



## 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

September 10, 2015

9:00 a.m.

### Minutes

#### Council members attending:

Jacinto Juarez, Ph.D., Laredo – Chair  
Rev. William Lovell, Dallas – Vice-Chair  
Dr. Kirk Calhoun, Tyler – by teleconference  
Dr. Lewis Foxhall, Houston  
Carmen Pagan, McAllen  
Nancy Townes, Granbury  
Dr. Jeffrey Ross, Houston – left at 10:00 a.m.  
Jay Zeidman, Houston

#### Council members not attending:

Dr. David Woolweaver, Harlingen

#### Visitors:

Eugene Toy – HHSC Perinatal Advisory Council  
Kyle Mauro – HillCo Partners  
Chuck Girard – HCA  
Gaylene Lee – Texas Society for Respiratory Care  
Elizabeth Sjoborg – Texas Hospital Association  
John Seago – Texas Right to Life  
Laura Lermo – Texas Nurses Association  
Randy Cain – Attorney  
Shannon Lucas – March of Dimes  
Janet Pacey – Texas Council of Community Centers  
Shannon Sibanyer – Legislative Budget Board  
Thomas Branch – Legislative Budget Board  
Denise Rae – Texas A&M Health Science Center  
GK Sprinkle – Texas Ambulance Association  
Jennifer Banda – Texas Hospital Association  
Jennifer Deagen – UT Health Science Center

Call to Order – Council Chair, Dr. Jacinto Juarez called the meeting to order at 9:05 a.m.

1. Approval of July 14, 2015 Minutes – Dr. Juarez asked for a motion to approve the minutes from the July 14, 2015 teleconference meeting. Motion made by Carmen Pagan, seconded by Nancy Townsend. Motion approved.
  
2. Commissioner’s Report – Interim Commissioner Kirk Cole provided remarks on the following topics:
  - New contracts for the 2016-17 biennium
  - September 1, 2015 transitions as a result of Sunset actions:
    - Women’s health services transferred to HHSC
    - Elimination of certain regulatory functions and transfer of others
    - Tier II Chemical Reporting Program transferred to Texas Commission on Environmental Quality
  - Advisory Committees – Evaluation by work group with recommendations available now on our website
  - HHSC Enterprise-wide Behavioral Health Advisory Committee being set up
  - NorthStar Transition
  - Blue Bell – Listeria Outbreak
    - Alabama plant is now producing and product is on Texas shelves. No word yet on when the Brenham plant will reopen.
  - Vital Records
    - Matricula Consular Card – Hearing in early October
    - Same sex marriage and death certificates
  - Abortion regulation and regulation of fetal tissue
  - Food borne outbreaks – Salmonella from cucumbers from Mexico
  - Ongoing Ebola monitoring
  - Staff achievements
    - Operation Lone Star served 9,635 individuals at five sites.
    - Julie Graves named vice-chair of the Science Board and member of the Joint Policy Committee for the American Public Health Association.
    - Dr. Mark Canfield received 2015 Birth Defects Research Part A Distinguished Scholar Award.
    - The Tobacco Prevention and Control Branch received two awards for excellence in public health communication from National Public Health Information Coalition.
    - Love Kidneys Campaign public service announcement received an award at the National Association of Government Communicators Annual Meeting in Washington, DC.
    - Texas Cancer Registry received Gold certification from the North American Association of Central Cancer Registries.
    - Valerie Shown received the 2015 HHS Social Worker Lifetime Achievement Award.
    - Media Relations Team (Carrie Williams, Chris Van Deusen, and Christine Mann) received more medals than any other state at this year’s national annual “Excellence in Public Health Communications” competition supported by the CDC.
    - Ed House, COO, was recognized for 25 years of state service.

The council members had the following questions and comments:

- Dr. Foxhall – Regarding Women’s Health Services, will the level of service and prevention remain the same as before changes, or are we working back to that level?

Commissioner Cole – We are at the same level that we were in the last biennium. The Legislature invested \$50 million back into the program this session. There will be opportunities to expand what is available.

