

MINUTES
Oversight Committee Quarterly Board Meeting
Cancer Prevention and Research Institute of Texas
Thompson Auditorium, 1st Floor, Texas Medical Association
401 W. 15th St., Austin, TX
November 19, 2008

James Mansour, Chairman, announced a quorum and called the meeting of the Cancer Prevention and Research Institute of Texas (or Institute) to order at 1:04 p.m.

Members Present

Dr. Malcolm Gillis, Vice Chairman
Dee Kelly, Secretary
Cindy Brinker Simmons, Member
Dr. Joseph Bailes, Member
The Honorable Jeanne Phillips, Member
Scott Sanders, Member
Lionel Sosa, Member
Charles Tate, Member
Martin Hubert (Designee for the Honorable Susan Combs)

Members Absent

Mr. Jay Dyer (Designee for the Attorney General)

Staff Present

Sandra Balderrama, Interim Administrative Director
Lisa Nelson, Operations Manager
Marcie Moerbe, Program Specialist
Michelle Huddleston, Accountant
Yvette Jimenez, Administrative Assistant

Two guests were recognized: Melissa Juarez and Barbara Deanne, both Acting General Counsel representing the Attorney General's Office. Mr. Jay Dyer (Designee for the Attorney General) was absent from the meeting. ***Mr. Kelly moved to accept Mr. Dyer's excused absence. Dr. Gillis seconded. None opposed. Motion carried.***

Chairman Mansour provided opening remarks stating his three tasked priority issues:

1. Work with the leadership offices to address issues identified by the Attorney General's office in current legislation;
2. Create a strong and vibrant Ethics Policy for the agency; and
3. Hire the Executive Director.

Chairman Mansour then proceeded with the meeting.

Institute use of the Texas Medical Association Building

Dr. Bailes moved to accept the donation of a meeting space provided by the Texas Medical Association with an annual value of up to \$4,920.00. Dr. Gillis seconded. None opposed. Motion carried

Minutes

Mr. Kelly moved to adopt the minutes for the August 14, 2008 Cancer Prevention and Research Institute of Texas quarterly meeting. Mr. Tate seconded. None opposed. Motion carried.

Executive Committee's Report of September 29, 2008 actions

Chairman Mansour stated that at the last Oversight Committee meeting, he was given the authority to assign up to two additional persons to the Executive Committee.

Chairman Mansour introduced Cindy Brinker Simmons as a new appointee to the Executive Committee

Subcommittees

In the Executive Committee on September 29th, Chairman Mansour announced that he would not be activating the Contract Management Committee and the Planning and Program Development Committee, and that other committees would be considered in the future as needs arise. These were standing committees from the previous Texas Cancer Council.

Chairman Mansour informed the Committee that Section 102.256 A and B of the Health & Safety Code for the Institute, states that the Oversight Committee shall establish standards that require all grant awards to be subject to an intellectual property agreement that allows the state to collect royalties, income, and other benefits realized as a result of projects undertaken with money awarded under Subchapter E.

In determining the state's interest in any intellectual property rights, the Oversight Committee shall balance the opportunity of the state to benefit from the patents, royalties, licenses, and other benefits that result from basic research, therapy development, and clinical trials with the need to ensure that essential medical research is not unreasonably hindered by the intellectual property agreement and that the agreement does not unreasonably remove the incentive on the part of the individual researcher, research team, or institution.

Therefore, per Chapter 102.251 (8) and (10) of the Health & Safety Code for the Institute, which addresses the preference for grants to demonstrate an economic development benefit to this state; and to expedite innovation and commercialization, attract, create, or expand private sector entities that will drive a substantial increase in high-quality jobs, and increase higher education applied science or technology research capabilities; Chairman Mansour proposed creating the Economic Development and Commercialization Committee with Charles Tate as Chairman.

Ms. Brinker Simmons moved to approve the creation of the Economic Development and Commercialization Committee and the selection of Charles Tate to serve as Chairman of that committee. Mr. Bailes seconded. None opposed. Motion carried.

Mr. Tate extended an invitation for Chairman Mansour and Dr. Gillis to join him on the Economic Development and Commercialization Committee. Both accepted.

