

Board Book

October 1, 2020

MISSISSIPPI BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING

Board Meeting Outline

MISSISSIPPI BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

IHL Board Meeting | October 1, 2020, 12:00p | IHL Board Room

CALL TO ORDER

Trustee Ford Dye

REGULAR AGENDA

FINANCE | Trustee Tom Duff

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OTHER BUSINESS

ADJOURNMENT

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1. **SYSTEM – REQUEST FOR APPROVAL TO ENTER INTO A SUBGRANTEE AGREEMENT WITH THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER**

Agenda Item Request: The Board office requests approval of a subgrantee agreement with **University of Mississippi Medical Center** to allow the transfer of Federal funds through the Board office to the University of Mississippi Medical Center. This agreement reflects UMMC’s responsibility for the oversight of Federal funds and requires them to make a recommendation to the Board to allow or not allow reimbursement of expenditures incurred through agreements involving funds from HB 1782 to be sent for approval in subsequent Board meetings. These funds will be used for allowable expenditures for agreements with Memorial Hospital at Gulfport, Delta Regional Medical Center, the Mississippi State Hospital, North Mississippi Medical Center, and Baptist Memorial Hospital – North Mississippi.

According to Section 8 of HB 1782, the word “agency” is defined as “the Board of Trustees of State Institutions of Higher Learning.” The following responsibilities for oversight by the Board required in HB 1782 are below.

According to Section 8 of HB 1782, “The agency shall not disburse any funds appropriated under this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the agency's independent judgment, for necessary expenditures incurred due to the public health emergency with respect to COVID-19 as provided under Section 601(d) of the federal Social Security Act as added by Section 5001 of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury; and (b) determining that the recipient has not received and will not receive reimbursement for the expense in question from any source of funds, including insurance proceeds, other than those funds provided under Section 601 of the federal Social Security Act as added by Section 5001 of the CARES Act. In addition, the agency shall ensure that all funds appropriated under this act are disbursed in compliance with the Single Audit Act (31 USC Sections 7501-7507) and the related provisions of the Uniform Guidance, 2 CFR Section 200.303 regarding internal controls, Sections 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.”

Additionally, according to Section 9 of HB 1782, “As 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

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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.”

Finally, Section 9 of HB 1782 states that “If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the CARES Act (a) determines that the agency or recipient has expended or otherwise used any of the funds appropriated to the agency under this act for any purpose that is not 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, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined were expended or otherwise used improperly by the agency or recipient, then the agency or recipient that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.”

Therefore, in order to comply with the oversight responsibility given to the Board by the Legislature, the University of Mississippi Medical Center shall submit requests to the Board for expenditure reimbursement from the hospital so that the Board may make a determination of compliance with the purposes of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in order that the expenditures may be certified to the Department of Finance and Administration as compliant prior to reimbursement. Such reimbursement requests will be submitted for Board approval in subsequent Board meetings. When submitting such requests for reimbursement to the IHL Board, UMMC shall also submit its recommendation for approval based on its detailed review of each individual expenditure and its assessment that each request is in compliance with HB 1782 and applicable CARES Act provisions, United States Treasury guidance requirements and other applicable Federal laws.

Contractor’s Legal Name: University of Mississippi Medical Center

History of Contract: 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.

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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. UMMC awarded contracts to Memorial Hospital at Gulfport, Delta Regional Medical Center, the Mississippi State Hospital, North Mississippi Medical Center, and Baptist Memorial Hospital – North Mississippi.

Specific Type of Contract: Subgrantee Agreement for Federal Funds

Purpose: The purpose of this agreement is to establish the required agreement to document the pass-through of Federal funds through the Board office to the University of Mississippi Medical Center and establish oversight process for Federal funds

Scope of Work: The University of Mississippi Medical Center will receive and review requests for reimbursement from Memorial Hospital at Gulfport, Delta Regional Medical Center, the Mississippi State Hospital, North Mississippi Medical Center, and Baptist Memorial Hospital – North Mississippi. Then after review send all requests for reimbursement received to the Board for a determination of compliance with Federal law and HB 1782 along with a recommendation for approval or non-approval of such a determination. UMMC will monitor the five hospitals for compliance with applicable Federal laws.

Term of Contract: The term of the agreement is three (3) months and twelve (12) days, from September 18, 2020, to December 30, 2020.

Termination Options: Termination options including the following:

- Either party may terminate the agreement with 30 days written notice

Contract Amount: The total cost of the agreement is \$4,418,000.

