



# NUECES COUNTY HOSPITAL DISTRICT

## Administrative Offices

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### **BOARD OF MANAGERS RESOLUTION** **SEPTEMBER 21, 2021**

#### **A REVISED RESOLUTION COMMITTING A FISCAL YEAR-END GENERAL FUND AMOUNT TO SUBSEQUENT FISCAL YEAR'S INTERGOVERNMENTAL TRANSFERS**

**WHEREAS**, the Nueces County Hospital District (the "Hospital District" or "District") is a body politic and corporate and a political subdivision of the State of Texas, established and created pursuant to the Texas Constitution, Article IX, Section 4 and the Texas Health and Safety Code (the "Health Code"), Chapter 281, and operated in accordance with the Health Code and other applicable laws of the State of Texas;

**WHEREAS**, the Hospital District's Board of Managers (the "Board") have been duly appointed pursuant to Health Code, §281.021(a); pursuant to collective authorities of Health Code, §281.047 and §281.048, the Board is the Hospital District's governing body and the Board has, and at the time of adoption of this Resolution had, full power and authority to manage, control, administer, and to adopt rules governing operation of the District;

**WHEREAS**, the Hospital District's Administrator (the "Administrator") has the responsibility for preparing an annual budget under the Board's direction pursuant to Health Code, §281.091(a); the District's Fiscal Year 2021 is October 1, 2020 through September 30, 2021 ("Hospital District Fiscal Year 2021"); and the District's Fiscal Year 2022 is October 1, 2021 through September 30, 2022 ("Hospital District Fiscal Year 2022");

**WHEREAS**, the Hospital District is a governmental entity participating in certain Medicaid supplemental payment programs organized by the Texas Health & Human Services Commission (the "Commission"), including: [1] the Texas Healthcare Transformation and Quality Improvement Program Section 1115 Waiver ("Waiver"); [2] Disproportionate Share Hospital Program ("DSH"); [3] Network Access Improvement Program ("NAIP"); [4] Uniform Hospital Rate Increase Program ("UHRIP"); and [5] Graduate Medical Education Program ("GME");

**WHEREAS**, the Waiver includes two provider funding pools that rely on local intergovernmental transfers ("IGTs"): [1] Uncompensated Care ("UC"); and [2] Delivery System Reform Incentive Payment ("DSRIP");

**WHEREAS**, pursuant to 1 Texas Administrative Code §354.1602, the Waiver's Demonstration Years ("DY") are a 12-month period beginning each October 1 and ending September 30; and the Waiver's DY No. 10 began October 1, 2020 and ends September 30, 2021;

**WHEREAS**, pursuant to the authority of Health Code, §281.094(b), the Hospital District provides IGTs to the State of Texas for use as the nonfederal share of Waiver-related UC and DSRIP payments for certain eligible health care providers located inside and outside the District's boundaries that periodically provide healthcare services to beneficiaries enrolled in the District's indigent health care program and residents of Nueces County, Texas, including Christus Spohn Hospital-Alice, Christus Spohn Hospital-Beeville, Christus Spohn Hospital-Corpus Christi, Christus Spohn Hospital-Kleberg, Corpus Christi Medical Center, Corpus Christi-Nueces County Public Health District, DeTar Healthcare System, and Driscoll Children's Hospital (collectively, the "Eligible Providers");

**WHEREAS**, under terms of the Waiver, Eligible Providers who are: (1) hospitals receive Waiver UC payments designed to offset the costs of uncompensated care; and (2) hospitals and other providers receive Waiver DSRIP incentive payments for achievement of agreed-upon metrics associated with projects designed to achieve certain Waiver goals;

**WHEREAS**, due to Eligible Providers' partially-reported or Commission-delayed approval of Providers' DSRIP achievement metrics reporting for DY No. 10 and the Commission's split of UC Waiver payments during DY No. 10, the Commission has delayed its request to the Hospital District for IGTs associated with Eligible Providers' DY No. 10 DSRIP and/or UC payments until a date occurring after Hospital District Fiscal Year 2021 (the "Unpaid DY No. 10 IGTs");

