



State Health Services Council Meeting

Department of State Health Services (DSHS)
Brown-Heatly Building, Public Hearing Room
4900 North Lamar Blvd., Austin, TX
August 29, 2013
9:00 a.m.

Minutes

Council Members Present

Ms. Glenda Kane, Chair, Corpus Christi
Dr. Kirk Calhoun, Tyler
Dr. Louis Foxhall, Houston
Rev. William Lovell, Dallas
Ms. Maria Teran, El Paso
Dr. David Woolweaver, Harlingen

Council Members Not Present

Dr. Jacinto Juarez, Laredo
Dr. Jeffrey Ross, Houston
Mr. Nasruddin Rupani, Sugar Land

Visitors

Melissa Nicholson	Matt Waller	Elizabeth Burr
Hope Phillips	John Seago	Sun Aika
Morgan Engelmann	Brittany Yelverton	Rev. Michael Monterastelli
Elizabeth Burr	Wendy Propst	Samakr Romer
Brian McAuliffe	Chuck Girard	Amanda Sabo
Aimee Arrambide	Chuck Lindell	Nancy Bessent
Emily Martin	Katie Jackson	Jessica Luther
Jennifer Darrouzet	Andy Heilveil	Molly Finneran
Noelle Dempsey	John Reynolds	Robbie Ausley
Lenzi Scheible	Becca Aaronson	Micah Rodriguez
Cheryl Foster	Del Negren	Anne Budroni
John Abramowitz	Amy Kamp	Tessa Hunt
Lisa LeBlanc	Sarah Wheat	Liza Wolff Francis
	Cameron Cocke	

Call to Order - Council Chair, Glenda Kane called the meeting to order at 9:16 a.m.

1. Approval of June 12-13, 2013 Minutes – Council Chair, Glenda Kane asked for a motion to approve the minutes of the June 12, 2013 Council work session and the June 13, 2013 Council meeting. Motion made by Dr. Woolweaver, seconded by Rev. Lovell. Motion passed.
2. Commissioner’s Report – Commissioner Dr. David Lakey provided an update on:
 - Special session – discussed bills that passed and how they affect the department
 - Terrell State Hospital update
 - West Nile Virus update
 - Pertussis (whooping cough) outbreak
 - Vaccines for children and adults – two programs (Texas Vaccines for Children and Adult Safety Net program)
 - Cyclospora food outbreak – Ms. Kane asked if this definitely affected restaurants, not grocery stores.
 - Specialty compounding – compounding company in Cedar Park; voluntary recall of all sterile products on August 9, 2013
 - Measles outbreak
 - Operation Lone Star – July 29, 2013 through August 2, 2013
 - Sunset review – All the Health and Human Services agencies are undergoing the Sunset review process this biennium; this week DSHS is submitting the self-evaluation report
 - Funding items that came out of the Legislative Session
 - Primary Health Care expansion for women
 - Substance Abuse Prevention Services and Behavioral Health Services

Staff Updates and Acknowledgements

- Janna Zumbrun – selected as Assistant Commissioner for Disease Control and Prevention Services
 - Dr. James Baker – selected as Medical Director for Mental Health and Substance Abuse
 - Jon Huss – selected as Director for the Environmental and Consumer Safety Section for Regulatory Services
 - Patty Moore – elected to the Board of Directors of Directors of Health Promotion and Education; also appointed to a two year term to the Patient Centered Outcome Research Institute
 - Susan Tanksley – selected as Co-Chair for the Advisory Committee on Heritable Disorders in Newborns and Children
 - Manda Hall – selected to participate in the 4th cohort of the Maternal and Child Health Public Health Leadership Institute
 - Sandy Tesh – elected Vice President of the American Dental Hygienists’ Association
 - Luanne Southern, Deputy Commissioner – leaving to join Casey Family Programs as Senior Director. Ms. Kane commended Ms. Southern on her service, thanked her, and wished her well.
3. Consent Agenda – Recommend that the Health and Human Services Commission (HHSC) proceed with the rulemaking process in the following rule action*
 - a. Amendment to a rule concerning the waiver of a fee for a certified record
 - b. Amendments to rules concerning the standards for allowable methods of euthanasia for animals in the custody of an animal shelter

Lisa Hernandez provided an explanation for the accelerated process. Some of the rules are on an accelerated track due to statutory or regulatory deadlines.

