filed in early January 2015. Dr. Lakey reviewed the exceptional items requests.

A handout for the presentation can be found at <http://www.dshs.state.tx.us/council/agenda.shtm>.

The Council members had the following comments and questions:

Dr. Calhoun – Is the amount of the bonds for the new facility included in the total?

Dr. Foxhall – What is the role of the Council regarding this budget request? Lisa Hernandez commented on the process and said that Council members will be receiving additional information about their role during the legislative session.

Dr. Ross – How can we, as Council members, testify and support the department? Members would like to receive information on hearings ahead of time so that they can rearrange their schedules. Mike Maples explained that all hearings are streamed online and that we can provide Council members information about to access as well as dates of upcoming hearings.

Dr. Ross – Is there a new Chair of the Senate Health and Human Services Committee and the Senate Finance Committee?

Dr. Lakey left the meeting at 10:18 to attend a legislative hearing.

4. Recommend to the Health and Human Services Commission (HHSC) the proposal of the following rule actions for public comment

- a) Repeal of rules and new rules concerning newborn hearing screening. Evelyn Delgado introduced the rule and David Martinez provided the rule overview.

The Council members had no questions or comments. There was no public comment.

Dr. Juarez asked for a motion to recommend to HHSC the proposal of item 4.a. for public comment. A motion was made by Dr. Woolweaver, seconded by Dr. Calhoun. Motion passed.

- b) Repeal of rules concerning the Children's Outreach Heart Program. Evelyn Delgado introduced the rule and Carol Labaj provided the rule overview.

The Council members had no questions and comments. There was no public comment.

Dr. Juarez asked for a motion to recommend to HHSC the proposal of item 4.b. for public comment. A motion was made by Carmen Pagan, seconded by Rev. Lovell. Motion passed.

5. Rules Planned for Action at a Future Council Meeting

- a) Repeal of rules and new rules concerning Texas food establishments. Kathy Perkins introduced the rule and Christopher Sparks provided the rule overview.

The Council members had the following questions and comments:

- Dr. Ross – Why eliminate the Heimlich maneuver when so many lives are saved by this maneuver? This is where it would be important for members of the Council to go before the legislature.
- Dr. Ross – How do you define a certified food manager and how does one go about becoming certified? Is concerned about the ability of bed and breakfast establishments to comply.
- Ms. Pagan – Are there some rules on the Heimlich maneuver that will remain or are we just going to follow what the FDA rules?
- Dr. Woolweaver – Is interested in knowing more about the stakeholder groups participation in rule development. Are you still going to have meetings with stakeholders? How many more meetings are scheduled? When will the future meeting be scheduled?
- Dr. Ross – When the time comes for the next stakeholder meeting, the Council would like to know so that they can offer comment.
- Dr. Ross – Are we now performing onsite investigations at bed and breakfast establishments to see if they are in compliance?
- Dr. Foxhall – Do inspections only result from complaints on bed and breakfast establishments? Are other venues inspected on a regular basis? How many staff does DSHS have that perform these investigations? What is the average number of violations per month? Dr. Foxhall would like to get a feel of the number of violations and how many actual cases of foodborne illness are traced back to these establishments. Would like to know the effectiveness of these investigations and how well these rules are working. At the next meeting, staff will provide responses to Council members' questions and explain the education initiatives that the program has in place for facilities to learn about these rules.

- Dr. Calhoun – Will these rules apply to how local health departments (LDHs) do their investigations? Are these rules the minimum standards, or have you added additional components as standards? Will everyone in the state be required to adhere to these rules? LHDs can have higher standards, but not lower standards? Do these rules apply to workplace and high school cafeterias? Will they apply to all mass produce sites? Please explain the allowance to reuse take home containers.
- Dr. Ross – Regarding private water systems, who is going to be inspecting private wells, and how often? Can we change language to include chemically treated towel stations, or Purell stations, in food service areas, similar to the infectious disease stations in hospitals? How can you ensure the food wait staff are properly hand washing or disinfecting their hands? In terms of DSHS, describe how much benefit they would get from having these stations.
- Rev. Lovell – When will Council members get the packet for this rule?

6. General Public Comment – Dr. Juarez asked for general public comment. There was no public comment.

Rev. Lovell asked if the Council would want to consider having a one day meeting rather than a two day meeting. Dr. Ross pointed out that it would be cost effective for taxpayer money in cases where the agenda does not require a full day meeting. Dr. Juarez stated that one of the reasons for having a two day meeting is to allow staff to discuss items at the work session and bring back answers to questions the following day before Council members vote on the item. Dr. Woolweaver pointed out that, even with a one day meeting, some of the Council members would be required to travel the day before and incur overnight travel expense.

Mike Maples stated that the two day meetings will allow presentations on various programs as requested by the Council members. Staff is looking to add more of these programs to agendas and to incorporate more informational presentations into the meetings.

Dr. Juarez asked for a motion to adjourn. Motion made by Dr. Woolweaver, seconded by Mr. Zeidman. All approved. Meeting adjourned at 11:20 a.m.

Reviewed and approved by Council Members.




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Jacinto Juarez, Council Chair

November 20, 2014

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Date