Funding Source for Contract: The agreement will be funded by State funds appropriated by the Mississippi Legislature through H.B. 1782, 2020 Regular Session.

Contractor Selection Process: N/A

Staff Recommendation: *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of the contract for all other*

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land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and the University of Mississippi Medical Center for compliance with applicable law and finds same to be acceptable provided the incorporated reliance upon representations of compliance with Federal law and HB 1782 discussed in the IHL staff recommendation.

Board staff recommends approval of this item based upon reliance on representations made by Memorial Hospital at Gulfport, Delta Regional Medical Center, the Mississippi State Hospital, North Mississippi Medical Center, and Baptist Memorial Hospital – North Mississippi included in the contracts that reimbursement will only be allowed provided they are determined to be in compliance with the Federal Funds from Coronavirus Relief Fund and guidance provided by the United States Treasury, as well as with the requirements of Mississippi H.B. 1782. The University of Mississippi Medical Center and Board staff will review requests for reimbursement from Memorial Hospital at Gulfport, Delta Regional Medical Center, the Mississippi State Hospital, North Mississippi Medical Center, and Baptist Memorial Hospital – North Mississippi to determine compliance with Federal Law and United States Treasury guidance, as well as with Mississippi H.B. 1782, prior to submitting such reimbursement requests to the Board for a determination of compliance with the requirements of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in future agenda items. All requests for reimbursement will be provided to the Board of Trustees for a final determination of compliance with the CARES Act, United States Treasury guidance, and other applicable Federal laws.

2. **UMMC - REQUEST FOR APPROVAL TO ENTER INTO A PROGRAM DEVELOPMENT AGREEMENT WITH BAPTIST MEMORIAL HOSPITAL – NORTH MISSISSIPPI, INC.**

Agenda Item Request: The University of Mississippi Medical Center through the Office of Mississippi Physician Workforce (OMPW) requests approval to enter into a New Program Development Agreement (Agreement) with **Baptist Memorial Hospital – North Mississippi, Inc. (Baptist)** to provide financial support to start and/or expand the Accreditation Council on Graduate Medical Education (ACGME) accredited Internal Medicine Physicians Training Program (GME Training Program). According to Section 8 of HB 1782, the word “agency” is defined as “the Board of Trustees of State

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Institutions of Higher Learning.” The following responsibilities for oversight by the Board required in HB 1782 are below.

According to Section 8 of HB 1782, “The agency shall not disburse any funds appropriated under this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the agency's independent judgment, for necessary expenditures incurred due to the public health emergency with respect to COVID-19 as provided under Section 601(d) of the federal Social Security Act as added by Section 5001 of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury; and (b) determining that the recipient has not received and will not receive reimbursement for the expense in question from any source of funds, including insurance proceeds, other than those funds provided under Section 601 of the federal Social Security Act as added by Section 5001 of the CARES Act. In addition, the agency shall ensure that all funds appropriated under this act are disbursed in compliance with the Single Audit Act (31 USC Sections 7501-7507) and the related provisions of the Uniform Guidance, 2 CFR Section 200.303 regarding internal controls, Sections 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.”

Additionally, according to Section 9 of HB 1782, “As 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.”

Finally, Section 9 of HB 1782 states that “If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the CARES Act (a) determines that the agency or recipient has expended or otherwise used any of the funds appropriated to the agency under this act for any purpose that is not 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, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined

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were expended or otherwise used improperly by the agency or recipient, then the agency or recipient that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.”

Therefore, in order to comply with the oversight responsibility given to the Board by the Legislature, the University of Mississippi Medical Center shall submit requests to the Board for expenditure reimbursement from the hospital so that the Board may make a determination of compliance with the purposes of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in order that the expenditures may be certified to the Department of Finance and Administration as compliant prior to reimbursement. Such reimbursement requests will be submitted for Board approval in subsequent Board meetings. When submitting such requests for reimbursement to the IHL Board, UMMC shall also submit its recommendation for approval based on its detailed review of each individual expenditure and its assessment that each request is in compliance with HB 1782 and applicable CARES Act provisions, United States Treasury guidance requirements and other applicable Federal laws.

Contractor’s Legal Name: Baptist Memorial Hospital – North Mississippi, Inc.

