

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**INDIGENT HOSPITAL & HEALTHCARE BOARD**

**May 25, 2010**

This meeting of the Indigent Hospital & Healthcare Board was called to order on the above-cited date in the Legal Conference Room at the County Courthouse at approximately 9:00 a.m. by Commissioner Liz Stefanics.

Roll was called and indicated the presence of a quorum with the following County Commissioners present:

**Members Present:**

Liz Stefanics, Acting Chair  
Mike Anaya  
Kathy Holian

**Member(s) Excused:**

Harry Montoya, Chair  
Virginia Vigil, Vice Chair

**Staff Present:**

Roman Abeyta, County Manager  
Rachel Brown, Deputy County Attorney  
Joseph Gutierrez, Community Services Director  
Greg Smith, Healthcare Assistance Program Manager  
Priscilla Vigil, Indigent Claims Investigator  
Teresa Martinez, Finance Director  
Becky Beardsley, DWI Coordinator  
Steve Shepherd, Health & Human Services Division Director  
Mary Justice, CARE Connection

**Others Present:**

Larry Martinez, HPPC  
Rebecca Frenkel, League of Women Voters  
Alex Valdez, CEO CHRISTUS St. Vincent  
Judy Williams, HPPC  
Kathy Yuarte, Contractor for CHRISTUS St. Vincent

**APPROVAL OF AGENDA**

Upon motion by Commissioner Holian, and second by Commissioner Anaya the agenda was unanimously [3-0] approved.

**APPROVAL OF MINUTES:** April 27, 2010

Commissioner Anaya moved approval and Commissioner Holian seconded. The motion passed by unanimous [3-0] voice vote.

**FINANCIAL REPORTS FOR FY 2010**

**A. Comparison of FY 2009 to FY 2010 Claims**

**B. Sole Community Provider Hospital**

**C. Contracted Expenditures for FY 09 and FY 10**

Mr. Smith said there was nothing out of the ordinary to report for the fiscal year at this point. He pointed out that Los Alamos and Española hospitals continue to operate in the negative, meaning they are submitting claims in spite of having gone beyond their allotted SCP amount. The billings will evidence their need for additional funding.

**NEW BUSINESS**

**A. Consideration of changes to HAP Rules & Regulations**

Mr. Smith said per the Board's direction, staff crafted rule changes to assist the program provider by simplifying the application. He invited HPPC Chairman Larry Martinez to discuss this issue.

Mr. Martinez reviewed the recommendations that were developed as a result of the HPPC analysis on streamlining access to the program:

1. Eliminate the social security number requirement – health care has no political boundaries; federally qualified health centers are prohibited from asking questions regarding nationality or citizenship status
2. Limit the asset test for eligibility to checking accounts and liquid assets. Eliminate retirement and property related investments
3. Extend applicant eligibility to two years
4. Eliminate the notarization process
5. Extend the billing period to 240 days from 120 days
6. Modify and condense the application form

Eliminating the requirement of having a social security number for program eligibility takes the citizenship issue off the table; however, there are other requirements the individual would have to meet, stated Mr. Martinez.

Commissioner Anaya asked why HPPC was making this particular recommendation and Mr. Martinez said regardless of an individual's status they are part of this community and health care cannot be denied. The health care assistance program allocations are not being spent and the providers said one of the problems is they were not receiving assistance for this population.

Commissioner Stefanics said the fiscal year is almost over and the fund holds a balance of \$494,000 unspent dollars out of \$1.5 million or 33 percent of the funds.

Commissioner Anaya said he could not support eliminating the social security number. He advocated improving communication about the available services to the social security card holding public. Removing that requirement will open the floodgates and legal citizens will not be afforded the services they deserve. He expressed concern that undocumented people would deplete the funds.

Mr. Martinez mentioned Project Ann a CHRISTUS voucher program that provides for children's dental and vision services. The vast majority served by that program are non-citizens.

Citizen children requiring healthcare are enrolled in Medicaid. When HSD has resources, citizens can be enrolled in the state coverage insurance program or, if eligible, Medicaid. Mr. Martinez said citizens were assured assistance. The County's indigent program is limited and seen as the payer of last resort.

