

Health Professions Council

Minutes for the June 18, 2012 Regular Meeting

Call to Order	<p>A meeting of the Health Professions Council (HPC) was held on June 18, 2012 in Conference Room 2-225 of the William P. Hobby Building, Austin, Texas. Mr. Makan called the meeting to order at 9:00 a.m. Present at the meeting were the following representatives:</p> <p>Dusty Johnston , General Counsel Texas Board of Nursing Kerstin Arnold, General Counsel Texas State Board of Pharmacy Mari Robinson, Executive Director Texas Medical Board John Maline, Executive Director Executive Council of Physical Therapy and Occupational Therapy Examiners Glenn Parker, Executive Director Texas State Board of Dental Examiners Yvette Yarbrough, Executive Director Texas Board of Chiropractic Examiners Sherry Lee, Executive Director Texas State Board of Examiners of Psychologists Hemant Makan, Executive Director Texas State Board of Podiatric Medical Examiners Kevin Heyburn, Executive Director Texas Funeral Services Commission Chris Kloeris, Executive Director Texas Optometry Board Nicole Oria, Executive Director Texas State Board of Veterinary Medical Examiners Kara Holsinger, Office of the Attorney General Becky Dean, Office of the Governor</p> <p>Also present: John Monk, Administrative Officer and Patricia Ortiz, Administrative Assistant</p>
Roll Call and Introductions	<p>Mr. Monk called roll. Mr. Makan announced that a quorum was present. Mr. Makan reordered the agenda to discuss announcements later during the meeting.</p>
Approval of Minutes for March 5 2012 Regular Meeting	<p>Minutes of the March 5, 2012 meeting were reviewed. Mr. Kloeris, moved to approve the minutes of the meetings. Mr. Parker seconded the motion. By unanimous voice vote the minutes were approved.</p>

<p>State Employee Charitable Campaign</p>	<p>Mari Robinson introduced Ms. Jackie Rogers of the local United Way. Ms. Rogers outlined the United Way program for Charitable donations. Ms. Robinson noted that many staff are not aware of the program. Ms. Rogers outlined the way employees can donate money through a payroll transaction. She provided materials for the campaign. Ms. Robinson requested the Executive Directors to encourage their staffs to participate.</p>
<p>Texas Legal Protection Plan</p>	<p>Stephanie Smith of the Texas Legal Protection Plan Educational Outreach Plan presented information regarding the program that provides legal services for state of Texas employees. Created 40 years ago to mitigate fees for attorneys the plan provides the subscriber legal representation in common areas such as estate and family law. There were no questions.</p>
<p>Introductions</p>	<p>Mr. Makan introduced Kevin Heyburn, J.D. as the new Executive Director of the Texas Funeral Services Commission. Next, he introduced Kara Holsinger, J.D. as the Office of Attorney General's representative to the Council. Mr. Makan indicated Mr. Parker's title had changed to the Interim Executive Director of the Texas State Board of Dental Examiners.</p>
<p>Technology Report</p> <p>Information Technology Support Staff (ITSS)</p> <p>Regulatory Database Project</p>	<p>Mr. Monk provided the ITSS participating agencies with an updated project list. Mr. Monk also informed the Council that the ITSS Staff were preparing purchasing recommendations for each agency and would be sharing those with the individual agencies. Mr. Makan commended the work of the Information Technology Support Staff.</p> <p>Mr. Monk reviewed the progress of the Regulatory Database Project. The agencies are in the process of evaluating outstanding issues Mr. Monk informed the Council that he will provide additional updates to the participating agencies as applicable.</p>

<p>Budget and Planning Committee</p> <p>Budget Report for Fiscal Year 2012</p>	<p>Mr. Monk reported on the HPC budget through the 3rd Quarter of Fiscal Year 2012. He provided expenditure reports. There were no questions.</p>
<p>Annual Report Workgroup</p>	<p>Mr. Monk reported on the progress of the Annual Report. He informed the Council that additions had been made to include New York state and California for comparison similar to the current comparison of Florida.</p>
<p>Legal Workgroup</p>	<p>Mr. Monk provided the Council with a brief overview of the workgroup's issue regarding the State Office of Administrative Hearings. Mr. Monk introduced Mr. Dusty Johnston and Ms. Kerstin Arnold to discuss a petition the workgroup drafted. Mr. Johnston reported on the work of the group and informed the members the reasons as to why it is necessary. Copies of the petition were provided to all council members.</p> <p>Ms. Robinson asked for clarification on the prefiled testimony. She requested that the language be amended to reflect that agencies will not be required to prefile expert testimony. Mr. Johnston agreed to make the change.</p> <p>Ms. Oria reported on the Texas State Board of Veterinary Examiner's meeting with representatives from State Office of Administrative Hearings and the results. She indicated the agency was in support of the petition.</p> <p>Mr. Makan requested that the Council members provide positions regarding how they felt it should be presented to State Office of Administrative Hearings</p> <p>Mr. Kloeris indicated that the Texas Optometry Board has very few cases are referred to the State Office of Administrative Hearings. While he indicated support for the Council and the petition he would nevertheless not sign the petition due to the limited number of cases from the Texas Optometry Board that are referred to the State Office of Administrative Hearings</p> <p>Mr. Makan discussed the fiscal implications of litigation at regulatory agencies and how the State Office of Administrative Hearing's decisions could impact agency appropriations.</p>

	<p>Mr. Heyburn indicated support for the petition and questioned Ms. Arnold on rule adoption. Ms. Arnold shared her board's experience regarding Mr. Heyburn's question related to referring agency rule adoption. Mr. Heyburn asked about default decisions. Mr. Heyburn asked if there was any precedent for petitions for rulemaking at State Office of Administrative Hearings.</p> <p>Ms. Arnold indicated she was experiencing issues after a recent rule change.</p> <p>Ms. Robinson shared the a recent experience with the State Office of Administrative Hearings and her office at the Texas Medical Board regarding Summary Dispositions. Ms. Robinson then moved to accept the petition with the recommended clarification on prefiled testimony.</p> <p>Mr. Heyburn seconded the motion.</p> <p>Mr. Makan asked for a voice vote and the agencies approved the motion.</p>
Roundtable	<p>Ms. Deane asked for ongoing updates from the agencies during the Legislative Appropriations Request process.</p> <p>Ms. Lee announced she will be retiring effective August 31, 2012.</p> <p>Mr. Heyburn asked agencies for assistance to hire an Inspector.</p> <p>Ms. Yarbrough asked about the Council member's experience receiving timely certification letters from the Comptroller's office.</p> <p>Mr. Parker reported on the TSBDE. He announced TSBDE had been notified of an upcoming audit. He indicated the agency has had a large amount of turnover recently.</p>
Comments from the audience	<p>There were no comments from the audience.</p>
Next meeting	<p>The next meeting of the Council will be September 10, 2012 in Hobby 2-225.</p>

Adjournment	The meeting was adjourned by. Mr. Makan.