History of Contract: 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. UMMC has submitted for consideration separate contracts for Delta Regional Medical Center, Memorial Hospital at Gulfport, Mississippi State Hospital, and North Mississippi Medical Center. UMMC previously contracted with Baptist to develop an ACGME accredited Internal Medicine Residency Training Program to train internal medicine physicians. The cost of the previous agreement was less than \$250,000 and did not require Board approval.

Specific Type of Contract: New Program Development Agreement.

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Purpose: The purpose of this agreement is to start and/or expand the Accreditation Council on Graduate Medical Education (ACGME) accredited Internal Medicine Physicians Training Program (GME Training Program) at Baptist to train internal medicine physicians.

Scope of Work: OMPW will reimburse Baptist to start and/or expand an ACGME accredited Internal Medicine Residency Training Program to train internal medicine physicians. Reimbursement shall be restricted only to those expenditures that are necessary expenditures incurred due to the public health emergency with respect to COVID-19. In the event that the reimbursement sought does not meet the relevant requirements, funds will not be paid to Baptist, and IHL and OMPW shall have no further obligations with respect thereto.

Term of Contract: The term of the agreement is from September 25, 2020, to December 30, 2020.

Termination Options: Termination options including the following:

- in the event of a reduction in funds;
- by the non-breaching party if either party fails to cure any of the following actions or inactions within thirty (30) days of notification:
 - failure to comply with the terms of this Agreement in a timely manner;
 - failure to complete all or a portion of the actions required under this Agreement;
 - action contrary in any way to the purposes for which the payment was awarded; or
 - violation of any federal, state, or local law, ordinance or regulation, including but not limited to non-discriminatory compliance; and
- by OMPW in the event that a force majeure event causes delays beyond a reasonable time period.

Contract Amount: The total cost of the agreement is \$883,600.

Funding Source for Contract: The agreement will be funded by State funds appropriated by the Mississippi Legislature through H.B. 1782, 2020 Regular Session.

Contractor Selection Process: Baptist submitted an application to OMPW for state financial support for the creation of an Internal Medicine residency program. OMPW,

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with input from the OMPW advisory board and outside medical education expert consultation, approved Baptist's application.

Staff Recommendation: *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000.* Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and Baptist Memorial Hospital – North Mississippi, Inc. for compliance with applicable law and finds same to be acceptable provided the incorporated reliance upon representations of compliance with Federal law and HB 1782 discussed in the IHL staff recommendation.

Board staff recommends approval of this item based upon reliance on representations made by Baptist Memorial Hospital – North Mississippi, Inc. included in the contract that reimbursement will only be allowed provided they are determined to be in compliance with the Federal Funds from Coronavirus Relief Fund and guidance provided by the United States Treasury, as well as with the requirements of Mississippi H.B. 1782. The University of Mississippi Medical Center and Board staff will review requests for reimbursement from Mississippi State Hospital to determine compliance with Federal Law and United States Treasury guidance, as well as with Mississippi H.B. 1782, prior to submitting such reimbursement requests to the Board for a determination of compliance with the requirements of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in future agenda items. All requests for reimbursement will be provided to the Board of Trustees for a final determination of compliance with the CARES Act, United States Treasury guidance, and other applicable Federal laws.

3. **UMMC – REQUEST FOR APPROVAL TO ENTER INTO A PROGRAM DEVELOPMENT AGREEMENT WITH DELTA REGIONAL MEDICAL CENTER**

Agenda Item Request: The University of Mississippi Medical Center through the Office of Mississippi Physician Workforce (OMPW) requests approval to enter into a New Program Development Agreement (Agreement) with **Delta Regional Medical Center (DRMC)** to provide financial support to start and/or expand the Accreditation Council on Graduate Medical Education (ACGME) accredited Family Medicine Physicians Training Program (GME Training Program). According to Section 8 of HB 1782, the word

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“agency” is defined as “the Board of Trustees of State Institutions of Higher Learning.” The following responsibilities for oversight by the Board required in HB 1782 are below.

According to Section 8 of HB 1782, “The agency shall not disburse any funds appropriated under this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the agency's independent judgment, for necessary expenditures incurred due to the public health emergency with respect to COVID-19 as provided under Section 601(d) of the federal Social Security Act as added by Section 5001 of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury; and (b) determining that the recipient has not received and will not receive reimbursement for the expense in question from any source of funds, including insurance proceeds, other than those funds provided under Section 601 of the federal Social Security Act as added by Section 5001 of the CARES Act. In addition, the agency shall ensure that all funds appropriated under this act are disbursed in compliance with the Single Audit Act (31 USC Sections 7501-7507) and the related provisions of the Uniform Guidance, 2 CFR Section 200.303 regarding internal controls, Sections 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.”