Mr. Martinez verified that he supported the recommendation to eliminate the requirement of a social security number for program assistance eligibility.

Commissioner Holian asked if there were consequences to the falsification of an application for healthcare assistance. Mr. Martinez said that would render the applicant ineligible and if they had received funds in the past they would be expected to reimburse the fund.

Commissioner Stefanics offered that it is the clinic's responsibility to submit bills to the County; the clinics requested a less onerous application process because they were unable to tap their funding. Individuals do not directly apply to the County;

Mr. Martinez said occasionally an individual will come directly to the County for assistance.

Commissioner Stefanics pointed out that the individual without a social security number is paying taxes in the community and the new national health care bill eliminates immigrants from receiving health care.

Commissioner Anaya disagreed with the recommendation and said documented citizens must be the top priority. He repeated that the community should be educated about the healthcare assistance available through the County.

Commissioner Holian mentioned that US citizens are taking advantage of lower prescription costs and medical services in Mexico. She was skeptical that anyone would cross the border to use the US's expensive medical care. She mentioned that she received excellent medical care in Italy and was never asked about her citizenship.

Commissioner Anaya said while medical services may be cheaper in Mexico, if the rule is changed the services will be free in Santa Fe.

Finance Director Teresa Martinez offered a budgetary perspective and referred to statute 27-5-13 which establishes that claims shall not expire because of lack of funds. She expressed concern that the elimination of the social security number will create a backlog of invoices and the smaller providers will suffer because first priority goes to in-state hospitals. She said a legal interpretation of that section of the statute would be helpful

Deputy County Attorney Rachel Brown said HPPC's recommendations were legal.

Commissioner Anaya said he could not support eliminating the social security status, stating, "I just don't feel this is right."

Becky Beardsley, DWI Program Coordinator and former Healthcare Assistance Program Coordinator said the issue of removing the social security number requirement was discussed when she ran the program. At that time the providers voiced the same concerns that the

application process was too cumbersome and revisions were made to address the providers' concerns. Following that revision, Ms. Beardsley said claims skyrocketed and the contracts required additional funding throughout the year. She suggested initiating HPPC's five other recommendations and deferring action on the social security number to ascertain whether those changes would increase the claims.

Highlighting the fact that the program's funding source is through an electorate approved GRT increase; Commissioner Anaya said the voters did not endorse funding people without social security numbers.

Ms. Brown stated that it was correct the voters approved the GRT increased, that tax was simply for indigent care with no specific parameters.

As a member of the voting public, Commissioner Anaya said he would be upset to learn the program eliminated the social security number requirement.

Commissioner Anaya moved to approve HPPC recommendations 2 through 6. The motion failed for lack of a second.

**Commissioner Holian moved to approve the six recommendations and Commissioner Stefanics seconded.**

Commissioner Anaya said he would not support the motion based on his comments and those of the Finance Director.

**The motion passed by a majority [2-1] voice vote with Commissioner Anaya voting against.**

Based on the concerns raised by Commissioner Anaya and staff, Commissioner Stefanics recommended reviewing the issue at midyear to determine whether the volume of billings will affect the overall payment structure.

Mr. Smith said staff will draft the changes and bring the revised rules and regulations forward for the Board's action at its June meeting. Commissioner Stefanics asked that staff include a provision for review of the rules and regulations at any time.

Continuing his report, Mr. Martinez said the jail health subcommittee had been working on a protocol to govern the discharge of individuals with chronic medical conditions and transferring their care to community providers. Based on discussions with jail health staff and Annabelle Romero, the subcommittee decided not to pursue a formal protocol because the directive may be difficult to fulfill and create a liability for the County.

In regard to the County options to consolidate committees, Mr. Martinez said that HPPC was created to provide a context for the Commission's decision making with respect to healthcare and he felt the HPPC will function best with more than five members. In the past, the HPPC spent a great deal of time working on the MOA with the County and CHRISTUS St. Vincent. Removing the MOA from HPPC's charge will greatly reduce its workload. He said the HPPC was willing to accept whatever structure the County deems appropriate.

