

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

A RESOLUTION OF THE MONTGOMERY COUNTY HOSPITAL DISTRICT'S BOARD OF DIRECTORS ESTABLISHING RULES, REGULATIONS AND PROCEDURES CONCERNING HEALTH CARE PLANS OFFERED BY THE DISTRICT, INCLUDING THE HEALTH CARE PLAN PROMULGATED UNDER CHAPTER 61 OF THE TEXAS HEALTH & SAFETY CODE

WHEREAS, the enabling legislation for the Montgomery County Hospital District provides that the Board of Directors shall manage, control and administer the health care and resources of the District; and

WHEREAS, the enabling legislation for the Montgomery County Hospital District further provides that the Board of Directors is charged with the responsibility for the provision of health care services as permitted by the Texas Constitution and Chapter 61, Health and Safety Code, and its subsequent amendments, on terms and conditions as the board of directors determines to be in the best interests of the district; and

WEHREAS, the Board of Directors has previously adopted a single set of criteria and guidelines for eligibility and participation in the health care services provided by the District; and

WHEREAS, the Board of Directors believes it is in the best interest of the District and its residents to adopt new criteria for eligibility and participation in the health care services provided by the District, with segregated and separate eligibility and benefit criteria for such Plan participants, with eligibility for a particular Plan dependent upon a participant's income and resources; and

WHEREAS, the Board of Directors believes that by providing separate eligibility criteria for participants seeking health care services provided by the District, such eligibility dependent upon income and resources of the participant, it may better allocate the funds expended by the District for such services and extend health care services to a wider pool of participants, thereby improving the overall quality of health care services to eligible residents in Montgomery County; and

WHEREAS, the Board of Directors at its February 2007 and March 2007 has adopted certain changes to its eligibility and benefit rules in connection with these efforts to better allocate available District funds to a wide pool of participants, to protect the interests of the District's taxpayers, and to recognize the fact the District's role as the "payor of last resort"; and

WHEREAS, by this Resolution the Board of Directors seeks to ratify, amend and adopt those health care eligibility and benefit plan policies and rules to govern the operations of the District's health care program;

NOW, THEREFORE, BE IT RESOLVED BY THE MONTGOMERY COUNTY

HOSPITAL DISTRICT’S BOARD OF DIRECTORS THAT:

1. **Approval of Recitals as Findings Of Fact.** The foregoing recitals, having been found by the Board of Directors to be true and correct, are hereby incorporated into this Resolution as findings of fact.
2. **Adoption of New Health Care Plan Policies.** The Health Care Plan policies appended hereto as Exhibits “A” and “B” as amended from those adopted by the Board of Directors at its February and March 2007 meetings, are hereby RATIFIED, APPROVED AND ADOPTED and are incorporated herein for all respects. Such Policies shall constitute the health care policies and rules governing the eligibility and benefits for health care services provided by the District from this day forward, subject to future amendment by the Board of Directors. These policies and rules are to be construed and interpreted independently from one another, are adopted pursuant to sections 5, 11, and 20 of the District’s enabling legislation, and are generally described as follows:

Plan 1: Montgomery County Indigent Care Plan - The Montgomery County Indigent Care Plan will emulate and adhere to the eligibility criteria and benefits for indigent healthcare as set forth in Chapter 61 of the Texas Health & Safety Code. The federal poverty income limit (FPIL) will be 0-21%, or at such level as is established for County indigent care programs under Chapter 61 of the Texas Health & Safety Code. Undocumented immigrants would remain ineligible; however, employer-sponsored insurance availability and five-year residency for temporary and/or “qualified” U.S. residents for would not affect one’s eligibility for this Plan’s coverage.

Plan 2: Montgomery County Medical Assistance Plan - The Montgomery County Medical Assistance Plan will have the same eligibility criteria as the Montgomery County Indigent Care Plan, except the Plan will cover those whose incomes and resources fall above Chapter 61 guidelines for County indigent care programs up to 150% of FPIL. This Plan will continue in force the prior eligibility exclusions for undocumented immigrants, persons with employer-sponsored insurance, and the five-year residency requirement for temporary and/or “qualified” U.S. residents. This Plan affords benefits to persons to which coverage is not mandated under Chapter 61 of the Health & Safety Code.

3. **Grandfathering of Current HCAP Enrollees.** All current Plan participants shall be entitled to the same services guaranteed under the Plan policies and rules that were in effect as of the time of their enrollment. However, the policies and rules appended hereto and approved by this Resolution shall apply prospectively to such participants at such time as they reapply for eligibility.
4. **Provision of Notice As Required By Law.** The Board of Directors authorizes the staff of the District to provide notice to the public of the attached policies and rules as may be required by law.
5. **Open Meetings Act.** The Board of Directors further finds that the meeting at which this Resolution was voted upon and approved was timely noticed and held in strict compliance

with the Texas Open Meetings Act, ch. 551, Tex. Gov't. Code.

BE IT SO RESOLVED.

Passed and Approved this 17 day of April, 2007, by a vote of 5
in favor and 1 against, _____ abstaining, 1 not present.

**MONTGOMERY COUNTY HOSPITAL
DISTRICT BOARD OF DIRECTORS**

By: 
David Witt, Chairman

Attest:


Francis Bourgeois, Board Secretary