

Minutes of Board of Managers - Regular Meeting

The Board of Managers Nueces County Hospital District

A Board of Managers - Regular Meeting of the Board of Managers of Nueces County Hospital District was held Tuesday, June 27, 2023, beginning at 12:00 PM in the Board of Managers Meeting Room

555 N. Carancahua Street, Room 950-A
Corpus Christi, Texas 78401

1. WELCOME

2. ROLL CALL OF BOARD OF MANAGERS

- ___ John E. Valls, MBA, Chairman
- ___ Vishnu V. Reddy, M.D., Vice Chairman
- ___ Sylvia Tryon Oliver
- ___ Belinda Flores, R.N.
- ___ Judge Mariana Garza
- ___ Efrain Guerrero, Jr.
- ___ Arthur Granado

3. CALL TO ORDER, ESTABLISHMENT OF QUORUM, MEETING POSTING CONFIRMATION, AND CLOSED MEETING NOTICE

- A. Call to order.
- B. Establish quorum.
- C. Confirm posting of Meeting's public notice in accordance with Texas Open Meetings Act, Texas Government Code, Chapter 551.
- D. Public notice is hereby given that the Board of Managers may elect to go into Closed Meeting session(s) at any time during the meeting to discuss any matter(s) listed on the agenda when so authorized by the provisions of the Open Meetings Act, Texas Government Code, Chapter 551.

4. ANNOUNCEMENT ON DISCLOSURE OF CONFLICTS OF INTEREST. Any Conflicts of Interest or Appearance of a Conflict of Interest with items on this agenda shall be declared at this time. Members with conflicts will refrain from voting and are asked to refrain from discussion on such items. Conflicts discovered later in the meeting shall be disclosed at that time.

5. **PUBLIC COMMENT** - Persons attending in-person and wishing to comment on any item(s) on the agenda or any subject within the Board's responsibilities must sign-in on the "Agenda Item Request to Speak" form provided at the entrance of the Board meeting room at least five (5) minutes prior to commencement of the meeting. Persons attending via audio or video conference and wishing to comment on any item(s) on the agenda or any subject within the Board's responsibilities must verbally notify the presiding officer of their desire to comment when the officer calls for public comment from those attending via audio and video conference. Commenters shall limit their comments to three (3) minutes, except that Commenters addressing the Board through a translator shall limit their comments to six (6) minutes.

6. **CONSENT AGENDA** - The Consent Agenda consists of those agenda items which are routine, administrative in nature, not in need of separate attention, and which a member of the Board has not requested be discussed separately. If requested to be discussed separately, that agenda item will be removed from the Consent Agenda by the presiding officer to the Regular Agenda and discussed as a part of the Regular Agenda at the appropriate time. All remaining items listed under the Consent Agenda will be voted upon in a single vote:

A. Approve Board of Managers Regular Meeting minutes of May 23, 2023.

B. Receive listing of new vendors as of June 22, 2023; listing provided pursuant to Board of Managers Bylaws, §2.1.B and Texas Local Government Code, Chapter 176.

C. Receive summary payment information on Nueces County health care disbursements for Fiscal Year 2023 year-to-date:

1. Salaries, benefits, supplies, and intergovernmental transfers at/for City of Corpus Christi/Nueces County Public Health District;

2. Emergency medical services provided in unincorporated areas of Nueces County;

3. Supplemental and jail diversion program funding for Nueces Center for Mental Health and Intellectual Disabilities;

4. Medical services provided at County correctional facilities:

a. Nueces County Jail; and

b. Nueces County Juvenile Detention Center;

5. Funding for alcohol and drug abuse treatment programs:

a. Cenikor (Charlie's Place);

b. Council on Alcohol and Drug Abuse; and

c. Palmer Drug Abuse Program;

6. Funding for diabetes prevention and supporting programs;

7. Public health grants; and

8. Legal and professional fees. (*Finance Committee*)

D. Receive summary imputed claims information on medical and hospital care provided to the Nueces Aid Program population consistent with the CHRISTUS Spohn Health System Corporation Amended and Restated Membership Agreement for fiscal year-to-date period-ended May 31, 2023. (*Finance Committee*)

E. Receive fiscal year-to-date Specified Annual Percentage-related revenue reports; revenue receipts pursuant to CHRISTUS Spohn Health System Corporation Amended and Restated Membership Agreement, Section 5.03. (*Finance Committee*)

F. Receive monthly statement of escrow amounts deposited and/or withdrawn by CHRISTUS Spohn Health System Corporation; deposits pursuant to and consistent with Schedule 1 to CHRISTUS Spohn Health System Corporation Amended and Restated Membership Agreement; receive statement for month-ended May 31, 2023. (*Finance Committee*)