**WHEREAS**, in addition to the preceding, the Commission is expected to delay or has delayed requests to the Hospital District for IGTs associated with certain Eligible Providers' participation in the DSH, NAIP, UHRIP, and GME until a date occurring after Hospital District Fiscal Year 2021 (the "Other Unpaid Program IGTs");

**WHEREAS**, in consideration of the preceding recitals, the Board desires to commit from the Hospital District's fiscal year-end September 30, 2021 General Fund balance an amount enough to fund the Unpaid DY No. 10 IGTs and Other Unpaid Program IGTs in Hospital District Fiscal Year 2022; and

**WHEREAS**, the Board previously adopted a similarly-performing Resolution on August 31, 2021 (the "August 2021 Resolution") and now desires to rescind the August 2021 Resolution in its entirety and that this Resolution supersede and replace the August 2021 Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MANAGERS OF THE NUECES COUNTY HOSPITAL DISTRICT, THAT:**

1. The Board hereby rescinds the August 2021 Resolution in its entirety to be superseded and replaced by this Resolution.
2. The Board hereby commits an amount not to exceed **\$20,000,000.00** from the Hospital District's fiscal year-end September 30, 2021 General Fund balance to Hospital District Fiscal Year 2022 to fund the Unpaid DY No. 10 IGTs and Other Unpaid Program IGTs in Hospital District Fiscal Year 2022 for incurred but unrequested and unpaid expenditures arising from the District's and Eligible Providers' participation in the UC, DSRIP, DSH, NAIP, UHRIP, and GME during Hospital District Fiscal Year 2021.
3. The actual amount committed above shall be final determined by the Hospital District's Administrator on or after October 1, 2021 considering information then available from the Commission and/or Eligible Providers, however, the actual committed amount shall not exceed that amount Resolved above.
4. The actual committed funds above shall be committed from the Hospital District General Fund subaccount containing District funds routinely used for paying Waiver-related IGTs.
5. The Administrator shall be and is expressly authorized and directed to do and perform all acts, and to execute all instruments and other related documents, whether herein cited, as required to carry out the intent, terms, and provisions of this Resolution, such execution to be conclusively evidenced by the performance of such acts.
6. The Administrator, in his capacity as the Secretary of the Hospital District Board, be and is hereby legally authorized and empowered to perform all acts described above and certify these resolutions and that the provisions hereof are in conformance with the laws of the State of Texas and the Governing Board Bylaws of the Hospital District.
7. This Resolution shall take effect and be in full force and effect upon and after its passage.
8. The Board retains its right to amend or repeal this Resolution.

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**NUECES COUNTY HOSPITAL DISTRICT  
BOARD OF MANAGERS**

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Daniel W. Dain  
Chairman

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Sylvia Tryon Oliver  
Vice Chairman

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Belinda Flores, R.N.  
Member

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Vishnu V. Reddy, M.D.  
Member

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John E. Valls, M.B.A.  
Member

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Mariana Garza, J.D.  
Member

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Efrain Guerrero, Jr.  
Member



5. The attached Resolution is a true and correct copy of the original on file in the official records of the Hospital District; the duly qualified and acting members of the Board on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Board was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Resolution would be considered; and the Meeting and deliberation of the aforesaid public business, was open to the public and written notice of said meeting, including the subject of the Resolution, was posted and given in advance thereof in compliance with the provisions of Chapter 551, Texas Government Code, as amended.

6. I am the Secretary of the Board having been duly appointed pursuant to Health Code, §281.023(b).

7. The foregoing Resolution is in full force and effect; that the same has not been rescinded, nor has it been amended or modified in any way.

IN WITNESS WHEREOF, I have hereunto signed my name officially and affixed the seal of the Hospital District on this the **21<sup>st</sup> day of September 2021**.

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Jonny F. Hipp  
Secretary, Board of Managers  
Nueces County Hospital District

{HOSPITAL DISTRICT SEAL}