
WILLIAMSON UPL PROGRAM – AFFILIATION AGREEMENT AND CERTIFICATION

Under the State's Medicaid rules, each community participating in a Medicaid upper payment limit (“UPL”) program must re-affirm their participation in the UPL program annually. To that end, the Texas Health and Human Services Commission (“HHSC”) has asked Williamson County to:

- 1) Execute an amendment to the Williamson County Indigent Care Affiliation Agreement (“Affiliation Agreement”), re-affirming its participation in the program;
- 2) Confirm its wish to continue participation in an open meeting; and
- 3) Execute a new Certification of Governmental Entity Participation (“Certification”) related to its participation in the UPL program.

Each of these steps is discussed in more detail. The signed amendment to the Affiliation Agreement, and well as the Certification and certifications from the participating private hospitals, must be submitted to HHSC by September 30, 2009 in order for the hospitals to receive Medicaid UPL funding in the upcoming state fiscal year.

- **Amendment to Affiliation Agreement** – HHSC has asked the participants of each UPL program to amend their Affiliation Agreement, to confirm that the Agreement remains effective and to re-affirm the representations and warranties contained in the Affiliation Agreement. HHSC does not require any other changes to the Affiliation Agreement. Therefore, we have prepared an amendment to the Affiliation Agreement which incorporates these provisions. Practically, these changes do not have any impact on the terms of the Affiliation Agreement.
 - As you will notice, the amendment only references Round Rock Medical Center (“Round Rock”) and no longer includes St. David’s Georgetown Hospital (“Georgetown”). This is because Georgetown merged into St. David’s Healthcare System (“St. David’s”) effective November 1, 2008. As a result of this merger, HHSC now considers St. David’s and Georgetown a single entity with two separate campuses.
 - The only effect of this change is that, since the date of the merger, Georgetown no longer receives Medicaid UPL payments based on Williamson County’s transfer, and the County’s transfer is used to fund payments to Round Rock alone. Therefore, the County’s UPL payments continue to support the citizens in its community.
 - Because St. David’s, Georgetown and Round Rock are part of the same overall hospital system, the hospitals continue to provide hospital charity care services to Williamson County indigent patients, regardless of the location that these patient seeks services. The merger of Georgetown and St. David’s has not caused any change in the hospitals’ provision of charity care.
 - Additionally, the hospitals propose expanding their provision of charity services to include services provided to Williamson County indigents at St. David’s other campuses.
- **Approval at Open Meeting** – The State’s Medicaid rules require the County to approve the amendment to the Affiliation Agreement, and the new Certification, at an open

meeting called in accordance with the Texas Open Meetings Act. The County must also approve its continued participation in the UPL program at an open meeting.

➤ **Execution of Certification** – HHSC has asked the County to execute a new Certification, related to the County’s participation in the Williamson UPL program. The terms of the Certification are substantially the same as the certification the County executed in August 2008. The **only** changes to the Certification were:

- HHSC removed references to “State Fiscal Year 2009;”
- In Section 3(b)(iii), HHSC clarified a rule reference, changing the reference from section 355.8063(t)(4) to section 355.8063(t); and
- In Section 4(h)(i), HHSC added the introductory clause - “Following the date this Certification was executed.” Section 4(h) now reads:

“The Governmental Entity has not: (i) Following the date this Certification was executed, assigned or agreed to assign a contractual or statutory obligation of the Governmental Entity to an Affiliated Hospital or any other entity acting on behalf of an Affiliated Hospital or group of Affiliated Hospitals;”

If the County has any questions regarding the amendment to the Affiliation Agreement, or the Certification form, the hospitals are glad to address these questions.