G. Receive statement of amounts deposited to and/or withdrawn from Local Provider Participation Fund for fiscal year-to-date; deposits and withdrawals pursuant to Board of Managers Order authorizing participation in a health care provider participation program pursuant to Texas Health and Safety Code, Chapter 298C, as amended. (*Finance Committee*)

H. Receive summary report of cumulative estimated provider payments and actual intergovernmental transfers made in support of local and other healthcare providers participating in Medicaid supplemental and directed payment programs sponsored by the Texas Health and Human Services Commission (HHSC):

1. Directed Payment Programs - Medicaid managed care organization payments to healthcare providers that support overall Medicaid program goals and objectives:

- a. Comprehensive Hospital Increase Reimbursement Program (CHIRP);
- b. Network Access Improvement Program (NAIP);
- c. Texas Incentives for Physicians and Professional Services (TIPPS);
- d. Uniform Hospital Rate Increase Program (UHRIP); and

2. Supplemental Payment Programs - HHSC-directed payments made to hospitals for achieving certain goals or to support health care providers that see significant numbers of uninsured or persons without much money:

- a. Disproportionate Share Hospitals (DSH) program;
- b. Graduate Medical Education (GME);
- c. Hospital Uncompensated Care (UC) pool; and

3. Phase-Out Programs:

- a. Delivery System Reform Incentive Payment (DSRIP) pool. (*Finance Committee*)

- I. Receive reports relating to Nueces Aid Program enrollment for the month-ended May 31, 2023:
 1. Total Persons and Households Enrolled;
 2. Enrollment Summary;
 3. Denials;
 4. Application Processing Summary; and
 5. Enrollment by Zip Code. (*Finance Committee*)

- J. Receive information on State Comptroller of Public Accounts' 2023 pro-rata distributions of Calendar Year 2022 income from Tobacco Permanent Settlement Trust Account; distributions pursuant to Texas Administrative Code, Title 25, Part 1, Chapter 102, Rule §102.2. (*Finance Committee*)

7. **REGULAR AGENDA** - The Regular Agenda consists of those agenda items which are non-routine, not administrative in nature, or are otherwise in need of separate attention. Each Regular Agenda item will be voted upon separately if action is required:
 - A. **Property Valuations:**
 1. Receive and discuss information relating to 2023 Nueces County property valuations on petrochemical and other properties and discuss related matters; receive and discuss property valuations information from Nueces County Tax Assessor/Collector. (**INFORMATION**)

 - B. **Finance Committee:**
 1. Financial Statements:
 - a. Receive and approve unaudited financial statements for the month and fiscal year-to-date period ended May 31, 2023. (**ACTION**)

 2. Investment Policy:
 - a. Adopt Board of Managers Resolution relating to annual review of investment policy and investment strategies; adopt changes to policy and strategies to be effective August 1, 2023; review and adoption pursuant to Texas Government Code, §2256.005(e). (**ACTION**)

 - b. Adopt Board of Managers Resolution relating to annual review and adoption of listing of qualified broker/dealers authorized to engage in investment transactions; adopted listing to be effective August 1, 2023; review and adoption pursuant to Texas Government Code, §2256.025. (**ACTION**)

 - C. **Legislative Committee:**
 1. Receive final information on 88th Texas Session Legislative Agenda, as amended:

- a. H.B. 4844 - Relating to the use of a broker for the sale of real property by the Nueces County Hospital District. *(INFORMATION)*

D. Federal Emergency Management Agency (FEMA):

- 1. Receive information on Hospital District's Request for Arbitration in lieu of Second-Level Appeal on FEMA's First-Level Denial of Application #674808 Appeal concerning the District's recovery of Social Determinants of Health Study costs incurred during the COVID-19 Pandemic; request Arbitration before the United States Civilian Board of Contract Appeals (CBCA):

- a. Request for Arbitration; and

- b. CBCA Notice of Docketing. *(INFORMATION)*

E. Health Care Provider Participation Program:

- 1. Receive information relating to projected balances of the Local Provider Participation Fund ("LPPF") a component of the Health Care Provider Participation Program created by the Hospital District; receive information on projected LPPF balances for the remainder of Fiscal Year 2023. *(INFORMATION)*

- 2. Discuss and consider authorizing the Administrator to revise/update participating providers' net patient revenue data used by the Hospital District to calculate the participating providers' mandatory payments authorized under the Health Care Provider Participation Program created by the Hospital District for Fiscal Year 2023 pursuant to Texas Health and Safety Code ("Health Code"), Chapter 298C, as amended; authorize the Administrator to revise/update the calculations used to determine the participating providers' mandatory payments for Fiscal Year 2023 using the most recently available financial and utilization data reported by the Providers to the Texas Department of State Health Services ("Department") under Health Code, Sections 311.032 and 311.033 as most recently released by the Department. *(ACTION)*

