

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
December 10, 2020**

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a special called meeting held via teleconference at the Board Office in Jackson, Mississippi at 5:00 p.m. on December 10, 2020, and pursuant to notice in writing, to each and every member of said Board. The following members participated: Dr. Steven Cunningham (by phone), Tom Duff (via phone), Mr. Shane Hooper (by phone), Ms. Ann H. Lamar (by phone), Ms. Jeanne Carter Luckey (by phone), Mr. Bruce Martin (by phone), Dr. Alfred E. McNair, Jr. (by phone), Mr. Chip Morgan (by phone), Mr. Gee Ogletree (by phone), Mr. Hal Parker (by phone), and Dr. J. Walt Starr (by phone). Dr. Ford Dye was absent. Trustee Ford Dye is not participating in this meeting due to a potential conflict of interest. The meeting was called to order by Dr. Walt Starr, Vice President.

Due to recommendations from the Mississippi State Department of Health for social distancing due to COVID-19, members of the Board participated in the meeting by phone. **In accordance with Miss. Code Ann., §25-41-5, as amended, all votes taken during this meeting were recorded by name in a rollcall. This meeting was called to consider expenditures/requests for reimbursement related to the CARES Act funds, which may be provided through UMMC to various hospitals for residency programs as set out in HB 1782.**

FINANCE AGENDA

A motion was made by Trustee Duff, seconded by Trustee McNair, to accept the recommendation that the requests submitted in items #1 - #3 on the Finance Agenda do not comply with the requirements of HB 1782 and the CARES Act. The motion passed on an 8 to 1 vote. Board members voting for the motion were: Dr. Steven Cunningham, Mr. Tom Duff, Mrs. Jeanne Luckey, Dr. Alfred McNair, Mr. Chip Morgan, Mr. Gee Ogletree, Mr. Hal Parker, and Dr. Walt Starr. Mrs. Ann Lamar voted against the motion. Mr. Shane Hooper abstained from voting. Dr. Ford Dye and Mr. Bruce Martin were absent and not voting.

1. **UMMC** – The University of Mississippi Medical Center (UMMC) through the Office of Mississippi Physician Workforce (OMPW) requests Board consideration of expenditure reimbursement requests received from Baptist Memorial Hospital – North Mississippi, Inc. (Baptist). The Board is requested to determine and certify whether the expenditures submitted are in compliance with the Coronavirus Aid, Relief, and Economic Security Act of 2020, related United States Treasury Guidance, and additional Federal laws and regulations as may be applicable. The determination and certification are required by the Board as provided in H.B. 1782, 2020 Regular Session in order to allow the Department of Finance and Administration and the State Treasurer’s Office to disburse funds to the hospitals. The reimbursement requests were submitted to Harper, Rains, Knight & Company, P.A. (HRK), the firm jointly contracted by IHL and UMMC to conduct a review and ensure compliance with H.B. 1782. HRK has provided its assessment and recommendation of the reimbursement requests to IHL and UMMC. UMMC now submits these requests to the Board, along with the recommendation from HRK, for formal determination of compliance and related certification. Pursuant to Mississippi Code Annotated § 41-123-1, et seq., OMPW has the authority to award financial support to any

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hospital or entity with demonstrated commitment and resources to establish and operate an Accreditation Council on Graduate Medical Education (ACGME) accredited residency program. OMPW will assist in the creation and/or support of ACGME accredited training programs in the State of Mississippi based on needs analysis and criteria established by OMPW and the advisory board while maintaining a strong and continued priority focused on family medicine. Through H.B. 1782, 2020 Regular Session, the Mississippi Legislature appropriated funding for OMPW to start or expand physician residency programs at five (5) hospitals. On October 1, 2020, the Board approved separate contracts for this purpose with Baptist Memorial Hospital – North Mississippi, Inc. (Baptist), Delta Regional Medical Center (DRMC), Memorial Hospital at Gulfport (MHG), Mississippi State Hospital, and North Mississippi Medical Center, Inc. (NMMC). According to Section 9 of H.B. 1782, “(a)s a condition of receiving and expending the funds appropriated to the agency under this act, the agency shall certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the agency under this act is in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.” In order to assist the Board to make the certification required, the IHL Board office and UMMC jointly engaged HRK, a CPA firm with expertise in compliance with the CARES Act, to review the specific requests for reimbursements submitted by the hospitals. On November 24, 2020, OMPW received requests for reimbursements from three (3) hospitals and provided them to HRK for review. On December 3, 2020, HRK provided their analysis of these expenditures to the IHL staff and UMMC.