- Dr. Foxhall – There are warnings that were supposed to be placed on tanning beds and limits to access to devices in commercial facilities from ages 16-18. How is that going to be monitored since there are no licensing requirements?

Commissioner Cole – DSHS does not have a role anymore, but those requirements remain. There is enforcement available. It is a criminal offense to allow anyone under 18 to use the tanning beds. This is enforced by local law enforcement, and other issues would be referred to Federal Department of Agriculture.

- Dr. Foxhall – How are transitions going to affect the employee base?

Commissioner Cole: We are trying to be as clear as possible with staff so that they know what is going to happen. We are evaluating the impact on staff in programs transferring to TCEQ, TMB, or TDLR. In March 2016, the Executive Commissioner needs to have a plan to provide to the executive committee on how the transition will be handled. Information is flowing continually to staff as it becomes available.

3. Report on the Office of Border Health – R.J. Dutton, Director for the Office of Border Health, provided an update on border health and border issues. The complete presentation can be found at: <http://www.dshs.state.tx.us/council/agenda.shtm>.

The council members had the following questions and comments:

- Dr. Juarez – Provided insight on the border issues in Laredo, where they border three Mexican states.
- Rev. Lovell – Has attended two conferences for border issues.
- Ms. Townsend – Please explain about the J-1 Visa Waiver program.

R.J. Dutton – Requirement is waived for foreign medical students so that they do not need to return to their home country, if they serve in an underserved area for certain time. There is specific criteria to follow.

Mike Maples – DSHS has been contacted by primary care and specialty care around the border to utilize the waiver program.

- Dr. Foxhall – MD Anderson has an MOU with Mexico on cancer control and tobacco control. Can you speak about efforts to collaborate? There are serious problems with obesity and diabetes. Are there any programs focused on these.

R.J. Dutton – There is a disparity on the border for liver cancer. There is still a significant difference from border to non-border populations. Infectious disease and chronic disease have been issues for years. There has been talk about establishing a federal office on the border; there is limited funding, but an important platform.

- Dr. Foxhall – Indicated he would welcome further discussion on how to collaborate and raise the platform for care for both countries.

4. Consent Agenda - Recommend to the Health and Human Services Commission the proposal of the following rule actions for public comment. Items a and b were removed from the consent agenda.
  - ~~a. Amendments to rules, repeal of a rule, and a new rule concerning the Kidney Health Care Program~~
  - ~~b. New rules concerning the neonatal level of care designation for hospitals~~
  - c. Amendments to rules concerning radioactive materials and general requirements and license regulations for radiation control

Motion to recommend to the Health and Human Services Commission the proposed rule action 4.c. for public comment made by Rev. Lovell. Motion seconded by Jay Zeidman. Motion approved.

- 4.a. Amendments to rules, repeal of a rule, and a new rule concerning the Kidney Health Care Program. Evelyn Delgado introduced the rule, and Carol Labaj provided the updated changes to the rule. The rule was amended from what was presented at the work session so that the eligibility criteria remains in the rule as required by statute.

Motion to recommend to the Health and Human Services Commission the proposed rule action for public comment with amendments made by Dr. Foxhall. Motion seconded by Carmen Pagan. Motion approved.

- 4.b. New rules concerning the neonatal level of care designation for hospitals

Public comment provided by Eugene Toy Chair of the Perinatal Advisory Council in support of the rules. The council members had no questions or comments.

Motion to recommend to the Health and Human Services Commission the proposed rule action for public comment made by Mr. Zeidman. Motion seconded by Ms. Townsend. Motion approved.

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

Adjourn – Dr. Juarez asked for a motion to adjourn. Motion made by Ms. Pagan, seconded by Mr. Zeidman. Motion carried. Meeting adjourned at 10:31 a.m. Next council work session and meeting is scheduled for November 18 and 19, 2015.



November 19, 2015

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Jacinto Juarez, Ph.D.

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Date