Additionally, according to Section 9 of HB 1782, “As 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.”

Finally, Section 9 of HB 1782 states that “If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the CARES Act (a) determines that the agency or recipient has expended or otherwise used any of the funds appropriated to the agency under this act for any purpose that is not 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, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined

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were expended or otherwise used improperly by the agency or recipient, then the agency or recipient that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.”

Therefore, in order to comply with the oversight responsibility given to the Board by the Legislature, the University of Mississippi Medical Center shall submit requests to the Board for expenditure reimbursement from the hospital so that the Board may make a determination of compliance with the purposes of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in order that the expenditures may be certified to the Department of Finance and Administration as compliant prior to reimbursement. Such reimbursement requests will be submitted for Board approval in subsequent Board meetings. When submitting such requests for reimbursement to the IHL Board, UMMC shall also submit its recommendation for approval based on its detailed review of each individual expenditure and its assessment that each request is in compliance with HB 1782 and applicable CARES Act provisions, United States Treasury guidance requirements and other applicable Federal laws.

Contractor’s Legal Name: Delta Regional Medical Center

History of Contract: 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. UMMC has submitted for consideration separate contracts for Baptist Memorial Hospital – North Mississippi, Memorial Hospital at Gulfport, Mississippi State Hospital, and North Mississippi Medical Center. On August 15, 2019, the Board approved an agreement with DRMC to develop an ACGME accredited Family Medicine Residency Training Program to train family medicine physicians. The proposed agreement will allow OMPW to support DRMC in furtherance of the existing program.

Specific Type of Contract: New Program Development Agreement.

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Purpose: The purpose of this agreement is to start and/or expand the Accreditation Council on Graduate Medical Education (ACGME) accredited Family Medicine Physicians Training Program (GME Training Program) at DRMC to train family medicine physicians.

Scope of Work: OMPW will reimburse DRMC to start and/or expand an ACGME accredited Family Medicine Residency Training Program to train family medicine physicians. Reimbursement shall be restricted only to those expenditures that are necessary expenditures incurred due to the public health emergency with respect to COVID-19. In the event that the reimbursement sought does not meet the relevant requirements, funds will not be paid to DRMC, and IHL and OMPW shall have no further obligations with respect thereto.

Term of Contract: The term of the agreement is from September 25, 2020, to December 30, 2020.

Termination Options: Termination options including the following:

- in the event of a reduction in funds;
- by the non-breaching party if either party fails to cure any of the following actions or inactions within thirty (30) days of notification:
 - failure to comply with the terms of this Agreement in a timely manner;
 - failure to complete all or a portion of the actions required under this Agreement;
 - action contrary in any way to the purposes for which the payment was awarded; or
 - violation of any federal, state, or local law, ordinance or regulation, including but not limited to non-discriminatory compliance; and
- by OMPW in the event that a force majeure event causes delays beyond a reasonable time period.

Contract Amount: The total cost of the agreement is \$883,600.

Funding Source for Contract: The agreement will be funded by State funds appropriated by the Mississippi Legislature through H.B. 1782, 2020 Regular Session.

Contractor Selection Process: DRMC submitted an application to OMPW for state financial support for the creation of a Family Medicine residency program. OMPW, with

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input from the OMPW advisory board and outside medical education expert consultation, approved DRMC's application.

Staff Recommendation: *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000.* Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and Delta Regional Medical Center for compliance with applicable law and finds same to be acceptable provided the incorporated reliance upon representations of compliance with Federal law and HB 1782 discussed in the IHL staff recommendation.

Board staff recommends approval of this item based upon reliance on representations made by Delta Regional Medical Center included in the contract that reimbursement will only be allowed provided they are determined to be in compliance with the Federal Funds from Coronavirus Relief Fund and guidance provided by the United States Treasury, as well as with the requirements of Mississippi H.B. 1782. The University of Mississippi Medical Center and Board staff will review requests for reimbursement from Mississippi State Hospital to determine compliance with Federal Law and United States Treasury guidance, as well as with Mississippi H.B. 1782, prior to submitting such reimbursement requests to the Board for a determination of compliance with the requirements of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in future agenda items. All requests for reimbursement will be provided to the Board of Trustees for a final determination of compliance with the CARES Act, United States Treasury guidance, and other applicable Federal laws.