In the interest of carrying out the powers and duties of the Institute as set forth in Chapter 102.051 (1) A and D of the Health & Safety Code, which states that the Institute may make grants for research into the causes of and cures for all types of cancer in humans; and cancer prevention and control programs to mitigate the incidence of all types of cancer in humans. Chairman Mansour is also recommending creating the Science and Prevention Advisory Council, who will provide advice and support services to the Institute in carrying out its' responsibilities.

The Committee will include no more than 15 members with balanced representation from each of the following:

- a) individuals who are actively involved in, or have made significant contributions to cancer prevention and treatment through the field of basic scientific research, translational research; clinical trials, or the design and implementation of clinical trials;
- b) individuals who are actively involved in community hospitals, health care systems, or health care delivery;
- c) individuals who are actively involved with cancer advocacy groups;
- d) cancer survivors;
- e) individuals who are actively involved with the design, implementation and execution of cancer prevention program;
- f) individuals who are actively involved with the research of effective cancer prevention programs and methods of cancer prevention program delivery.

Duties of the Science and Prevention Advisory Council include:

- a) Collect current information regarding innovative research on the prevention, control and cure of cancer, and current information regarding the state of effective programs designed to prevent and control cancer.
- b) Inform the Oversight Committee not less than twice each year about
 1. the state of cancer research and promising areas of research, including basic science, translational science, clinical trials, health care delivery, and other issues that will advance the goals and mission of the Institute;
 2. the state of cancer prevention programs, the most innovative approaches to cancer prevention programs, the most effective approaches to delivering cancer prevention programs, and the most promising cancer prevention program opportunities, including design and initial implementation of programs, execution of programs, researching of effective programs, and other issues to advance the goals and mission of the Institute.

Mr. Kelly moved to approve the creation of the Science and Prevention Advisory Council. Dr. Bailes seconded. None opposed. Motion carried.

Chairman Mansour recommended creating the Nominations Committee whose function will be to recommend potential members of the Science and Prevention Advisory Council to the Oversight Committee with Dr. Joseph Bailes as Chairman, along with Cindy Brinker Simmons and Lionel Sosa as members.

Mr. Kelly moved to approve the creation of the Nominations Committee and the selection of Dr. Joseph Bailes to serve as Chairman, Cindy Brinker Simmons and

Lionel Sosa were named to serve as members of that committee. Dr. Gillis seconded. None opposed. Motion carried.

Executive Director Search, including ratification of related contract

Dr. Gillis explained that the committee needed a process that is expeditious and thorough in finding an Executive Director. The process is to identify a top 5 and immediately speak with those and see if the candidates are interested in coming on as the Executive Director. If the committee does not then connect with those top 5, they will move on to other candidates.

Dr. Bailes moved to ratify the Executive Committee's action taken on September 29, 2008 declaring an emergency existed and required staff to post an RFP in the Electronic Bid Daily for three days. Mr. Tate seconded. None opposed. Motion carried.

Mr. Kelly moved to ratify the Executive Committee's action taken on September 29, 2008 allowing Chairman Mansour to speak with Dr. Mimi Hancock and then to make the final decision for a search firm based on their feedback. Ms. Simmons Brinker seconded. None opposed. Motion carried.

Mr. Kelly moved to bring the Executive Director candidate to the Executive Committee then, with their approval, present the candidate to the Oversight Committee for final approval. Dr. Gillis seconded. None opposed. Motion carried.

Ethics Policy

Discussion ensued regarding the adoption of an ethics policy. ***Mr. Hubert moved to eliminate "occasionally, employees may be in a situation in which it is difficult to avoid the acceptance of a gift." through "Gifts include flowers, food items, marketing gimmicks (caps, cups, pens, etc.), meals or other items of value." from page 3 of 24 from the Ethics Policy. Dr. Bailes seconded. None opposed. Motion carried.***

Mr. Sosa moved to eliminate the "Legislative and Media Information" including sections "Daily Procedures for when the Legislature is in Session," "Legislative Requests," and "Media Requests" on pages 7-8 from the Ethics Policy. Ms. Brinker Simmons seconded. None opposed. Motion carried.

Proposed Rules for 25 TAC CH. 702, related to the Ethics and Conflicts of Interest

Melisa Juarez, legal Attorney General Counsel, presented proposed rules to the Committee. Mr. Kelly proposed that everyone should carefully read the rules before they are adopted due to the rules being very strict. He suggested that the Oversight Committee hold off on adopting the Rules until the February meeting.

