

2719878

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
September 15, 2003

Jack Sullivan, Chairman
Paul Duran
Michael Anaya
Harry Montoya
Paul Campos



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COUNTY OF SANTA FE } 86
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON THE 1 DAY OF Sept A.D.
20 03 AT 11:17 O'CLOCK 1 M. 2719
AND WAS FILED IN BOOK
PAGE 878-883 OF THE RECORDS OF

SANTA FE COUNTY
BERNARD GUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.

Marcella Jones
DEPUTY

SANTA FE COUNTY

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SPECIAL MEETING

BOARD OF COUNTY COMMISSIONERS

September 15, 2003

This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 4:00 p.m. by Chairman Jack Sullivan, in the Community Health Building conference room at 2052 South Galisteo Street, Santa Fe, New Mexico.

Roll Call proceeded the Pledge of Allegiance, and a quorum was established as follows:

Members Present:

Commissioner Jack Sullivan, Chairman
Commissioner Paul Campos
Commissioner Paul Duran [late arrival]
Commissioner Mike Anaya
Commissioner Harry Montoya

Members Absent:

[None]

Staff Present:

Gerald Gonzalez, County Manager
Steve Ross, County Attorney
Steve Shepherd, Health Director
Robert Anaya, CHDD Director
James Lujan, Director Public Works
Mark Rodriguez, Administrative Assistant
Susan Lucero, Interim Finance Director

Invocation

Jaime Estremera Fitzgerald gave an invocation.

Approval of the Agenda

Upon motion by Commissioner Montoya and second by Commissioner Campos, the agenda was unanimously approved as published.

Matters of Public Concern

None were presented.

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Staff and Elected Officials Items

A. Matters from the County Manager

- 1. Approval of payment of County match (\$417,389) portion to the State of New Mexico Human Services Department for the supplemental Sole Community Provider funding (\$1,640,680.02) available to St. Vincent Hospital**

County Manager Gerald Gonzalez read the agenda caption and noted there were representatives from the Hospital present to discuss this item with the Commission.

Community and Health Development Director Robert Anaya reminded the Commission that at their last meeting, staff was directed to enter into negotiations with St. Vincent to address medical needs at the County jail facility and other items introduced by the Health Policy Planning Commission

St. Vincent Consultant Gary Buff indicated that the hospital met with County staff and gave the proposals full consideration. After confirming with legal counsel, the hospital is of the opinion that it cannot enter into an agreement with the County under the articulated terms. According to counsel, the hospital would violate federal regulations regarding the sole community provider fund and thus place the entire program in jeopardy.

Dr. Buff said the jail was the most obvious portion of the request that caused problems. He indicated that tying any mandate or quid pro quo to the County's decision to fund the non-federal share of this Medicaid program would potentially place the hospital in non-compliance with the federal regulations.

Mr. Anaya said since the inception of the supplemental funding the County and hospital have operated successfully in "good faith." He was confident the needs in the jail could be addressed without being tied to the agreement.

Dr. Buff said the Hospital was very interested in assisting the County with medical needs for inmates. He said the Hospital can present creative ways to provide its expertise, resources, manpower and knowledge to provide continual care. Many of the inmates are treated in the hospital. "We are absolutely committed to move in that direction with you... in which we can come up with creative ways that keep us in compliance and can always help in your situation." That task cannot, however, be tied to the supplemental match.

Dr. Buff said, "We remain absolutely committed to the foundation we have laid over the last few years and building on that foundation in the future to meet the health needs of our community. We are absolutely committed to doing that."

Chair Sullivan asked whether there had been any change to the federal regulations that govern the supplemental funding. Dr. Buff responded that the interpretation of regulations and the enforcement always fluctuate. The law has not changed but what has changed is how those words are being interpreted, investigated and enforced.

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Mr. Anaya commented that the Hospital and County have worked effectively as partners to serve the community.

Dr. Buff reiterated that "in order to stay in compliance with federal regulation, we cannot tie your decision today and the funding or your choosing not to fund, this supplemental with any commitment to financially fund any of these items."

St. Vincent Chief Financial Officer Rick Doxtator stated that the MOA must be separate from the supplemental funding. He said the Hospital cannot consider or entertain a document that links the MOA monies to the supplemental funding.

Chair Sullivan asked whether the Hospital was recently audited and Dr. Buff responded no. Chair Sullivan asked whether the past actions with the County had been in violation of the regulations. Dr. Buff responded that the hospital's legal counsel has reviewed the documents and finds the MOA to be within bounds. He indicated that counsel states that the current proposal on the supplemental is outside the boundaries.

Mr. Doxtator said the County needs to agree to any match with no strings attached. Concurring with Dr. Buff's statement that there has not been a review or audit, Mr. Doxtator said the Hospital does not want to prompt one. He encouraged the County to continue the relationship of trust they have had with the Hospital.