4. **UMMC – REQUEST FOR APPROVAL TO ENTER INTO PROGRAM DEVELOPMENT AGREEMENT WITH MISSISSIPPI STATE HOSPITAL**

Agenda Item Request: The University of Mississippi Medical Center through the Office of Mississippi Physician Workforce (OMPW) requests approval to enter into a New Program Development Agreement (Agreement) with **Mississippi State Hospital (MSH)** to provide financial support to start and/or expand the Accreditation Council on Graduate Medical Education (ACGME) an accredited Psychiatry Physicians Training Program (GME Training Program). According to Section 8 of HB 1782, the word “agency” is defined as “the Board of Trustees of State Institutions of Higher Learning.” The following responsibilities for oversight by the Board required in HB 1782 are below.

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According to Section 8 of HB 1782, “The agency shall not disburse any funds appropriated under this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the agency's independent judgment, for necessary expenditures incurred due to the public health emergency with respect to COVID-19 as provided under Section 601(d) of the federal Social Security Act as added by Section 5001 of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury; and (b) determining that the recipient has not received and will not receive reimbursement for the expense in question from any source of funds, including insurance proceeds, other than those funds provided under Section 601 of the federal Social Security Act as added by Section 5001 of the CARES Act. In addition, the agency shall ensure that all funds appropriated under this act are disbursed in compliance with the Single Audit Act (31 USC Sections 7501-7507) and the related provisions of the Uniform Guidance, 2 CFR Section 200.303 regarding internal controls, Sections 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.”

Additionally, according to Section 9 of HB 1782, “As 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.”

Finally, Section 9 of HB 1782 states that “If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the CARES Act (a) determines that the agency or recipient has expended or otherwise used any of the funds appropriated to the agency under this act for any purpose that is not 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, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined were expended or otherwise used improperly by the agency or recipient, then the agency or recipient that expended or otherwise used those funds improperly shall be required to

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pay the amount of those funds to the State of Mississippi for repayment to the federal government.”

Therefore, in order to comply with the oversight responsibility given to the Board by the Legislature, the University of Mississippi Medical Center shall submit requests to the Board for expenditure reimbursement from the hospital so that the Board may make a determination of compliance with the purposes of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in order that the expenditures may be certified to the Department of Finance and Administration as compliant prior to reimbursement. Such reimbursement requests will be submitted for Board approval in subsequent Board meetings. When submitting such requests for reimbursement to the IHL Board, UMMC shall also submit its recommendation for approval based on its detailed review of each individual expenditure and its assessment that each request is in compliance with HB 1782 and applicable CARES Act provisions, United States Treasury guidance requirements and other applicable Federal laws.

Contractor’s Legal Name: Mississippi State Hospital

History of Contract: 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. UMMC has submitted for consideration separate contracts for Baptist Memorial Hospital – North Mississippi, Inc., Delta Regional Medical Center, Memorial Hospital at Gulfport, and North Mississippi Medical Center, Inc. UMMC previously contracted with MSH to develop an ACGME accredited Psychiatry Residency Training Program to train psychiatry physicians. The cost of the previous agreement was less than \$250,000 and did not require Board approval.

Specific Type of Contract: New Program Development Agreement.

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Purpose: The purpose of this agreement is to start and/or expand the Accreditation Council on Graduate Medical Education (ACGME) accredited Psychiatry Physicians Training Program (GME Training Program) at MSH to train psychiatry physicians.

Scope of Work: OMPW will reimburse MSH to start and/or expand an ACGME accredited Psychiatry Residency Training Program to train psychiatry physicians. Reimbursement shall be restricted only to those expenditures that are necessary expenditures incurred due to the public health emergency with respect to COVID-19. In the event that the reimbursement sought does not meet the relevant requirements, funds will not be paid to MSH, and IHL and OMPW shall have no further obligations with respect thereto.

Term of Contract: The term of the agreement is from September 25, 2020, to December 30, 2020.

Termination Options: Termination options including the following:

- in the event of a reduction in funds;
- by the non-breaching party if either party fails to cure any of the following actions or inactions within thirty (30) days of notification:
 - failure to comply with the terms of this Agreement in a timely manner;
 - failure to complete all or a portion of the actions required under this Agreement;
 - action contrary in any way to the purposes for which the payment was awarded; or
 - violation of any federal, state, or local law, ordinance or regulation, including but not limited to non-discriminatory compliance; and
- by OMPW in the event that a force majeure event causes delays beyond a reasonable time period.