HRK Recommendation: HRK submitted two (2) memos to IHL staff and UMMC regarding this hospital’s requests for reimbursement. One memo contained an analysis with a conclusion on the eligibility of the proposed plans/budgets submitted with the hospital’s application and an additional memo with a conclusion on the eligibility of the expenditure reimbursement request. HRK concluded that the submitted expenditures do not comply with the joint requirements of H.B. 1782 and the CARES Act. HRK recommends that the Board disallow each of the expenditure reimbursement requests.

UMMC Recommendation: UMMC staff reviewed the information submitted by the hospital and reviewed the analysis submitted by HRK. UMMC does not disagree with the conclusions reached by HRK, an expert in compliance with the CARES Act. Consistent with the recommendation of the engaged expert, HRK, UMMC recommends that the Board determine that the requests submitted do not comply with the requirements of H.B. 1782 and the CARES Act.

IHL Staff Recommendation: Board staff reviewed the information provided by the hospital along with the recommendations provided by HRK and UMMC. Board staff recommends the Board adopt the recommendations of HRK and UMMC and determine that the requests submitted do not comply with the requirements of H.B. 1782 and the CARES Act.

2. **UMMC** – The University of Mississippi Medical Center (UMMC) through the Office of Mississippi Physician Workforce (OMPW) requests Board consideration of expenditure reimbursement requests received from North Mississippi Medical Center, Inc. (NMMC). The Board is requested to determine and certify whether the expenditures submitted are in compliance with the Coronavirus Aid, Relief, and Economic Security Act of 2020, related

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United States Treasury Guidance, and additional Federal laws and regulations as may be applicable. The determination and certification are required by the Board as provided in H.B. 1782, 2020 Regular Session in order to allow the Department of Finance and Administration and the State Treasurer's Office to disburse funds to the hospitals. The reimbursement requests were submitted to Harper, Rains, Knight & Company, P.A. (HRK), the firm jointly contracted by IHL and UMMC to conduct a review and ensure compliance with H.B. 1782. HRK has provided its assessment and recommendation of the reimbursement requests to IHL and UMMC. UMMC now submits these requests to the Board, along with the recommendation from HRK, for formal determination of compliance and related certification. Pursuant to Mississippi Code Annotated § 41-123-1, et seq., OMPW has the authority to award financial support to any hospital or entity with demonstrated commitment and resources to establish and operate an Accreditation Council on Graduate Medical Education (ACGME) accredited residency program. OMPW will assist in the creation and/or support of ACGME accredited training programs in the State of Mississippi based on needs analysis and criteria established by OMPW and the advisory board while maintaining a strong and continued priority focused on family medicine. Through H.B. 1782, 2020 Regular Session, the Mississippi Legislature appropriated funding for OMPW to start or expand physician residency programs at five (5) hospitals. On October 1, 2020, the Board approved separate contracts for this purpose with Baptist Memorial Hospital – North Mississippi, Inc. (Baptist), Delta Regional Medical Center (DRMC), Memorial Hospital at Gulfport (MHG), Mississippi State Hospital, and North Mississippi Medical Center, Inc. (NMMC). According to Section 9 of H.B. 1782, "(a)s a condition of receiving and expending the funds appropriated to the agency under this act, the agency shall certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the agency under this act is in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act." In order to assist the Board to make the certification required, the IHL Board office and UMMC jointly engaged HRK, a CPA firm with expertise in compliance with the CARES Act, to review the specific requests for reimbursements submitted by the hospitals. On November 24, 2020, OMPW received requests for reimbursements from three (3) hospitals and provided them to HRK for review. On December 3, 2020, HRK provided their analysis of these expenditures to the IHL staff and UMMC.

HRK Recommendation: HRK submitted two (2) memos to IHL staff and UMMC regarding this hospital's requests for reimbursement. One memo contained an analysis with a conclusion on the eligibility of the proposed plans/budgets submitted with the hospital's application and an additional memo with a conclusion on the eligibility of the expenditure reimbursement request. HRK concluded that the submitted expenditures do not comply with the joint requirements of H.B. 1782 and the CARES Act. HRK recommends that the Board disallow each of the expenditure reimbursement requests.

UMMC Recommendation: UMMC staff reviewed the information submitted by the hospital and reviewed the analysis submitted by HRK. UMMC does not disagree with the conclusions reached by HRK, an expert in compliance with the CARES Act. Consistent with the recommendation of the engaged expert, HRK, UMMC recommends that the Board

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determine that the requests submitted do not comply with the requirements of H.B. 1782 and the CARES Act.

