

# **Perinatal Advisory Council (PAC)**

## ***10 Year History and Going Forward***

---

*March 22, 2024*

# PAC Legislative History

---

- **2011 legislation**, HB 2636 created the Neonatal Intensive Care Unit (NICU) Council to advise the state on best practices and cost containment of newborns in Texas. During that time, ~60% of every baby born in Texas was covered by Medicaid.
- **2013 legislation**, HB 15 created the Perinatal Advisory Council (PAC), based on the NICU Council awareness of the increased incidence of maternal mortality, the understanding that healthy mothers lead to healthy babies and the need for regional coordination and collaboration.
- **2015 legislation**, HB 3433, added two more members to the PAC, making 19 total. These two positions increased the rural representation on the PAC.

# PAC and Legislative Sessions

---

- **2017 legislation**, HB 2131, added designation of centers of excellence to achieve healthy fetal outcomes thus establishing Centers of Excellence for Fetal Diagnostics and Therapy (CEFDT).
- **2019 legislation**, SB 749 clarified granting maternal care privileges to a family physician with obstetrics training or experience, discussed the use of telehealth and established an appeal and waiver process for the levels of care designation
- **2021 legislation**, HB 1164 asked the PAC to develop patient safety practices for the evaluation, diagnosis, treatment, and management of Placenta accreta spectrum disorder

# State Agency Role – HHSC (Medicaid)

---

- **Health and Human Services Commission (HHSC)**, under Chief Medicaid and CHIP Services Officer Emily Zalkovsky.
  - Implementation of HB 15
  - Provides staff liaison to support the operation of the PAC.
  - Coordinates a Review Team that reviews applications for PAC membership
  - Makes membership recommendations for the PAC which
  - HHS Executive Commissioner Cecile Erwin Young makes appointment and reappointment decisions.

# PAC Membership

---

The Committee is composed of 19 total members appointed by the Executive Commissioner. The PAC must contain 19 members representing the following categories:

- *Four physicians specializing in neonatology, at least two of whom practice in a Level III or IV neonatal intensive care unit (NICU) and at least one of whom practices in a NICU for a hospital located in a rural area;*
- *One physician specializing in general pediatrics;*
- *Two physicians specializing in obstetrics-gynecology*

# PAC Membership

---

- *Two physicians specializing in maternal-fetal medicine*
- *Two physicians specializing in family practice who provide obstetrical care in a rural.*
- *One registered nurse (RN) with expertise in maternal health care*
- *One registered nurse (RN) with expertise in maternal health care delivery*
- *One representative from a children's hospital*

# PAC Membership

---

- *One representative from a hospital with Level II NICU*
- *Two representatives from a rural hospital*
- *One representative from a general hospital; and*
- *One ex officio representative from the HHSC Office of the Medical Director.*

# PAC Responsibilities

---

- 1) Develop and recommend criteria for designating levels of neonatal and maternal care, respectively, including specifying the minimum requirements to qualify for each level designation
- 2) Develop and recommend a process for the assignment of levels of care to a hospital for neonatal and maternal care, respectively
- 3) Make recommendations for the division of the state into neonatal and maternal care regions
- 4) Examine utilization trends related to neonatal and maternal care
- 5) Make recommendations related to improving neonatal and maternal outcomes



# PAC Deliberations

---

- 1) Ensure rules are anchored in sound evidence
- 2) Consider diversity of the state
- 3) Consider the diversity of facility and practice models in the state
- 4) Avoid unintended consequences

# State Agency Role – DSHS

---

- Department of State Health Services (DSHS) under DSHS Commissioner Dr. Jennifer Shuford
  - Develops and administers the Hospital Designation Program
  - Administers the Neonatal and Maternal Levels of Care Rules that govern the program, including any revisions to the rules.
  - Provides technical support, training and education for facilities, surveyors and survey organizations.
  - Provide resources to hospitals to develop and maintain their programs
  - Provides guidance to survey organizations and surveyors who conduct facility review in which findings of requirements met are submitted for designation consideration.
  - Review hospitals application for designation and recommends a designation level
  - **DSHS Commissioner** makes decision on the designation level

# PAC – Neonatal Levels of Care

---

The PAC work for Texas newborns was based on national standards from American Academy of Pediatrics (AAP) and collaboration with DSHS Hospital Designation Program:

## **Neonatal Level of Care Recommendations:**

Submitted to DSHS on 12/14/2015

Rule adopted on: 6/9/2016

Designation required for Medicaid reimbursement by 9/1/2018

Revised Rules: 01/01/2024

[Neonatal Levels of Care Designation Website](#)

**A total of 225 Designated Neonatal Facilities, as of 3/7/24**

Level I – 78

Level II – 52

Level III – 72

Level IV – 23

# PAC – Maternal Levels of Care

---

The PAC work for Texas mothers was based on national standards from American College of Obstetricians and Gynecologists (ACOG) and collaboration with DSHS Hospital Designation Program:

## **Maternal Level of Care Recommendations:**

Submitted to DSHS on 5/3/2017

Rule adopted on 3/1/2018

Designation required for Medicaid reimbursement 9/1/2021

Revised rules: 01/01/2023

[Maternal Levels of Care Designation Website](#)

**A total of 222 Designated Maternal Facilities, as of 3/7/24**

Level I – 55  
Level II – 88  
Level III – 44  
Level IV – 32

# PAC Subcommittees

---

- Centers for Fetal Diagnosis and Therapy
- Placenta Accreta Spectrum Disorders
- Maternal/Neonatal Designation
- Maternal/Neonatal Strategic Review
- Perinatal Data

# Current PAC Topics

---

- Updates on maternal/neonatal designation
- Maternal/Neonatal strategic review and considerations for future rule changes
- Assessment of perinatal data needs to inform impact of maternal/neonatal levels of care
- Telemedicine utilization considerations
- Neonatal back-transfers

# Sunset Evaluation Timeline

---

- Current legislation indicates PAC might Sunset September 1, 2027
- Review cycle starts the biennium beforehand
- Sunset review could begin as early as fall 2025

# 2024 PAC Meeting Dates

---

Hybrid Meetings are scheduled for the following dates at HHSC offices in Austin.

- *March 28, 2024, 9 am*
- *June 13, 2024, 9 am*
- *Sept. 12, 2024, 9 am*
- *Dec. 12, 2024, 9 am*

<https://www.hhs.texas.gov/about/leadership/advisory-committees/perinatal-advisory-council>