Contract Amount: The total cost of the agreement is \$883,600.

Funding Source for Contract: The agreement will be funded by State funds appropriated by the Mississippi Legislature through H.B. 1782, 2020 Regular Session.

Contractor Selection Process: MSH submitted an application to OMPW for state financial support for the creation of a Psychiatry residency program. OMPW, with input

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from the OMPW advisory board and outside medical education expert consultation, approved MSH's application.

Staff Recommendation: *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000.* Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and the Mississippi State Hospital for compliance with applicable law and finds same to be acceptable provided the incorporated reliance upon representations of compliance with Federal law and HB 1782 discussed in the IHL staff recommendation.

Board staff recommends approval of this item based upon reliance on representations made by Mississippi State Hospital included in the contract that reimbursement will only be allowed provided they are determined to be in compliance with the Federal Funds from Coronavirus Relief Fund and guidance provided by the United States Treasury, as well as with the requirements of Mississippi H.B. 1782. The University of Mississippi Medical Center and Board staff will review requests for reimbursement from Mississippi State Hospital to determine compliance with Federal Law and United States Treasury guidance, as well as with Mississippi H.B. 1782, prior to submitting such reimbursement requests to the Board for a determination of compliance with the requirements of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in future agenda items. All requests for reimbursement will be provided to the Board of Trustees for a final determination of compliance with the CARES Act, United States Treasury guidance, and other applicable Federal laws.

5. **UMMC – REQUEST FOR APPROVAL TO ENTER INTO A PROGRAM DEVELOPMENT AGREEMENT WITH NORTH MISSISSIPPI MEDICAL CENTER, INC.**

Agenda Item Request: The University of Mississippi Medical Center through the Office of Mississippi Physician Workforce (OMPW) requests approval to enter into a New Program Development Agreement (Agreement) with **North Mississippi Medical Center, Inc. (NMMC)** to provide financial support to start and/or expand the Accreditation Council on Graduate Medical Education (ACGME) Accredited Internal Medicine Physicians Training Program (GME Training Program). According to Section 8 of HB 1782, the word “agency” is defined as “the Board of Trustees of State Institutions

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of Higher Learning.” The following responsibilities for oversight by the Board required in HB 1782 are below.

According to Section 8 of HB 1782, “The agency shall not disburse any funds appropriated under this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the agency's independent judgment, for necessary expenditures incurred due to the public health emergency with respect to COVID-19 as provided under Section 601(d) of the federal Social Security Act as added by Section 5001 of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury; and (b) determining that the recipient has not received and will not receive reimbursement for the expense in question from any source of funds, including insurance proceeds, other than those funds provided under Section 601 of the federal Social Security Act as added by Section 5001 of the CARES Act. In addition, the agency shall ensure that all funds appropriated under this act are disbursed in compliance with the Single Audit Act (31 USC Sections 7501-7507) and the related provisions of the Uniform Guidance, 2 CFR Section 200.303 regarding internal controls, Sections 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.”

Additionally, according to Section 9 of HB 1782, “As 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.”

Finally, Section 9 of HB 1782 states that “If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the CARES Act (a) determines that the agency or recipient has expended or otherwise used any of the funds appropriated to the agency under this act for any purpose that is not 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, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined

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were expended or otherwise used improperly by the agency or recipient, then the agency or recipient that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.”

Therefore, in order to comply with the oversight responsibility given to the Board by the Legislature, the University of Mississippi Medical Center shall submit requests to the Board for expenditure reimbursement from the hospital so that the Board may make a determination of compliance with the purposes of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in order that the expenditures may be certified to the Department of Finance and Administration as compliant prior to reimbursement. Such reimbursement requests will be submitted for Board approval in subsequent Board meetings. When submitting such requests for reimbursement to the IHL Board, UMMC shall also submit its recommendation for approval based on its detailed review of each individual expenditure and its assessment that each request is in compliance with HB 1782 and applicable CARES Act provisions, United States Treasury guidance requirements and other applicable Federal laws.

Contractor’s Legal Name: North Mississippi Medical Center, Inc.

History of Contract: 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. UMMC has submitted for consideration separate contracts for Baptist Memorial Hospital – North Mississippi, Inc., Delta Regional Medical Center, Memorial Hospital at Gulfport, and Mississippi State Hospital. UMMC previously contracted with NMMC to develop an ACGME accredited Internal Medicine Residency Training Program to train internal medicine physicians. The cost of the previous agreement was less than \$250,000 and did not require Board approval.

