

**NUECES COUNTY HOSPITAL DISTRICT  
BOARD OF MANAGERS  
Board Legislative Committee - Regular Meeting  
Tuesday, December 13, 2022 at 11:30 AM**

**AGENDA**

**1. WELCOME**

**2. ROLL CALL OF COMMITTEE MEMBERS**

\_\_\_ Arthur Granado, Chairman  
\_\_\_ Vishnu V. Reddy, M.D.  
\_\_\_ 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.

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. REGULAR AGENDA** - The Regular Agenda consists of those agenda items which are non-routine, 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 legislative agenda for 88th Texas Session (2023). (*ACTION*)

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**6. ADJOURN**

# Nueces County Hospital District

## 88<sup>th</sup> Texas Legislative Priorities

Draft – For Discussion Purposes Only

December 13, 2022

### Local Priorities

#### **L1. Establishment of Authority for Individual Commissioners to Appoint Board of Managers Members**

Under current statutes, the full local Commissioners Court appoints members to the Nueces County Hospital District's Board of Managers; Commissioners do not have the authority to make individual appointments to the Board.

NCHD Supports:

- [Option 1] Adoption of local statutes allowing for each of the five Commissioners Court members to make an appointment to the Board of Managers and for the full court to make the remaining two appointments.
- [Option 2] Adoption of local statutes allowing Commissioners Court members to rotate making appointments to the Board of Managers.

#### **L2. Establishment of Qualifications for Board of Managers Appointments**

There are no statutes governing the qualifications of office for individuals to be appointed by Commissioners Court to the Nueces County Hospital District's Board of Managers.

NCHD Supports:

- Adoption of local statutes establishing qualifications for appointment to the Board of Managers. The statutes should provide that Commissioners Court may not appoint a person to the Board if the person is: (1) not a County resident; (2) an employee of the Hospital District; (3) an employee of Nueces County; (4) an employee of any town, municipality, or City located within the District's boundaries; (5) employee of any institutional health care provider located in the District, as such provider is defined in Chapter 298C, Texas Health and Safety Code; and (6) related within the third degree of consanguinity or affinity, as determined under Subchapter B, Chapter 573, Government Code, to a member of the Commissioners Court or to a person described in (1), (2), or (3) above.

### **L3. Issuance of Certificates of Appointment for Board of Managers**

Currently, when persons are appointed by Commissioners Court to the Nueces County Hospital District's Board of Managers they receive an appointment letter from the County Judge. Conclusive evidence of an appointment to the Board of Managers should be established.

NCHD Supports:

- Adoption of local statutes providing for conclusive evidence of Commissioners Court's appointment of a person to the Board of Managers. Conclusive evidence of the appointment of a Board of Managers member should state on a Certificate of Appointment the appointee's (1) legal name; (2) physical address; (3) effective date of appointment; (4) term of appointment; (5) ending date of appointment; (6) conditions of the appointment or removal; and (7) Commissioners Court's place number. The Certificate of Appointment should be signed by the entire Commissioners Court, sealed to authenticate the Court's act, and filed with the County Clerk

### **L4. Establishment of Conditions for Board of Manager's Member Removal**

There are no statutes governing the removal of individuals appointed to the Nueces County Hospital District's Board of Managers.

NCHD Supports:

- Adoption of local statutes establishing conditions for removal of existing Board of Managers members. The statutes should provide that members of the Board are considered to have resigned the member's position if the member: (1) is absent from all the regularly scheduled Board and Committee meetings that the member is eligible to attend during a 90-day period; (2) is absent from more than half of the regularly scheduled Board and Committee meetings that the member is eligible to attend during a 12-month period; or (3) fails to pay County ad valorem taxes.

### **L5. Authority to Sell Hospital District-Owned Real Property Using a Broker**

Currently, the Hospital District is required to sell real property using the sealed bid procedures of Section 272.001, Local Government Code.

NCHD Supports:

- Legislation that allows for sale of Hospital District-owned real property through use of a broker without complying with the requirements of Section 272.001, Local Government Code.

## **L6. Support Identification of State Resources or Local Methods for Mental Health Services Funded by Hospital District**

The Hospital District provides funding for non-indigent health care expenses, including mental health services.

NCHD Supports:

- Identification of state resources or local methods which may require voter approval that provide funding for non-indigent health care expenses, including mental health services.

## **L7. No Support of Unfunded or Underfunded Mandates and Policies Contrary to Hospital District and Local Hospital Provider's Interests**

Occasionally, unfunded, and underfunded mandates and policies contrary to the Hospital District's interests are passed down from higher levels of government to lower levels.

NCHD Does Not Support:

- Unfunded or underfunded mandates.
- Policies contrary to the Hospital District and local hospital provider's interests.

## Statewide Priorities

### **S1. Support Access to Behavioral Health Services**

While the 87<sup>th</sup> Legislature appropriated additional funding for behavioral health services and facilities, timely access to these services continues to be a barrier for some individuals, including children and adolescents.

