

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, May 23, 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 April 25, 2023.

B. Receive listing of new vendors as of May 18, 2023; listing provided pursuant to Board of Managers Bylaws, §2.1.B and Texas Local Government Code, Chapter 176.

C. Receive hospital providers' quarterly reports relating to certain Indigent Care Affiliation Agreements associated with participation in the Texas Healthcare Transformation and Quality Improvement Program Medicaid 1115 Waiver for calendar quarter-ended March 31, 2023:

1. CHRISTUS Spohn Health System Corporation Hospitals: Alice, Beeville, and Kleberg (Consolidated Report);

2. Corpus Christi Medical Center; and

3. Driscoll Children's Hospital.

D. 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*)

- E. 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 April 30, 2023. (*Finance Committee*)

- F. 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*)

- G. 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 statements for months-ended February 28 and March 31, 2023. (*Finance Committee*)

- H. 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*)

- I. 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*)
- J. Receive reports relating to Nueces Aid Program enrollment for the month-ended April 30, 2023:
 - 1. Total Persons and Households Enrolled;
 - 2. Enrollment Summary;
 - 3. Denials;
 - 4. Application Processing Summary; and
 - 5. Enrollment by Zip Code. (*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. **Finance Committee:**

- 1. Financial Statements:
 - a. Receive and approve unaudited financial statements for the month and fiscal year-to-date period ended April 30, 2023. (**ACTION**)

B. **Legislative Committee:**

- 1. Receive information on 88th Texas Session Legislative Agenda, as amended. (**INFORMATION**)
- 2. Receive information on select Bills in the 88th Texas Legislative Session. (**INFORMATION**)

C. **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 OxBBlue Construction Time-Lapse Camera video feed. **(INFORMATION)**

D. Improvements To Former Memorial Medical Center Campus:

- 1. Receive information on and discuss timeline relating to the Hospital District's planned improvements to the former Memorial Medical Center campus located at 2606 Hospital Boulevard, Corpus Christi, Texas, the District's related planned issuance and sale of Certificates of Obligation, Series 2023, and related matters. **(INFORMATION)**

E. FEMA COVID-19 Pandemic Cost Recovery Application:

- 1. Receive notice of FEMA's first-level denial of Application #674808 appeal relating to the Hospital District's recovery of Social Determinants of Health Study costs incurred during the COVID-19 Pandemic. **(INFORMATION)**

F. Other Business:

- 1. Discuss and consider nominating candidates to the Texas Conference of Urban Counties for consideration of appointment to the following Advisory Committees of the Tobacco Settlement Permanent Trust Account for the term September 1, 2023 - August 31, 2029:
 - a. Investment Advisory Committee; and
 - b. Administrative Advisory Committee. **(ACTION)**
- 2. Receive information on opioid-related case settlement with Allergan in *Nueces County Hospital District vs. Purdue Pharma, Inc., et al.*, MDL PRETRIAL CAUSE NO. 2018-63587, in the 152d District Court of Harris County, Texas. **(INFORMATION)**
- 3. Receive information on the Texas Statewide Opioid Settlement Initiative. **(INFORMATION)**

8. ADMINISTRATOR'S BRIEFING:

- A. Execution of Letter Agreement with John B. Martinez for General Counsel Services. **(INFORMATION)**
- B. Execution of lease with ERF Tower II Incorporated for administrative office space at 555 N. Carancahua Street, Corpus Christi, Texas. **(INFORMATION)**
- C. Execution of Investment Advisory Agreement with Meeder Public Funds Inc. for non-discretionary investment management services. **(INFORMATION)**
- D. Next scheduled Board of Managers and Board Committee regular meetings (all meetings' dates, times, and locations are subject to change):

1. Finance Committee: Tuesday, June 27, 2023, 11:15 AM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401;
2. Legislative Committee: Tuesday, June 27, 2023, 11:45 AM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401;
3. Board of Managers: Tuesday, June 27, 2023, 12 Noon in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401; and
4. CANCELLED - Special Board of Managers Meeting: Tuesday, June 20, 2023, 3:00 PM in NCHD Board of Managers Meeting Room at 555 North Carancahua Street, Room 950-A, Corpus Christi, Texas 78401. **THIS MEETING HAS BEEN CANCELLED - TO BE RESCHEDULED. (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 and §551.072, as shown.
 - A. Consult with attorneys on matters relating to *Nueces County Hospital District vs. Purdue Pharma, Inc., et al.*, MDL PRETRIAL CAUSE NO. 2018-63587, in the 152d District Court of Harris County, Texas, and related matters, pursuant to Open Meetings Act, §551.071.
 - B. Consult with attorneys on matters related to improvements to the former Memorial Medical Center campus located at 2606 Hospital Boulevard, Corpus Christi, Texas, and related matters, pursuant to Open Meetings Act, §551.072.
 - C. Consult with attorneys on matters relating to FEMA's first-level denial of Hospital District's Application #674808 appeal, and related matters, pursuant to Open Meetings Act, §551.071.
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:

1. Adopt Board of Managers Resolution authorizing the Administrator to execute Settlement participation and release documents and/or forms relating to settlement offers in the matter of Texas opioid multi-district litigation for the Hospital District in the matter of *Nueces County Hospital District v. Purdue Pharma, Inc., et al.*, MDL PRETRIAL CAUSE NO. 2018-63587, in the 152d District Court of Harris County, Texas. (***ACTION***)
2. Authorize the Administrator to submit one of the following responses to FEMA with regard to its first-level denial of Application #674808 appeal concerning the Hospital District's recovery of Social Determinants of Health Study costs incurred during the COVID-19 Pandemic; both optional responses below authorized by Section 423, Stafford Act (Public Law 93-288), as amended:
 - a. Second-Level Appeal; or
 - b. Request for Arbitration in lieu of Second-Level Appeal. (***ACTION***)
3. If the Request for Arbitration in lieu of Second-Level Appeal is approved in agenda item 10.A.2 above, authorize the Administrator to engage legal counsel to represent the Hospital District in the Arbitration proceedings. (***ACTION***)
4. Discuss and consider final action, decision, or vote on other matters considered in Closed Meeting. (***ACTION AS NEEDED***)

11. **ADJOURN**