Specific Type of Contract: New Program Development Agreement.

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Purpose: The purpose of this agreement is to start and/or expand the Accreditation Council on Graduate Medical Education (ACGME) accredited Internal Medicine Physicians Training Program (GME Training Program) at NMMC to train internal medicine physicians.

Scope of Work: OMPW will reimburse NMMC for expenditures incurred to start and/or expand an ACGME accredited Internal Medicine Residency Training Program to train internal medicine physicians. Reimbursement shall be restricted only to those expenditures that are necessary expenditures incurred due to the public health emergency with respect to COVID-19. In the event that the reimbursement sought does not meet the relevant requirements, funds will not be paid to NMMC, and IHL and OMPW shall have no further obligations with respect thereto.

Term of Contract: The term of the agreement is from September 25, 2020, to December 30, 2020.

Termination Options: Termination options including the following:

- in the event of a reduction in funds;
- by the non-breaching party if either party fails to cure any of the following actions or inactions within thirty (30) days of notification:
 - failure to comply with the terms of this Agreement in a timely manner;
 - failure to complete all or a portion of the actions required under this Agreement;
 - action contrary in any way to the purposes for which the payment was awarded; or
 - violation of any federal, state, or local law, ordinance or regulation, including but not limited to non-discriminatory compliance; and
- by OMPW in the event that a force majeure event causes delays beyond a reasonable time period.

Contract Amount: The total cost of the agreement is \$883,600.

Funding Source for Contract: The agreement will be funded by State funds appropriated by the Mississippi Legislature through H.B. 1782, 2020 Regular Session.

Contractor Selection Process: NMMC submitted an application to OMPW for state financial support for the creation of an Internal Medicine residency program. OMPW,

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with input from the OMPW advisory board and outside medical education expert consultation, approved NMMC's application.

Staff Recommendation: *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000.* Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and North Mississippi Medical Center, Inc. for compliance with applicable law and finds same to be acceptable provided the incorporated reliance upon representations of compliance with Federal law and HB 1782 discussed in the IHL staff recommendation.

Board staff recommends approval of this item based upon reliance on representations made by North Mississippi Medical Center, Inc. included in the contract that reimbursement will only be allowed provided they are determined to be in compliance with the Federal Funds from Coronavirus Relief Fund and guidance provided by the United States Treasury, as well as with the requirements of Mississippi H.B. 1782. The University of Mississippi Medical Center and Board staff will review requests for reimbursement from Mississippi State Hospital to determine compliance with Federal Law and United States Treasury guidance, as well as with Mississippi H.B. 1782, prior to submitting such reimbursement requests to the Board for a determination of compliance with the requirements of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in future agenda items. All requests for reimbursement will be provided to the Board of Trustees for a final determination of compliance with the CARES Act, United States Treasury guidance, and other applicable Federal laws.

6. **UMMC – REQUEST FOR APPROVAL TO ENTER INTO A PROGRAM DEVELOPMENT AGREEMENT WITH MEMORIAL HOSPITAL AT GULFPORT**

Agenda Item Request: The University of Mississippi Medical Center through the Office of Mississippi Physician Workforce (OMPW) requests approval to enter into a New Program Development Agreement (Agreement) with **Memorial Hospital at Gulfport (MHG)** to provide financial support to start and/or expand the Accreditation Council on Graduate Medical Education (ACGME) accredited Family Medicine Physicians Training Program (GME Training Program). According to Section 8 of HB 1782, the word

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“agency” is defined as “the Board of Trustees of State Institutions of Higher Learning.” The following responsibilities for oversight by the Board required in HB 1782 are below.

According to Section 8 of HB 1782, “The agency shall not disburse any funds appropriated under this act to any recipient without first: (a) making an individualized determination that the reimbursement sought is, in the agency's independent judgment, for necessary expenditures incurred due to the public health emergency with respect to COVID-19 as provided under Section 601(d) of the federal Social Security Act as added by Section 5001 of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury; and (b) determining that the recipient has not received and will not receive reimbursement for the expense in question from any source of funds, including insurance proceeds, other than those funds provided under Section 601 of the federal Social Security Act as added by Section 5001 of the CARES Act. In addition, the agency shall ensure that all funds appropriated under this act are disbursed in compliance with the Single Audit Act (31 USC Sections 7501-7507) and the related provisions of the Uniform Guidance, 2 CFR Section 200.303 regarding internal controls, Sections 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.”