NCHD Supports:

- Continuing investments in the state’s mental health workforce.
- Ongoing initiatives to increase psychiatric beds, including additional community, forensic, and state hospital beds.
- Maintaining funding to ensure access to inpatient and outpatient behavioral health services.
- Creating proof of concept funding for adult behavioral healthcare resources like the Child Psychiatry Access Network and Texas Child Health Access Telemedicine.

### **S2. Safeguard Local Health Care Systems and Public Health Response**

Safeguard the ability of hospital districts to meet current, known healthcare needs and to plan for and invest in responsiveness to unexpected needs.

NCHD Supports:

- Upholding the Special Taxing Unit exemption for hospital districts at the current eight percent rollback rate.
- Preserving hospital districts’ current bond and certificate of obligation authority.
- Preserving hospital district’s eminent domain authority.

### **S3. Safeguard Ability to Use Local Provider Participation Funds (LPPFs)**

Safeguard the ability of hospital districts to generate Local Provider Participation Funds (LPPFs) for support of Health and Human Service Commission-sponsored Medicaid supplemental and directed payment programs.

NCHD Supports:

- Preserving the authority of local hospital districts to require Local Provider Participation Funds for intergovernmental transfers from inpatient hospital providers in their jurisdictions to provide matching funds for state-sponsored Medicaid supplemental and directed payment programs.
- Initiatives to increase transparency of sources for funds used for intergovernmental transfers.

#### **S4. Safeguard Trauma Center Funding and Emergency Preparedness**

The Texas trauma system provides critical infrastructure to respond to mass casualty events, significant weather events, and pandemics as well as heart attacks, strokes, and other individual accidents and injuries, such as motor vehicle crashes. Level I-designated trauma centers provide the highest level of trauma care, have 24/7 responsiveness and are central to a coordinated, statewide trauma response. Additionally, Level-II-designated trauma centers provide decisive care for all injured patients and offers immediate coverage by many specialists including general surgeons, orthopedic surgeons, neurosurgeons, and critical care.

NCHD Supports:

- Maintaining Texas trauma center funding at last biennium’s level, at a minimum, including the trauma, rural, and safety-net hospital add-ons.

#### **S5. Stabilize and Strengthen Care Delivery and Innovation**

Ensuring the recovery and long-term stability of local hospital and health system’s services, patient care, and community investments. Following three years of COVID-19 response and two years of uncertainty stemming from ongoing negotiations between the state and federal governments and changes in Texas’ 1115 waiver and directed payment programs, Texas’ hospitals and health systems are restabilizing and operating in a changed healthcare environment. Financing changes, increasing costs, inflationary pressures, ongoing workforce disruptions and shortages, along with the anticipated end of the public health emergency and continuous Medicaid enrollment will shift more Texans into indigent health care systems.

NCHD Supports:

- Preserving state general revenue to ensure stability for the Medicaid program.
- Continuing transparency in Medicaid hospital payments and policies.
- Investing in Medicaid funding to achieve funding parity among hospital types and to target funding for critical safety net system priorities and services.
- Continuing provider-enabled innovation and value-based adaptations to improve access and outcomes, including telehealth/telemedicine, audio only for non-behavioral health services, and the hospital at home program.
- Supporting equity in local financing solutions, such as local provider participation funds to support Medicaid payments.
- Protecting 340B participating hospitals from differential contracting and reimbursement practices by third-party payers.

# # #

By: \_\_\_\_\_

\_\_\_\_.B. No. \_\_\_\_\_

AN ACT

relating to the operations and administration of the Nueces County Hospital District.

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

SECTION 1. Subchapter C, Chapter 281, Health and Safety Code, is amended by adding Section 281.061 to read as follows:

Sec. 281.061. NUECES COUNTY HOSPITAL DISTRICT; BROKER AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY. (a) In this section:

(1) "Broker" means a person licensed as a broker under Chapter 1101, Occupations Code.

(2) "District" means the Nueces County Hospital District.

(b) Except as provided by Subsection (c), the Nueces County Hospital District may contract with a broker to sell a tract of real property that is owned by the district.

(c) The district may not contract with a broker who is related within the third degree of consanguinity, as determined under Chapter 573, Government Code, to:

(1) a member of the board of hospital managers of the

district; or

(2) a public official who serves on the Nueces County Commissioners Court.

(d) The district may pay a fee if a broker produces a ready, willing, and able buyer to purchase a tract of real property.

(e) If a contract made under Subsection (b) requires a broker to list the tract of real property for sale for at least 30 days with a multiple-listing service used by other brokers in the county in which the real property is located, the district, on or after the 30th day after the date the property is listed, may sell the tract of real property to a ready, willing, and able buyer who is produced by any broker, including a broker described by Subsection (c), using the multiple-listing service and who submits the most advantageous offer.

(f) The district must post a notice of intent to sell the real property in a newspaper of general circulation, not less than once, at least 14 days before the date the district accepts an offer produced by a broker.

(g) The district may sell a tract of real property under this section without complying with the requirements of Section 272.001, Local Government Code.

(h) The tract of real property may not be sold for less than

fair market value of the tract of real property. The fair market value is determined by an appraisal obtained by the district.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.