

**NUECES COUNTY HOSPITAL DISTRICT
BOARD OF MANAGERS
Board Legislative Committee - Regular Meeting
Wednesday, January 27, 2021 at 11:30 AM**

AGENDA

1. WELCOME

2. ROLL CALL OF COMMITTEE MEMBERS

- ___ John E. Valls, M.B.A., Chairman
- ___ Vishnu V. Reddy, M.D.
- ___ Daniel W. Dain
- ___ Mariana Garza, J.D.

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. 3

D. Public notice is hereby given that the Committee 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. PUBLIC COMMENT - Persons attending in-person and wishing to comment on any item(s) on the agenda or any subject within the Committee's responsibilities must sign-in on the "Agenda Item Request to Speak" form provided at the entrance of the Committee 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 Committee'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 Committee through a translator shall limit their comments to six (6) minutes.

5. CONSENT AGENDA - The Consent Agenda consists of those agenda items which are routine, non-controversial, administrative in nature, not in need of separate attention, and which a Committee member 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 Committee meeting minutes of December 15, 2020 Regular Meeting. 7

6. REGULAR AGENDA - The Regular Agenda consists of those agenda items which are non-routine, potentially controversial, not administrative in nature, or otherwise in need of separate attention. Each Regular Agenda item will be voted upon separately if action is required:

- A. Recommend receipt of legislative agenda update for 87th Texas Session. 10
(INFORMATION)
- B. Recommend revisions to the adopted legislative agenda for 87th Texas Session. 13
(ACTION)
- C. Recommend adoption of Board of Managers Resolution supporting legislation to use certain funds for residents of the District. 16
(ACTION)
- D. Recommend adoption of Board of Managers Resolution supporting legislation relating to use of tax-levied funds for indigent care and to fund health care services, including public health services, mental health and mental retardation services, emergency medical services, health services provided to persons confined in jail facilities, and for other health related purposes. 17
(ACTION)
- E. Recommend adoption of Board of Managers Resolution supporting legislation redefining a management contractor for tort claims liability purposes. 18
(ACTION)
- F. Recommend adoption of Board of Managers Resolution supporting legislation to extend expiration of the Nueces County Hospital District Health Care Provider Participation Program. 19
(ACTION)

7. ADMINISTRATOR'S BRIEFING:

- A. Next Committee meeting (meeting's dates, times, and locations subject to change):
 - 1. Next Regular Meeting: February 16, 2021, 11:30 AM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401.

8. ADJOURN



Kara Sands

Nueces County Clerk
901 Leopard St #201
Corpus Christi, TX 78401

Main: (361)888-0580

Receipt: 20210122000130

Date: 01/22/2021

Time: 01:31PM

By: Margarita S

Station: CLERK01

Status: ORIGINAL COPY

<u>Seq</u>	<u>Item</u>	<u>Document Description</u>	<u>Number</u>	<u>Number Of</u>	<u>Amount</u>	<u>Serial Number</u>
1	Public Notice	PBN	2021000048	5	\$0.00	
				Order Total (1)	\$0.00	

<u>Seq</u>	<u>Payment Method</u>	<u>Transaction Id</u>	<u>Comment</u>	<u>Total</u>	
1				\$0.00	
				Total Payments (1)	\$0.00
				Change Due	\$0.00

NUECES COUNTY HOSPITAL DISTRICT

For more information about the County Clerk's office and to search property records online, please visit <http://www.nuecesco.com/county-services/county-clerk>

RECEIVED

JAN 22 2021

KARA SANDS
CLERK OF THE COUNTY COURT
NUECES COUNTY, TEXAS

NOTICE OF PUBLIC MEETING

NUECES COUNTY HOSPITAL DISTRICT

BOARD OF MANAGERS

**Board Legislative Committee - Regular Meeting
Wednesday, January 27, 2021 at 11:30 AM**

Location:

**Board of Managers Meeting Room, 555 N. Carancahua Street, Room 950-A, Corpus
Christi, Texas 78401**

MEETING VIA AUDIO OR VIDEO CONFERENCE (ZOOM)

The Nueces County Hospital District ("NCHD") Board of Managers or a Committee thereof as shown above will hold a meeting on the date and at the time and location shown. The meeting will be a remote access meeting. One or more or all Board or Committee members may participate in the meeting in-person or via audio or video conference via Zoom an Internet-based audio and video conferencing platform. The agenda item(s) for this meeting are set forth on the accompanying page(s); agenda item(s) are not necessarily considered in the order listed.