Mr. Martinez introduced HPPC member Judy Williams.

### **C. CHRISTUS St. Vincent Regional Medical Center**

Alex Valdez, CSVRMC CEO, introduced Kathy Yuarte who is on contract with the hospital to head the community health function. He said Ms. Yuarte will be attending meetings and in the event he was unable to attend she would serve as the hospital's representative.

Regarding the Sobering Center and Care Connection, Mr. Valdez said the facility is drastically understaffed. The environment is high-pressure and with personnel working double shifts, Mr. Valdez said the hospital is recommending a temporary closure until the facility is under their control. Originally the transit date was scheduled for July 1<sup>st</sup> and he hoped it could be completed before then. A lease of assets is required along with the transition of staff. The hospital has provided a letter of intent that includes reporting requirements and other contractual matters.

Mr. Valdez said there were a few minor issues that require further negotiations that he was confident could be addressed.

Mr. Valdez said the temporary closure would provide for additional staff training and education. CSV will provide additional staff to supplement and support the existing staff.

Mary Justice, Sobering Center, said she advised County management last week about the temporary closure recommendation. She assured the Board that this recommendation was not made without a great deal of thought. She said the operation is 24/7 and there are only five trained staff members: "Staff is completely exhausted." There are a multitude of issues from dispensing medication to dealing with high maintenance clients, stated Ms. Justice, and temporary closure is the only solution at this point.

Commissioner Stefanics thanked Ms. Justice for her tremendous efforts.

Ms. Brown said a lease will be forwarded to the hospital within the next few days and added there were items that require additional research, i.e. is it legal to transfer medical records. She said the transaction was complex and communications with the hospital have been excellent.

County Manager Abeyta supported the closure of the facility and he was prepared to stop the operation within the next few days, unless the Board objected. He said staffing was at a critical level and closing the facility was the appropriate course of action.

Commissioner Anaya also thanked Ms. Justice and the Center's staff and asked how many clients would be affected by this change. Ms. Justice said the maximum daily intake would be four and those individuals stay for five or more days. During the closure, staff will undergo training and the clients transferred to other facilities. She said the liabilities are too great without adequate staff.

In response to the question of whether the hospital would reopen the facility, Mr. Valdez said, "Of course...there has never been a doubt about keeping the Sobering Center open." He said he would prefer keeping the facility open but he defers to staff and is cognizant of the safety issues.

Ms. Yuarte said this has been a tough issue and at this point the hospital is actively recruiting through a temporary agency for staffing. She said the hospital was ready to transition as quickly as possible.

Commissioner Holian said she was pleased that the employees would receive additional training during the closure period.

Mr. Valdez said he hoped the transition was completed by June 30 because the hospital wants to make a bulk payment on the lease to assist the County in its budgetary challenges.

With the understanding the patients would be transferred and the staff would remain on payroll, there was Board consensus to close the facility.

**D. Matters from the Board**

None were presented.

**E. Approval of Indigent Hospital and County Healthcare Claims**

There were no issues that required meeting in executive session.

Commissioner Holian moved to approve 812 claims totaling \$561,513.59 as recommended by staff, and Commissioner Anaya seconded. The motion passed by unanimous [3-0] voice vote.

**ADJOURNMENT**

This meeting adjourned at approximately 10:00 a.m.

Approved by:

*Liz Stefamics*

Liz Stefamics, Acting Chair  
Board of County Commissioners

ATTEST TO  
*Valerie Espinoza*  
VALERIE ESPINOZA  
COUNTY CLERK

Respectfully submitted by:

*Karen Farrell*  
Karen Farrell, Wordswork



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

INDIGENT MINUTES  
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I Hereby Certify That This Instrument Was Filed for Record On The 29TH Day Of December, 2010 at 11:27:53 AM And Was Duly Recorded as Instrument # 1621522 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
*Valerie Espinoza*  
Deputy County Clerk, Santa Fe, NM

SFC CLERK RECORDED 29/2010