

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

Hidalgo County Health and Human Services

AND

Mission Hospital, Inc. d/b/a Mission Regional Medical Center

THIS MEMORANDUM OF UNDERSTANDING is entered into on September 27, 2022 by and between **Hidalgo County Health and Human Services**, located at 1304 S. 25th Avenue, Edinburg, TX 78542 and **Mission Hospital, Inc. d/b/a Mission Regional Medical Center** ("Hospital"), a nonprofit acute care hospital licensed in the state of Texas, located at 900 S. Bryan Road, Mission, TX 78572.

RECITALS:

WHEREAS, Hospital is a nonprofit hospital that plays a vital role in the health care safety net by supporting programs that benefit the indigent, uninsured, and underinsured population in the state of Texas, specifically in the Rio Grande Valley;

WHEREAS, Hidalgo County Health and Human Services is a governmental entity with eight health clinics located throughout Hidalgo County that provide a variety of clinic services for free or low cost;

WHEREAS, Hospital participates in the Federal drug discount program established under Section 340B of the Public Health Services Act (the "340B Program");

WHEREAS, in order to participate in the 340B Program, Hospital must contract with a unit of state or local government pursuant to which Hospital commits to provide healthcare services to low-income individuals who are neither entitled to benefits under Medicare (Title XVIII of the Social Security Act (SSA)) nor eligible for assistance under Medicaid (Title XIX of the SSA);

WHEREAS, Hospital and Hidalgo County executed an Indigent Care Affiliation Agreement, effective October 1, 2012, recognizing that Hospital provided substantial uncompensated care to indigent persons annually and that the parties desired to ensure that indigent persons have access to and receive health care services, and requiring Hospital to work cooperatively with Hidalgo County to improve access to health care for indigent persons;

WHEREAS, Hospital and Hidalgo County Health and Human Services executed a certain *Certification of Contract with State/Local Government to Provide Health Care Services to Low Income Individuals* on April 11, 2016 certifying to the presence of an agreement between the two parties to provide health care services to low-income individuals who are not entitled to Medicare

benefits or Medicaid assistance;

WHEREAS, subsequent to execution of *Certification of Contract with State/Local Government to Provide Health Care Services to Low Income Individuals*, Hospital registered with the Health Resources and Services Administration (“HRSA”) on July 11, 2016 to participate in the 340B Program as a disproportionate share (“DSH”) hospital covered entity and began participation in the 340B Program on October 1, 2016.

WHEREAS, during the time Hospital has participated in the 340B Program, Hospital has consistently provided care to low-income individuals who do not qualify for Medicare or Medicaid pursuant to its agreement with Hidalgo County Health and Human Services; and

WHEREAS, Hospital and Hidalgo County Health and Human Services desire to memorialize these long-standing contractual arrangements and formal commitments to each other through this Memorandum of Understanding.

NOW, THEREFORE, in consideration of the mutual agreements and covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, it is mutually agreed and covenanted, under seal, by and between the parties to this Memorandum of Understanding, as follows:

1. Commitment of Hospital to Provide Care to the Indigent, Uninsured, and Underinsured.

During the term of this Memorandum of Understanding, Hospital agrees to continue its historic commitment to the provision of healthcare to indigent, uninsured and underinsured individuals, including low-income residents who do not qualify for Medicaid or Medicare. Hospital will assure that all patients will receive necessary care, as required by law, regardless of ability to pay.

2. Acceptance and Acknowledgements of Hidalgo County Health and Human Services .

- a. Hidalgo County Health and Human Services accepts the commitment of Hospital set forth above; and
- b. Hidalgo County Health and Human Services shall provide to Hospital the name, title, email address, and phone number of a government official who can confirm the status of this Memorandum of Understanding.

3. Representations of Hospital.

Hospital represents that as of the date hereof:

- a. Hospital is a nonprofit corporation duly organized and validly existing in good standing under the laws of the state of Texas and authorized to conduct business in the state of Texas as a nonprofit acute care hospital, licensed by the Texas department of health with the corporate power and authority to enter into and perform its obligations under this

- Memorandum of Understanding; and
- b. Hospital is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of the United States, as amended and under applicable laws of state of Texas.

4. Term and Termination.

This Memorandum of Understanding shall continue until terminated by either party upon not less than sixty (60) days' prior written notice to the other party.

5. Notice.

All notices required or permitted to be given under this Memorandum of Understanding shall be deemed given when delivered by hand or sent by registered or certified mail, return receipt requested, addressed as follows:

Sent to: Hidalgo County Health and Human Services
Attention: Eduardo Olivarez
1304 S. 25th Avenue
Edinburg, TX 78542

Sent to: Mission Regional Medical Center
Attention: Kane Dawson, CEO
900 South Bryan Road
Mission, TX 78572

6. Governing Law.

This Memorandum of Understanding shall be governed by and construed in accordance with the laws of the state of Texas, excepting any conflict of law provisions which would serve to defeat application of Texas substantive law.

-SIGNATURE PAGE FOLLOWS-

IN WITNESS WHEREOF, Hospital and Hidalgo County Health and Human Services have executed this Memorandum of Understanding as of the day and year first written above by their duly authorized representatives.

Mission Hospital, Inc:

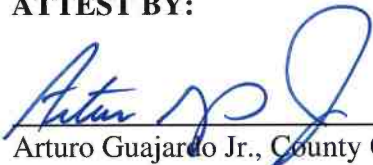
Name: Kane Dawson
Title: Chief Executive Officer

**Hidalgo County, Texas
Health and Human Services:**

APPROVED BY
COMMISSIONERS' COURT
ON: 9/27/22 


Richard F. Cortez, County Judge

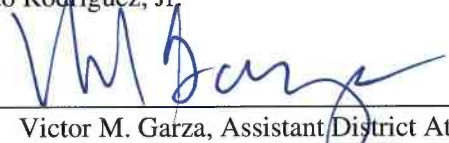
ATTEST BY:


Arturo Guajardo Jr., County Clerk



APPROVED AS TO FORM:

Hidalgo County Criminal District Attorney's Office
Ricardo Rodriguez, Jr.

By: 
Victor M. Garza, Assistant District Attorney