Strategic Plan Approval

Dr. Bailes moved to ratify the Executive Committee's actions taken on September 29, 2008 approving the agency's FY2009-2013 Strategic Plan and directing staff to

publish and distribute to appropriate agencies. The Honorable Jeanne Phillips seconded. None opposed. Motion carried.

Matters related to the 2009 Legislative session

Legislative Appropriations Request Approval

Mr. Tate motioned to ratify the Executive Committee's action taken on September 29, 2008 adopting the agency's FY 2010-2011 Legislative Appropriations Request and authorizing the Interim Administrative Director to make changes to the request if necessary. Dr. Bailes seconded. None opposed. Motion carried.

Closed Session

Pursuant to the Texan Open Meetings Act, to receive legal advice from its attorney under section 551.071 of the act, including legal advice matters related to the 2009 Legislative session.

All non-Committee members and/or members of the public were asked to exit the room to allow the Oversight Committee to convene in closed session. Sandra Balderrama, Interim Administrative Director, was invited by Chairman Mansour to remain in the closed session.

The Oversight Committee Members went into closed session at 1:45 p.m.

The closed session ended at 3:00 p.m. The public was allowed back into the room to continue the open meeting.

The Oversight Committee Members reconvened at 3:04 p.m. with Chairman Mansour announcing a quorum; no action was taken in closed session.

Presentation by Dr. Mark Clanton of the American Cancer Society

Dr. Clanton from the American Cancer Society shared an overview of the 20 mega-trends of cancer.

Agency Activities

Ms. Balderrama updated the Oversight Committee Members with information regarding:

- the Budget Hearing with the LBB and the Governor's Office,
- Joint Hearing of the Health and Human Services Committee and Senate Finance Committee,
- Pain Management Conference conducted by the University of Wisconsin,
- New Staff Member – Marcie Moerbe,
- FY 09 Project Director's Meeting,
- CDC Conference Support Grant Award (Toolkit Conference)
- License Plate Program – Scott Sanders agreed to be board liaison

Budget and Performance

Ms. Moerbe provided information from the FY 2008 Performance Measure Report, Fourth Quarter Summary. Ms. Huddleston provided information from the FY 2008 Expenditure Report.

Dr. Bailes moved to authorize the appropriation transfer of \$365,852 from the Cancer Services strategy to the Direct and Indirect Administration strategy to fund the executive search consulting services and to partially fund the salary of the new Executive Director. Ms. Brinker Simmons seconded. None opposed. Motion carried.

FY09 Programmatic Issues

Ms. Balderrama read the end product of the contract amendment request from MD. Anderson Cancer Center. Funds will provide two one-day cancer detection and prevention practice guideline workshops in a rural or medically underserved area of Texas with a total of 25 Advanced Practice Nurses in attendance. ***Mr. Sosa moved to fund the contract amendment request for an additional \$13,355.00 from M.D. Anderson Cancer Center. Dr. Bailes seconded. None opposed. Motion carried.*** Mr. Sosa asked to be notified of the conference dates.

Future meeting dates

The following Institute dates were discussed and stands as follows:

- February 20, 2009
- May 15, 2009
- August 7, 2009

Executive Committee meeting will begin at 10:00 a.m. and the Oversight Committee meeting will begin at 1:00 p.m.

Public Comment

There were two requests for public comment. The first was from Dr. Billy Phillips from the University of Texas Medical Branch. Mr. Phillips stated that there was a report on the cost of cancer in Texas that was done in conjunction with the coalition and member of the faculty at the University of Texas Medical Branch. Mr. Phillips is attempting to replicate that information with Melanie from the Texas Cancer Registry, along with John Hopkins, and staff.

The second public comment came from Mr. Timothy Culliver who is a Team Leader from Texas Cure Search. Mr. Culliver requests that the Cancer Prevention and Research Institute of Texas does not forget about the children in Texas that are diagnosed with cancer every year.

There being no additional business to conduct and no further public comments forthcoming, ***Mr. Tate moved to adjourn the meeting. Ms. Brinker Simmons seconded. None opposed. Motion carried. The meeting adjourned at 4:05 p.m.***

Signature

Date