IHL Staff Recommendation: Board staff reviewed the information provided by the hospital along with the recommendations provided by HRK and UMMC. Board staff recommends the Board adopt the recommendations of HRK and UMMC and determine that the requests submitted do not comply with the requirements of H.B. 1782 and the CARES Act.

3. **UMMC** – The University of Mississippi Medical Center (UMMC) through the Office of Mississippi Physician Workforce (OMPW) requests Board consideration of expenditure reimbursement requests received from Delta Regional Medical Center (DRMC). The Board is requested to determine and certify whether the expenditures submitted are in compliance with the Coronavirus Aid, Relief, and Economic Security Act of 2020, related United States Treasury Guidance, and additional Federal laws and regulations as may be applicable. The determination and certification are required by the Board as provided in H.B. 1782, 2020 Regular Session in order to allow the Department of Finance and Administration and the State Treasurer’s Office to disburse funds to the hospitals. The reimbursement requests were submitted to Harper, Rains, Knight & Company, P.A. (HRK), the firm jointly contracted by IHL and UMMC to conduct a review and ensure compliance with H.B. 1782. HRK has provided its assessment and recommendation of the reimbursement requests to IHL and UMMC. UMMC now submits these requests to the Board, along with the recommendation from HRK, for formal determination of compliance and related certification. Pursuant to Mississippi Code Annotated § 41-123-1, et seq., OMPW has the authority to award financial support to any hospital or entity with demonstrated commitment and resources to establish and operate an Accreditation Council on Graduate Medical Education (ACGME) accredited residency program. OMPW will assist in the creation and/or support of ACGME accredited training programs in the State of Mississippi based on needs analysis and criteria established by OMPW and the advisory board while maintaining a strong and continued priority focused on family medicine. Through H.B. 1782, 2020 Regular Session, the Mississippi Legislature appropriated funding for OMPW to start or expand physician residency programs at five (5) hospitals. On October 1, 2020, the Board approved separate contracts for this purpose with Baptist Memorial Hospital – North Mississippi, Inc. (Baptist), Delta Regional Medical Center (DRMC), Memorial Hospital at Gulfport (MHG), Mississippi State Hospital, and North Mississippi Medical Center, Inc. (NMMC). According to Section 9 of H.B. 1782, “(a)s a condition of receiving and expending the funds appropriated to the agency under this act, the agency shall certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the agency under this act is in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.” In order to assist the Board to make the certification required, the IHL Board office and UMMC jointly engaged HRK, a CPA firm with expertise in compliance with the CARES Act, to review the specific requests for reimbursements submitted by the hospitals. On December 8, 2020, DRMC submitted its requests for reimbursements. HRK provided their analysis to UMMC and IHL staff on December 9, 2020.

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HRK Recommendation: HRK submitted two (2) memos to IHL staff and UMMC regarding this hospital's requests for reimbursement. One memo contained an analysis with a conclusion on the eligibility of the proposed plans/budgets submitted with the hospital's application and an additional memo with a conclusion on the eligibility of the expenditure reimbursement request. HRK concluded that the submitted expenditures do not comply with the joint requirements of H.B. 1782 and the CARES Act. HRK recommends that the Board disallow each of the expenditure reimbursement requests.

UMMC Recommendation: UMMC staff reviewed the information submitted by the hospitals and reviewed the analysis submitted by HRK. UMMC does not disagree with the conclusions reached by HRK, an expert in compliance with the CARES Act. Consistent with the recommendation of the engaged expert, HRK, UMMC recommends that the Board determine that the requests submitted do not comply with the requirements of H.B. 1782 and the CARES Act.

IHL Staff Recommendation: Board staff reviewed the information provided by the hospital along with the recommendations provided by HRK and UMMC. Board staff recommends the Board adopt the recommendations of HRK and UMMC and determine that the requests submitted do not comply with the requirements of H.B. 1782 and the CARES Act.

Trustee Alfred McNair recused himself from discussing or voting on item #4 on the Finance Agenda by disconnecting from the call before there was any discussion or vote regarding the same.