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

Motion to recommend that the Health and Human Services Commission (HHSC) proceed with the rulemaking process for items 3.a and 3.b made by Dr. Woolweaver, seconded by Ms. Teran. Motion passed.

4. Consent Agenda – Recommend to HHSC the proposal of the following rule actions for public comment*
 - a. Amendments to rules concerning communicable diseases
 - b. New rules concerning a Home and Community-Based Services – Adult Mental Health Program
 - c. New rule concerning reimbursement methodology for the Department of State Health Services Home and Community-Based Services – Adult Mental Health Program

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

Motion to recommend to HHSC the proposal of consent agenda items 4.a, 4.b, and 4.c for public comment made by Dr. Calhoun, seconded by Dr. Foxhall. Motion passed.

Break 10:00 a.m. – Reconvened 10:15 a.m.

- d. Amendments to rules concerning abortion facility reporting and licensing. This rule action was removed from the Consent Agenda for further discussion and public comment.

Rev. Lovell asked about various recommendations for rule amendments that the persons providing comment have made for waivers, grandfathering clause, and extensions of deadlines. Lisa Hernandez explained DSHS' ability and level of authority in making changes to the rules. DSHS does not have the statutory authority to adopt rules that would institute waivers, nor does DSHS have the authority to adopt rules that would allow grandfathering any provisions for existing providers. DSHS does not have the statutory authority to affect the deadlines that have been set out in statute and cannot amend statutory provisions by rule.

Ms. Kane asked for public comment. Public comment provided by:

- Melissa Nicholson – Opposed
- Hope Phillips – Opposed
- Morgan Englemann – Opposed
- Elizabeth Burr (Texas Democratic Women) – Opposed
- Brian McAuliffe – Supports
- Aimee Arrambide – Opposed
- Emily Martin – Opposed
- Jennifer Darrouzet – Opposed
- Noelle Dempsey – Opposed
- Lenzi Scheible – Opposed
- Cheryl Foster (Planned Parenthood) – Opposed
- John Abramowitz – Opposed
- Lisa LeBlanc – Opposed
- Andy Heilveil – Opposed
- Amy Kamp – Opposed
- Amanda Sabo – Opposed

- Jessica Luther – Opposed
- Anne Budroni – Opposed
- Tessa Hunt – Opposed
- Lisa Wolf Francis – Opposed
- Zoe Lichtenfeld – Opposed

Council members had the following questions and comments:

- Rev. Lovell – What does the term “admitting privileges” mean and how does the regulation apply that term? Does that term vary from hospital to hospital, or jurisdiction to jurisdiction?
- Dr. Calhoun – Explained that hospital medical staff operate from bylaws that detail what privileges are available and what rules need to be applied under these bylaws.
- Rev. Lovell – Is the term “admitting privileges” one that has a consistent meaning across the system? Or does it need to be defined as to what the term means? Lisa Hernandez said that the Medical Board may have a definition that we can use.
- Rev. Lovell – Clarify the reference to a doctor being on call 24 hours a day. Is there a change that we need to be aware of regarding emergency services?
- Dr. Foxhall – Regarding minimum standards as ambulatory surgical centers, is there no opportunity to make adjustments based on what is expected to be done?

Motion to recommend to HHSC the proposed rule action for public comment made by Rev. Lovell, there was no second. No vote was taken. Rules will be forwarded to the Executive Commissioner with a note that there was no vote on the part of the Council.

5. There was no general public comment.

Ms. Kane asked for a motion to adjourn. Motion made by Ms. Teran, seconded by Dr. Woolweaver.

Reviewed and approved by Council members:



 Jacinto Juarez, Ph.D., Council Chair

November 21, 2013
 Date