F. Nueces County:

- 1. Receive information on and discuss Nueces County's Request For Proposals (RFP) for Jail Diversion Program Services; consider recommending alterations to RFP and/or evaluation authority. *(INFORMATION/ACTION)*

- 2. Receive and discuss presentation, request, and/or information from Nueces County requesting Hospital District funding for the County's proposed health care-related expenditures for Fiscal Year 2024 and consider authorizing funding. *(ACTION)*

G. Memorial Medical Center Demolition:

1. Receive, view, and discuss information on Memorial Medical Center demolition project being conducted by CHRISTUS Spohn Health System Corporation; demolition project located at 2606 Hospital Boulevard, Corpus Christi, Texas:

a. Report from CHRISTUS Spohn's Architect and/or Owner's Representative; and

b. View CHRISTUS Health OxBlue Construction Time-Lapse Camera video feed. **(INFORMATION)**

H. Community Mental Health Initiatives:

1. Receive and discuss report and information from Nueces Center for Mental Health and Intellectual Disabilities ("MHID") relating to work performed under agreements between Nueces County, MHID, and Hospital District for the fiscal quarter ended March 31, 2023. **(INFORMATION)**

I. Administrator's Actions:

1. Ratify Administrator's action(s) performed as part of his duties directing the affairs of the Hospital District and/or as required by the Board of Managers; duties established pursuant to Texas Health and Safety Code, §281.026(e):

a. Execution of Fourth Amendment To Lease with ERF Tower II, Inc. for administrative office space at 555 N. Carancahua Street, Corpus Christi, Texas, for the term June 1, 2023 - May 31, 2026, with options for two renewal terms of one-year. **(INFORMATION)**

b. Issuance of Request for Applications for Depository and Banking Services for the period October 1, 2023 - September 30, 2027 (RFA No. 2023-01). **(INFORMATION)**

8. ADMINISTRATOR'S BRIEFING:

A. Execution of Letter Agreement with John B. Martinez for General Counsel Services for the term June 1, 2023 - May 31, 2024. **(INFORMATION)**

B. Execution of Legal Services Contract with Cusimano Law Firm and Gaffney & Gaffney relating to Hospital District's Request for Arbitration in lieu of Second-Level Appeal on FEMA's First-Level Denial of Application #674808 Appeal concerning the District's recovery of Social Determinants of Health Study costs incurred during the COVID-19 Pandemic. **(INFORMATION)**

C. Next scheduled Board of Managers and Board Committee regular meetings (all meetings' dates, times, and locations are subject to change):

1. Finance Committee: July 25, 2023, 11:30 AM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401;

2. Legislative Committee: No additional meetings scheduled; and
3. Board of Managers: Tuesday, July 25, 2023, 12 Noon in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401. **(INFORMATION)**
9. **CLOSED MEETING** - Public Notice is hereby given that the Board of Managers may go into closed meeting session(s) at any time during the meeting to discuss any matter(s) listed on the agenda, when so authorized by the provisions of the Open Meetings Act, Texas Government Code, Chapter 551. *To the extent there has been a past practice of distinguishing items for public deliberation and those for executive session, the public is advised that the Board is departing from that practice and reserves the right to discuss any listed agenda items in a closed meeting when authorized by law to do so.* When the Board goes into closed session(s) regarding an agenda item(s), the section(s) of the Open Meetings Act authorizing the closed session will be publicly announced by the presiding officer. Should any final action, final decision, or final vote be required in the opinion of the Board with regard to any matter considered in closed session(s), then the final action, final decision, or final vote shall be either: (a) in the open meeting covered by the Notice upon reconvening of the public meeting; or (b) at a subsequent public meeting of the Board upon notice thereof, as the Board shall determine pursuant to applicable laws. The Board specifically expects to go into a closed session(s) on the matters listed below pursuant to the Act, §551.071.
 - A. Consult with attorneys on matters relating to Nueces County property valuations.
 - B. Consult with attorneys on matters relating to United States Civilian Board of Contract Appeals *CBCA 7792-FEMA In the Matter of Nueces County Hospital District.*
 - C. Consult with attorneys on matters relating to planned improvements to the former Memorial Hospital campus located at 2606 Hospital Boulevard, Corpus Christi, Texas.
 - D. Consult with attorneys on matters relating to the Health Care Provider Participation Program and Local Provider Participation Fund.
 - E. Consult with attorneys on matters relating to Hospital District-funded mental health services and contracts for mental health services.
10. **OPEN MEETING** - Following the Closed Meeting, the Board of Managers will reconvene the Open Meeting prior to taking any action(s) on matters considered in the Closed Meeting or adjourning the meeting.
 - A. Consider final action, decision, or vote on matters considered in the Closed Meeting. **(ACTION AS NEEDED)**
11. **ADJOURN**