Additionally, according to Section 9 of HB 1782, “As 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.”

Finally, Section 9 of HB 1782 states that “If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the CARES Act (a) determines that the agency or recipient has expended or otherwise used any of the funds appropriated to the agency under this act for any purpose that is not 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, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined

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were expended or otherwise used improperly by the agency or recipient, then the agency or recipient that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.”

Therefore, in order to comply with the oversight responsibility given to the Board by the Legislature, the University of Mississippi Medical Center shall submit requests to the Board for expenditure reimbursement from the hospital so that the Board may make a determination of compliance with the purposes of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in order that the expenditures may be certified to the Department of Finance and Administration as compliant prior to reimbursement. Such reimbursement requests will be submitted for Board approval in subsequent Board meetings. When submitting such requests for reimbursement to the IHL Board, UMMC shall also submit its recommendation for approval based on its detailed review of each individual expenditure and its assessment that each request is in compliance with HB 1782 and applicable CARES Act provisions, United States Treasury guidance requirements and other applicable Federal laws.

Contractor’s Legal Name: Memorial Hospital at Gulfport

History of Contract: 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. UMMC has submitted for consideration separate contracts for Delta Regional Medical Center, Baptist Memorial Hospital – North Mississippi, Inc., Mississippi State Hospital, and North Mississippi Medical Center. UMMC previously contracted with MHG to develop an ACGME accredited Family Medicine Residency Training Program to train family medicine physicians. The cost of the previous agreement was less than \$250,000 and did not require Board approval.

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Specific Type of Contract: The term of the agreement is from September 25, 2020, to December 30, 2020.

Purpose: The purpose of this agreement is to start and/or expand the Accreditation Council on Graduate Medical Education (ACGME) accredited Family Medicine Physicians Training Program (GME Training Program) at MHG to train family medicine physicians.

Scope of Work: OMPW will reimburse MHG to start and/or expand an ACGME accredited Family Medicine Residency Training Program to train family medicine physicians. Reimbursement shall be restricted only to those expenditures that are necessary expenditures incurred due to the public health emergency with respect to COVID-19. In the event that the reimbursement sought does not meet the relevant requirements, funds will not be paid to MHG, and IHL and OMPW shall have no further obligations with respect thereto.

Term of Contract: The term of the agreement is from September 25, 2020, to December 30, 2020.

Termination Options: Termination options including the following:

- in the event of a reduction in funds;
- by the non-breaching party if either party fails to cure any of the following actions or inactions within thirty (30) days of notification:
 - failure to comply with the terms of this Agreement in a timely manner;
 - failure to complete all or a portion of the actions required under this Agreement;
 - action contrary in any way to the purposes for which the payment was awarded; or
 - violation of any federal, state, or local law, ordinance or regulation, including but not limited to non-discriminatory compliance; and
- by OMPW in the event that a force majeure event causes delays beyond a reasonable time period.

Contract Amount: The total cost of the agreement is \$883,600.

Funding Source for Contract: The agreement will be funded by State funds appropriated by the Mississippi Legislature through H.B. 1782, 2020 Regular Session.

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Contractor Selection Process: MHG submitted an application to OMPW for state financial support for the creation of a Family Medicine residency program. OMPW, with input from the OMPW advisory board and outside medical education expert consultation, approved MHG's application.

Staff Recommendation: *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000.* Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and Memorial Hospital at Gulfport for compliance with applicable law and finds same to be acceptable provided the incorporated reliance upon representations of compliance with Federal law and HB 1782 discussed in the IHL staff recommendation.

Board staff recommends approval of this item based upon reliance on representations made by Memorial Hospital at Gulfport included in the contract that reimbursement will only be allowed provided they are determined to be in compliance with the Federal Funds from Coronavirus Relief Fund and guidance provided by the United States Treasury, as well as with the requirements of Mississippi H.B. 1782. The University of Mississippi Medical Center and Board staff will review requests for reimbursement from Mississippi State Hospital to determine compliance with Federal Law and United States Treasury guidance, as well as with Mississippi H.B. 1782, prior to submitting such reimbursement requests to the Board for a determination of compliance with the requirements of HB 1782, the CARES Act, United States Treasury guidance, and other applicable Federal laws in future agenda items. All requests for reimbursement will be provided to the Board of Trustees for a final determination of compliance with the CARES Act, United States Treasury guidance, and other applicable Federal laws.