A motion was made by Trustee Duff, seconded by Trustee Ogletree, to accept the recommendation that the request submitted in item #4 on the Finance Agenda does not comply with the requirements of HB 1782 and the CARES Act. The motion passed on a 7 to 1 vote. Board members voting for the motion were: Dr. Steven Cunningham, Mr. Tom Duff, Mrs. Jeanne Luckey, Mr. Chip Morgan, Mr. Gee Ogletree, Mr. Hal Parker, and Dr. Walt Starr. Mrs. Ann Lamar voted against the motion. Mr. Shane Hooper abstained from voting. Dr. Ford Dye, Mr. Bruce Martin, and Dr. Alfred McNair were absent and not voting.

4. **UMMC** – The University of Mississippi Medical Center (UMMC) through the Office of Mississippi Physician Workforce (OMPW) requests Board consideration of expenditure reimbursement requests received from Memorial Hospital at Gulfport (MHG). The Board is requested to determine and certify whether the expenditures submitted are in compliance with the Coronavirus Aid, Relief, and Economic Security Act of 2020, related United States Treasury Guidance, and additional Federal laws and regulations as may be applicable. The determination and certification are required by the Board as provided in H.B. 1782, 2020 Regular Session in order to allow the Department of Finance and Administration and the State Treasurer's Office to disburse funds to the hospitals. The reimbursement requests were submitted to Harper, Rains, Knight & Company, P.A. (HRK), the firm jointly contracted by IHL and UMMC to conduct a review and ensure compliance with H.B. 1782. HRK has provided its assessment and recommendation of the reimbursement requests to IHL and UMMC. UMMC now submits these requests to the Board, along with the recommendation from HRK, for formal determination of compliance and related certification. Pursuant to Mississippi Code Annotated § 41-123-1, et seq.,

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OMPW has the authority to award financial support to any hospital or entity with demonstrated commitment and resources to establish and operate an Accreditation Council on Graduate Medical Education (ACGME) accredited residency program. OMPW will assist in the creation and/or support of ACGME accredited training programs in the State of Mississippi based on needs analysis and criteria established by OMPW and the advisory board while maintaining a strong and continued priority focused on family medicine. Through H.B. 1782, 2020 Regular Session, the Mississippi Legislature appropriated funding for OMPW to start or expand physician residency programs at five (5) hospitals. On October 1, 2020, the Board approved separate contracts for this purpose with Baptist Memorial Hospital – North Mississippi, Inc. (Baptist), Delta Regional Medical Center (DRMC), Memorial Hospital at Gulfport (MHG), Mississippi State Hospital, and North Mississippi Medical Center, Inc. (NMMC). According to Section 9 of H.B. 1782, “(a)s a condition of receiving and expending the funds appropriated to the agency under this act, the agency shall certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the agency under this act is in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.” In order to assist the Board to make the certification required, the IHL Board office and UMMC jointly engaged HRK, a CPA firm with expertise in compliance with the CARES Act, to review the specific requests for reimbursements submitted by the hospitals. On November 24, 2020, OMPW received requests for reimbursements from three (3) hospitals and provided them to HRK for review. On December 3, 2020, HRK provided their analysis of these expenditures to the IHL staff and UMMC.

HRK Recommendation: HRK submitted two (2) memos to IHL staff and UMMC regarding this hospital’s requests for reimbursement. One memo contained an analysis with a conclusion on the eligibility of the proposed plans/budgets submitted with the hospital’s application and an additional memo with a conclusion on the eligibility of the expenditure reimbursement request. HRK concluded that the submitted expenditures do not comply with the joint requirements of H.B. 1782 and the CARES Act. HRK recommends that the Board disallow each of the expenditure reimbursement requests.

UMMC Recommendation: UMMC staff reviewed the information submitted by the hospitals and reviewed the analysis submitted by HRK. UMMC does not disagree with the conclusions reached by HRK, an expert in compliance with the CARES Act. Consistent with the recommendation of the engaged expert, HRK, UMMC recommends that the Board determine that the requests submitted do not comply with the requirements of H.B. 1782 and the CARES Act.

IHL Staff Recommendation: Board staff reviewed the information provided by the hospital along with the recommendations provided by HRK and UMMC. Board staff recommends the Board adopt the recommendations of HRK and UMMC and determine that the requests submitted do not comply with the requirements of H.B. 1782 and the CARES Act.

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ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Hooper, seconded by Trustee Lamar, with Trustees Dye, Martin, and McNair absent and not voting, all Trustees legally present and participating voted unanimously to adjourn the meeting.

Ford Dye

President, Board of Trustees of State Institutions of Higher Learning

Alfred Perkins, Jr.

Commissioner, Board of Trustees of State Institutions of Higher Learning