Meeting materials are available via NCHD's BoardBook meeting management system at: <https://meetings.boardbook.org/Public/Organization/1886>.

The Coronavirus COVID-19 pandemic has resulted in the Board of Managers modifying its practices for all Board and Board Committee meetings. To reduce the possibility of Coronavirus COVID-19 spread from in-person meetings, the Board or Committee will meet via Zoom; this practice will continue for all future meetings until further notice. Pursuant to an Emergency Executive Order issued on March 16, 2020 by Governor Greg Abbott, government bodies in Texas can hold such audio and video conferencing meetings without any members present in a physical location. In addition, considering existing precautions relating to spreading the Coronavirus, it is suggested that any entities planning to attend this meeting in-person consider limiting their attending representatives to one (1) person. As required by state law, notice of this and future meetings will be posted online at www.nchdcc.org/meeting.cfm as well as the Nueces County Clerk's website, which can be searched at <https://nueces.tx.publicsearch.us/>. The requirement for physical posting of meeting notices has been waived until further notice through the Emergency Order.

Members of the public may attend this meeting in-person or they may observe and participate via audio or video conference via Zoom as shown on the following page.

Attend In-Person:

Board of Managers Meeting Room, 555 N. Carancahua Street, Room 950-A, Corpus Christi, Texas 78401

Attend via Audio or Video Conference, Join Zoom Meeting:

<https://nchdcc-org.zoom.us/j/5746765992?pwd=T2RVWFpZGJYdHYyQmp1VUdZeUc3Zz09>

Meeting ID: 574 676 5992

Passcode: 195957

One tap mobile

+13462487799,,5746765992# US (Houston)

+12532158782,,5746765992# US (Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 574 676 5992

Find your local number: <https://nchdcc-org.zoom.us/j/5746765992>



VG-12-2021-2021000048

Nueces County
Kara Sands
Nueces County Clerk

Instrument Number: 2021000048

Public Notice

PUBLIC NOTICES

Recorded On: January 22, 2021 01:31 PM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$0.00



STATE OF TEXAS

Nueces County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Nueces County, Texas

Kara Sands
Nueces County Clerk
Nueces County, TX

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2021000048
Receipt Number: 20210122000130
Recorded Date/Time: January 22, 2021 01:31 PM
User: Margarita S
Station: CLERK01

Record and Return To:

NUECES COUNTY HOSPITAL DISTRICT

**MINUTES
BOARD OF MANAGERS
NUECES COUNTY HOSPITAL DISTRICT
LEGISLATIVE MEETING
DECEMBER 15, 2020**

The Nueces County Hospital District Board of Managers met at 11:30 a.m., Tuesday, December 15, 2020 in the NCHD Board Room, at 555 N. Carancahua, Suite 950 – A, Corpus Christi, Texas.

HOSPITAL DISTRICT REPRESENTATIVES:

Jonny F. Hipp	Administrator/CEO
Belinda E. Chism	Assistant Administrator, Administrative Services
Donna Littlefield	Director, Accounting & Finance
Wm DeWitt Alsup	Attorney, Alsup Law Firm
Mary Esther Guerra	Assistant County Attorney – via Zoom
Carmina Hernandez Moreno	Administrative Assistant
Linda Espericueta	Database Administrator

OTHERS PRESENT:

None

1. WELCOME

2. ROLL CALL OF COMMITTEE MEMBERS:

Y John E. Valls, M.B.A., Chairman
Y Vishnu V. Reddy, M.D.
Y Daniel W. Dain
X Mariana Garza, J.D.

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

- A. Call to order – Mr. Valls, Chairman
The meeting was called to order by Mr. Valls at 11:45 a.m
- B. Establish quorum – Mr. Valls
A quorum was present with three members in attendance.

**MINUTES
BOARD OF MANAGERS
LEGISLATIVE MEETING
DECEMBER 15, 2020**

**John E. Valls, M.B.A., Chairman – PRESENT
Vishnu V. Reddy, M.D., Member – PRESENT – via Telephone
Daniel W. Dain, Member – PRESENT
Mariana Garza, J.D., Member – ABSENT**

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 Committee 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. **PUBLIC COMMENT** - Persons attending in-person and wishing to comment on any item(s) on the agenda or any subject within the Committee's responsibilities must sign-in on the "Agenda Item Request to Speak" form provided at the entrance of the Committee 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 Committee'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 Committee through a translator shall limit their comments to six (6) minutes.