Mr. Anaya said in the past the MOA has always been separate from the match. He said the programs have facilitated an expansion of health care throughout the Santa Fe community. The infusion from the sole community provider resources have provided a tremendous positive impact on the delivery of health care in the County.

Responding to the Chair, County Counsel Ross said he reviewed the pertinent portion of the federal Medicaid Statute that the Hospital counsel has referred to and supports his opinion. The purpose of the statute enacted in 1991 was to prevent providers from "seeding" Medicaid/Medicare programs. Hospital counsel wants to insure that the two funds are separate and there is a "wall" separating them.

Mr. Doxtator stated that the Hospital had a preliminary discussion with County staff regarding the jail and the issues regarding health care. He mentioned that the Hospital currently has labor and financial challenges on its plate. Mr. Gonzalez added that the discussion with the Hospital went beyond the jail and included the juvenile facility and how the health of inmates affects the community.

Chair Sullivan expressed concern that the hospital would stop services to the facilities and added that everything was in limbo until the MOA situation was solved.

Dr. Buff said while the Hospital is not in the business of jail health care, it has clinical and health care system knowledge that is a strength that can be shared. He reiterated that the Hospital was confident they could assist the County and work as partners.

Dr. Buff said the level of funding is directly related to the level of the match. He said the Commission can authorize whatever amount they want and that is matched by the federal government. He said there is an approximately \$16 million allocated to New Mexico and if the County reduces its match then the state will lose some funds.

Commissioner Duran said he did not want to jeopardize the MOA but was deeply concerned about getting care to those incarcerated in the county. He asked whether any of the match money could be diverted for a health care program at the jail facility.

Interim Finance Manager Lucero said that could be accomplished but the funds can only be applied to indigent medical assistance and would have to be administered through CHDD. Chair Sullivan mentioned that inmates have been defined as medically indigent.

Stating he had to leave the meeting, Commissioner Campos said he supported granting the entire \$417,000 to the hospital.

Ms. Lucero said she was at the jail today and the problems include the management of the medical services operation and communications between the jail operator and subcontractor. In response to Commissioner Duran's suggestion that funds be allocated directly to the jail to deliver medical services, she stated that she was not at all confident that those services could be provided.

Commissioner Duran said it was important that inmates have initial health care assessments and that a concerted effort be made to avoid the ER.

Mr. Shepherd said he was confident that the hospital will work with the County on the health care issue at the jail. "I really feel the hospital will be a good partner..."

Commissioner Montoya moved approval of the County match in the amount of \$417,389 to the State of New Mexico Human Services Department for the supplemental Sole Community Provider Funding available to St. Vincent Hospital. Commissioner Anaya seconded the motion.

Addressing the Hospital representatives, Commissioner Duran said the County needs a strong commitment that the Hospital will work with the County and obtain first-hand information regarding the problems surrounding the jail's medical services. Mr. Doxtator said the Hospital would like the County to be present for conversations with the jail contractor and

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subcontractors.

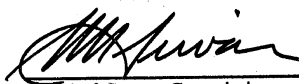
Mr. Gonzalez noted that there are other sources of information the Hospital can tap regarding the jail and he mentioned the members of Jail Advisory Committee which has a medical expert. Also, the contractor at the juvenile facility has expertise in jail health care. Commissioner Anaya mentioned that the County Sheriff has a good handle on the issue as well.

The motion passed by unanimous [4-0] voice vote.

ADJOURNMENT

Having completed the agenda and with no further business to come before the Board, Chair Sullivan declared this meeting adjourned at 4:55.

Approved by:

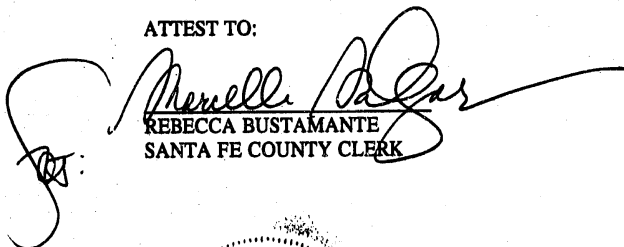


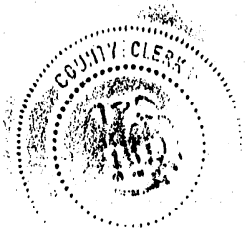
Board of County Commissioners
Jack Sullivan, Chairman

Respectfully submitted:


Karen Farrell, Commission Reporter

ATTEST TO:


REBECCA BUSTAMANTE
SANTA FE COUNTY CLERK



Santa Fe County - Special Meeting
Board of County Commissioners: September 15, 2003