

STATE OF NEW MEXICO  
COUNTY OF LEA  
RESOLUTION NO. 18-SEP-190R

A RESOLUTION AUTHORIZING LEA COUNTY'S FY 2018 – 2019 1st QUARTER PAYMENT  
AND CERTIFICATION FOR THE SAFETY NET CARE POOL (SNCP) FUND

**WHEREAS**, in January 2014 the Sole Community Provider Program was replaced by the Safety Net Care Pool (SNCP) through the adoption of Senate Bill 268; and

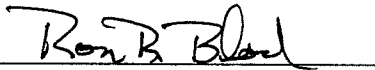
**WHEREAS**, SNCP payments are dispersed state wide for uncompensated care and hospital quality improvements; and

**WHEREAS**, Lea County's 1st quarter contribution to the SNCP funds is due in the amount of \$1,073,614.49.

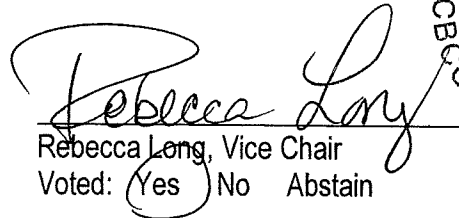
**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of County Commissioners of Lea County, that staff is hereby authorized and directed to issue the 1st quarter payment in the amount of \$1,073,614.49 for the SNCP.

**PASSED AND APPROVED** on this 20th day of September, 2018, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS



Ron R. Black, Chair  
Voted: Yes  No  Abstain



Rebecca Long, Vice Chair  
Voted: Yes  No  Abstain



Dean Jackson, Member  
Voted: Yes  No  Abstain



Jonathan Sena, Member  
Voted: Yes  No  Abstain



Richard Don Jones, Member  
Voted: Yes  No  Abstain

Lea County

SEP 20 2018

LCBCC Meeting

**ATTEST:** Keith Manes  
Lea County Clerk

By: *Kelli Williams*  
Kelli Williams, Deputy Clerk

**APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:**

*[Signature]*  
John W. Caldwell, County Attorney



NEW MEXICO HUMAN SERVICES DEPARTMENT  
SAFETY NET CARE POOL PAYMENT PROGRAM  
CERTIFICATION FOR LOCAL GOVERNMENTAL ENTITY PARTICIPATION

1st QUARTER OF SFY 2019

On behalf of the Lea County Board of Commissioners, a local government organized under the laws of the State of New Mexico (hereinafter referred to as the "Local Governmental Entity"), I, Ron R. Black, affirm and certify the following:

**I. Definitions**

- A. The term "Local Governmental Entity" means any County or Counties that makes a transfer of funds to the State of New Mexico for the purpose of funding a payment to any hospital under the New Mexico Medicaid program.
- B. The term "Supplemental Payment" means any payment to a hospital pursuant to the Safety Net Care Pool ("SNCP") Payment provisions of the New Mexico Medicaid program.
- C. The term "State" means the State of New Mexico or any of its officers or agencies.

**II. Public Adoption and Access**

- A. The governing body of the Local Governmental Entity adopted the conditions described in this Certification by recorded vote taken in a public meeting held in compliance with the applicable state and federal laws.

**III. Funding for the Supplemental Payments**

- A. The Local Governmental Entity shall transfer Public Funds to the State of New Mexico for use as the non-federal share of the Safety-Net Care Pool supplemental Medicaid payments to one or more hospitals in accordance with the New Mexico Indigent Hospital and County Health Care Act, NMSA 1978, Sections 27-5-1 to 12.1, specifically NMSA 1978, Section 27-5-6.1.
- B. All transfers of Public Funds by the Local Governmental Entity to the State to support payments to hospitals under the SNCP must comply with:
  - (1) The applicable regulations that govern provider-related donations codified at section 1903 (s) of the Social Security Act (42 U.S.C. § 1396 b(w)), and Title 42, Code of Federal Regulations, Part 433, subpart B, section 433.52 and 433.54; and

- (2) The conditions approved by the federal Centers for Medicare and Medicaid Services (“CMS”) for governmental entities’ and hospitals’ participation in the SNCP.

#### **IV. Assurances and Representations**

- A. The Local Governmental Entity does not and will not at any time receive any part of the Supplemental Payments that are made to hospitals under the SNCP.
- B. The Local Governmental Entity has not entered and will not enter into any agreement with Hospital to condition either the amount of Public Funds transferred by the Local Governmental Entity to the State or the amount of Supplemental Payments a Hospital receives on the amount of indigent care the Hospital has provided or will provide.
- C. The Local Governmental Entity has not received and will not receive refunds of payments the Local Governmental Entity made or makes to a Hospital for any purpose as consideration of any Intergovernmental Transfer from the Local Governmental Entity to the State to support the Supplemental Payments.
- D. The Local Governmental Entity has not received at any time after September 30, 2011, and will not receive any cash or in-kind transfers from a Hospital or any other entity acting on behalf of a hospital group of affiliated hospitals other than transfers that:
  - (1) Are unrelated to the administration of the SNCP Payment Program or the delivery of indigent care services by the Hospital(s); and
  - (2) Constitute fair market value for goods or services provided by the Local Governmental Entity to a Hospital; or
  - (3) Represents independent, bona fide transactions or arrangements negotiated at arms-length and in the ordinary course of business between the Hospital and the Local Governmental Entity.
- E. Except as specified in D, above, the Local Governmental Entity has not since September 30, 2011:
  - (1) Assigned or agreed to assign a contractual or statutory obligation of the Local Governmental Entity to a Hospital or any other entity acting on behalf of a Hospital or group of affiliated hospitals; or
  - (2) Authorized or consented to the assumption of a statutory or contractual obligation of the Local Governmental Entity by a Hospital or any other entity acting on behalf of a hospital or group of affiliated hospitals.

**V. Education**

- A. Consistent with its constitutional, statutory, and fiduciary obligations, the Local Governmental Entity may evaluate a Hospital's historical experience in providing indigent care in the community, including the impact and amount of indigent care provided by the Hospital, for the following purposes:
- (1) To determine whether the Hospital's performance benefit the community and whether its continued participation in the indigent care program is likely to continue to benefit the community; and/or
  - (2) To provide accountability to local taxpayers.
- B. The Local Governmental Entity's evaluation under this provision may:
- (1) Occur on a schedule determined by the Local Governmental Entity, but not more often than once each calendar quarter;
  - (2) Be documented in a manner sufficient to confirm achievement of the Local Governmental Entity's mission and provide an appropriate and constitutional basis on which a transfer of Public Funds has been made to the State; and
  - (3) Not include consideration of matters expressly prohibited herein or prohibited by state and federal laws and regulations.

**ON BEHALF** of the Local governmental Entity, I hereby certify that I have read and understood the above statements; that the statements are true, correct, and complete; and that I am authorized to bind the Local Governmental Entity and to certify to the above.

Ron R. Black  
SIGNATURE

Thursday, September 20, 2018  
DATE

Ron R. Black, Chair, Lea County Board of County Commissioners  
\_\_\_\_\_  
PRINTED NAME AND TITLE

Lea County  
SEP 20 2018  
CBCC Meeting