No one to speak for public comment.

5. **REGULAR AGENDA** - The Regular Agenda consists of those agenda items which are non-routine, potentially controversial, not administrative in nature, or otherwise in need of separate attention. Each Regular Agenda item will be voted upon separately if action is required:

A. Discuss and consider recommending adoption of a legislative agenda for the 87th Texas Legislative Session (2021). (**ACTION**)

**Motion to approve REVISED Proposed Legislation List by Mr. Dain
And seconded by Mr. Valls. MOTION CARRIED.**

**MINUTES
BOARD OF MANAGERS
LEGISLATIVE MEETING
DECEMBER 15, 2020**

6. ADJOURN

**Lost Quorum at 12:11 p.m., Dr. Reddy no longer via telephone.
Motion to adjourn by Mr. Valls. Motion by Mr. Dain and seconded by
Mr. Valls. Meeting adjourned at 12:12 p.m.**

NUECES COUNTY HOSPITAL DISTRICT
87th Texas Legislative Session
Legislation Update
January 27, 2021

Adopted Legislation List	Bills Filed
<p>1. Texas Health and Safety Code, Chapter 281, Hospital Districts in Counties of at Least 190,000:</p> <p style="padding-left: 20px;">a. Amend Subchapter E, District Finance, §281.094(a), Use of Certain Funds by the Nueces County Hospital District, to read as follows: “With the approval of the Nueces County Commissioners Court, the board of the Nueces County Hospital District may use funds made available to the district from sources other than a tax levy to fund health care services <u>for residents of the district</u>, including public health services, mental health and mental retardation <u>intellectual disability</u> services, emergency medical services, health services provided to persons confined in jail facilities, and for other health related purposes.”</p>	
<p>2. Texas Health and Safety Code, Chapter 285, Special Provisions Relating to Hospital Districts:</p> <p style="padding-left: 20px;">a. Amend title of Subchapter F, Liability of Nonprofit Management Contractor, to read as follows: “SUBCHAPTER F. LIABILITY OF NONPROFIT MANAGEMENT CONTRACTOR”;</p> <p style="padding-left: 20px;">b. Amend §285.071, Definition, to read as follows: “In this chapter, "hospital district management contractor" means a nonprofit corporation, partnership, or sole proprietorship that manages or operates a hospital or provides services under contract with a hospital district that was created by general or special law.”; and</p>	

<p>c. Amend §285.072, Liability of a Hospital District Management Contractor, to read as follows: “A hospital district management contractor in its management or operation of a hospital <u>or provision of services</u> under a contract with a hospital district is considered a governmental unit for purposes of Chapters 101, 102, and 108, Civil Practice and Remedies Code, and any employee of the contractor is, while performing services under the contract for the benefit of the hospital, an employee of the hospital district for the purposes of Chapters 101, 102, and 108, Civil Practice and Remedies Code.”</p>	
<p>3. Texas Health and Safety Code, Chapter 298C, Nueces County Hospital District Health Care Provider Participation Program:</p> <p>a. Amend Subchapter A, General Provisions, §298C.004(a), Expiration, to read as follows: “Subject to Section 298C.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, 2024 <u>2023</u>.”</p> <p>b. Amend Subchapter A, General Provisions, §298C.004(b) to read as follows: “This chapter expires December 31, 2024 <u>2023</u>.”</p>	<p>By: Hinojosa, S.B. No.273</p>
<p>4. Support legislation that provides additional sources of funding for non-indigent health care expenses, including public health, mental health and substance abuse treatment programs, emergency medical services, and health services provided to persons in jail facilities.</p>	

By: Hinojosa

S.B. No. 273

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the expiration of the health care provider
3 participation program administered and operated by the Nueces
4 County Hospital District.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 298C.004, Health and Safety Code, as
7 added by Chapter 694 (S.B. 2315), Acts of the 86th Legislature,
8 Regular Session, 2019, is repealed.

9 SECTION 2. Section 2, Chapter 694 (S.B. 2315), Acts of the
10 86th Legislature, Regular Session, 2019, is repealed.

11 SECTION 3. To the extent of any conflict, this Act prevails
12 over another Act of the 87th Legislature, Regular Session, 2021,
13 relating to nonsubstantive additions to and corrections in enacted
14 codes.

