

STATE OF TEXAS

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HHSC Contract No. 529-13-0128-00005-B

COUNTY OF TRAVIS

**AMENDMENT TWO  
TO  
AGREEMENT  
BETWEEN THE  
HEALTH AND HUMAN SERVICES COMMISSION  
AND  
NUECES COUNTY HOSPITAL DISTRICT  
FOR  
TEXAS TRANSFORMATION AND QUALITY IMPROVEMENT 1115 WAIVER PROGRAM  
ADMINISTRATIVE SERVICES**

THIS AMENDMENT TWO (the "Amendment") is entered into and between the Health and Human Services Commission ("HHSC"), an administrative agency within the executive department of the State of Texas, having its principal office at 4900 North Lamar Boulevard, Austin, Texas 78751, and **Nueces County Hospital District** ("Anchor"), a Hospital District organized under the laws of the State of Texas, having its principal place of business at 555 North Carancahua Street, Suite 950, Corpus Christi, Texas 78401-0835. HHSC and Anchor may be referred to herein individually as Party and collectively as "Parties."

The parties hereby agree to amend their Original Agreement, **HHSC Contract No. 529-13-0128-00005** (the "Agreement"), subject to the following terms and conditions. The Parties agree that the modified terms and conditions will apply to the Agreement unless further modified or amended by the parties. Undefined capitalized terms used herein shall have the meanings ascribed such terms in the Agreement, as amended, and this Amendment.

**ARTICLE I. BACKGROUND.**

**Section 1.01. Authority.**

This Amendment is executed by mutual agreement of the Parties in accordance with Section 11.0 ("Amendment and Modifications") of the Agreement.

**Section 1.02 Purpose.**

The purpose of this Amendment is to extend the term of the original Agreement as specified herein.

**Section 1.03 Effective Date.**

Unless otherwise specified, the modifications to the Agreement agreed to in this Amendment shall be effective as of October 1, 2018.



**ARTICLE II. AMENDMENT TO OBLIGATIONS OF THE PARTIES.**

**Section 2.01 Term and Termination**

Section 2.0 ("Term and Termination") of the Agreement is modified to amend the first sentence in the Section to read as follows:

"The Contract is effective October 1, 2012, and will expire at midnight on September 30, 2022, unless sooner terminated or extended pursuant to the terms of the Contract."

**Section 2.02 Payments**

Section 8.0 ("Terms of Payment to Anchor") of the Agreement is modified by the addition of the following language to the end of the section:

"Any Payments under the Agreement are subject to the availability of state and federal funds. As of the issuance of this Amendment, HHSC anticipates that budgeted funds will be available to reasonably fulfill the project requirements. If, however, funds are not available, HHSC will have the right to terminate the Agreement without penalty."

**ARTICLE III. REPRESENTATIONS AND AGREEMENT OF THE PARTIES.**

**Section 3.01 Continuing Effect of the Agreement.**

The Parties agree that the terms of the Agreement shall remain in effect and continue to govern, except to the extent modified in this Amendment. The Parties further agree that if it is determined that a conflict exists between the language of this Amendment and the language of the Agreement, then the Amendment shall prevail.

**Section 3.02 Authority to sign Amendment.**

The person or persons signing and executing this Amendment on behalf of each Party, or representing themselves as signing and executing this Amendment on behalf of a Party, hereby warrant and guarantee that he, she, or they are duly authorized to execute the Amendment and to validly and legally bind the Party to the terms and conditions of the Amendment on the dates set forth by their signatures.

**Section 3.03 Anchor Commitment and Understanding**

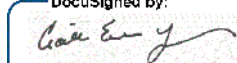
Anchor has had the opportunity to review and understand the requirements and objectives, as stated in:

- (A) The Agreement, as amended heretofore;
- (B) This Amendment; and
- (C) Special Terms and Conditions for the Waiver in effect as of the date hereof; and
- (D) Letter from the Centers for Medicare and Medicaid Services (CMS) to HHSC dated January 19, 2018, attached hereto as **Exhibit A**, including CMS' approval of a Transition Plan.

By signing this Amendment, the Parties expressly understand and agree that this Amendment is hereby made a part of the Agreement as though it were set out word for word in the Agreement.



HEALTH & HUMAN SERVICES COMMISSION


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By: \_\_\_\_\_  
Cecile Young C80071B7835C4E9...

Acting Executive Commissioner

Date Signed: August 28, 2018

Exhibit A - Letter from CMS

NUECES COUNTY HOSPITAL DISTRICT

By:   
Jonny F. Hipp, ScD, FACHE  
Administrator/Chief Executive Officer

Date Signed: 7/9/2018