15 SECTION 4. This Act takes effect September 1, 2021.

NUECES COUNTY HOSPITAL DISTRICT
87th Texas Legislative Session
Proposed Legislation List
January 27, 2021

1. Texas Health and Safety Code, Chapter 281, Hospital Districts in Counties of at Least 190,000:
 - a. Amend Subchapter E, District Finance, §281.094(a), Use of Certain Funds by the Nueces County Hospital District, to read as follows: “With the approval of the Nueces County Commissioners Court, the board of the Nueces County Hospital District may use funds made available to the district from sources other than a tax levy to fund health care services for residents of the district, including public health services, mental health and ~~mental retardation~~ intellectual disability services, emergency medical services, health services provided to persons confined in jail facilities, and for other health related purposes.”
2. Texas Health and Safety Code, Chapter 285, Special Provisions Relating to Hospital Districts:
 - a. Amend title of Subchapter F, Liability of Nonprofit Management Contractor, to read as follows: “SUBCHAPTER F. LIABILITY OF ~~NONPROFIT~~ MANAGEMENT CONTRACTOR”;
 - b. Amend §285.071, Definition, to read as follows: “In this chapter, “hospital district management contractor” means a ~~nonprofit~~ corporation, partnership, or sole proprietorship that manages or operates a hospital or provides services under contract with a hospital district that was created by general or special law.”; and
 - c. Amend §285.072, Liability of a Hospital District Management Contractor, to read as follows: “A hospital district management contractor in its management or operation of a hospital or provision of services under a contract with a hospital district is considered a governmental unit for purposes of Chapters 101, 102, and 108, Civil Practice and Remedies Code, and any employee of the contractor is, while performing services under the contract for the benefit of the hospital, an employee of the hospital district for the purposes of Chapters 101, 102, and 108, Civil Practice and Remedies Code.”
3. Texas Health and Safety Code, Chapter 298C, Nueces County Hospital District Health Care Provider Participation Program:
 - a. Amend Subchapter A, General Provisions, §298C.004(a), Expiration, to read as follows: “Subject to Section 298C.153(d), the authority of the district to administer and operate a program under this chapter expires December 31, ~~2021~~ 2023.”
 - b. Amend Subchapter A, General Provisions, §298C.004(b) to read as follows: “This chapter expires December 31, ~~2021~~ 2023.”
4. Support legislation that provides additional sources of funding for non-indigent health care expenses, including public health, mental health and substance abuse treatment programs, emergency medical services, and health services provided to persons in jail facilities.
5. Amend Texas Health and Safety Code 281.094, USE OF CERTAIN FUNDS BY THE NUECES COUNTY HOSPITAL DISTRICT, to allow use of tax-levied funds for indigent care and to fund health care services, including public health services, mental health and mental retardation services, emergency medical services, health services provided to persons confined in jail facilities, and for other health related purposes. (See next page)

CURRENT LANGUAGE

Sec. 281.094. USE OF CERTAIN FUNDS BY THE NUECES COUNTY HOSPITAL DISTRICT. (a) With the approval of the Nueces County Commissioners Court, the board of the Nueces County Hospital District may use funds made available to the district from sources other than a tax levy to fund health care services, including public health services, mental health and mental retardation services, emergency medical services, health services provided to persons confined in jail facilities, and for other health related purposes.

(b) The board of the Nueces County Hospital District may use funds made available to the district from any source to fund:

(1) indigent health care; and

(2) intergovernmental transfers from the district to the state for use as the nonfederal share of Medicaid supplemental payment program or waiver program payments for eligible health care providers located inside or outside the district's boundaries, including, but not limited to, any payments available through a waiver granted under Section 1115, Social Security Act (42 U.S.C. Section 1315), or other similar payment programs, subject to the limitation prescribed by Subsection (c).

(c) Neither the funds comprising an intergovernmental transfer described by Subsection (b)(2) nor any federal funds obtained from any such transfer may be used by the board of the Nueces County Hospital District or any entity to expand eligibility for medical assistance (Medicaid) under the Patient Protection and Affordable Care Act (Pub. L. No. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152).

Added by Acts 1999, 76th Leg., ch. 1133, Sec. 1, eff. June 18, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1373 (S.B. [1863](#)), Sec. 1,
eff. June 14, 2013

THIS LEGISLATIVE SUPPORT RESOLUTION WAS EITHER STILL BEING PREPARED OR IN LEGAL REVIEW AT THE TIME THE AGENDA PACKET WAS ASSEMBLED; IT WILL BE DISTRIBUTED BEFORE THE BOARD MEETING.

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