

**SIERRA VISTA HOSPITAL
GOVERNING BOARD MEETING MINUTES**

August 26, 2021

12:00pm

**Elephant Butte Lake RV Resort
Event Center**

1. The Governing Board of Sierra Vista Hospital met August 26, 2021, at 12:00 pm at Elephant Butte Lake RV Resort Event Center for a regular meeting. Greg D’Amour, Chairperson, called the meeting to order at 12:14pm.

2. Pledge of Allegiance

3. Roll Call

GOVERNING BOARD -----

SIERRA COUNTY

Stan Thompson, Member – Present
Kathi Pape, **Secretary** – Present
Greg D’Amour, **Chairperson**- Present

ELEPHANT BUTTE

Vacant, Member
Katharine Elverum – Present

CITY OF T O R C

Bruce Swingle, Member – Present
Rolf Hechler, Member- Present
Peggy (Cookie) Johnson, **Vice Chair**- Present

EX-OFFICIO

Amanda Cardona, Clerk VofW – Present
Vicki Ballinger, City Manager EB- Absent
Charlene Webb, County Manager- Present

VILLAGE OF WILLIAMSBURG

Denise Addie, Member – Present

STAFF

Ming Huang, CFO- Present
Sheila Adams, CNO- Present

GUEST

Travis Day, JPC Chairperson

There is a quorum.

4. Approval of Agenda

Greg D’Amour, Chairperson

Cookie Johnson motioned approval of the agenda. Stan Thompson seconded. Greg D’Amour noted that the agenda stated “annual” at the top of the page. Kathi Pape motioned to approve the agenda with the amendment. Cookie Johnson seconded. Motion carried unanimously.

“Are there any items on this agenda that could cause a potential conflict of interest by any Governing Board Member?” None

5. Approval of minutes

Greg D’Amour, Chairperson

A. August 17, 2021 Special Meeting Minutes

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B. August 6, 2021 Special Meeting Minutes

Cookie Johnson motioned to approve the minutes from the August 17th and August 6th special meetings. Kathi Pape seconded. Motion carried unanimously.

C. July 27, 2021 – Regular/ Annual Meeting Minutes-

Bruce Swingle motioned to approve the July 27th annual meeting minutes. Katharine Elverum seconded. Cookie Johnson stated that the Echo Tech contract that was tabled at that meeting should be brought back at the next meeting, however, with the change of CEO's, she assumes it will be back at some time. As a point of order, this will be brought as a new item on the next regular meeting agenda in September.

Further, the retirement match discussed at the July meeting should be an agenda item today. Tim James is out of the state. This will also be an agenda item at the September meeting.

SVH was a corporate sponsor of the Elephant Butte Balloon Regatta at a cost of \$5,000.

There are no changes or corrections to the minutes.

Motion carried unanimously.

6. Public Input – Note: A WebEx call-in number was provided in the public notice for this meeting. There were no calls from the public and no in-person attendance. Jennifer Burns reported that because of the letter written by Senator Diamond, Representative Dow and Representative Terrazas, she received and logged 17 calls from Sierra County residents. 16 of these calls were to express oppositions to the Governor's mandate. One call was in support of the mandate for mandatory vaccination of healthcare workers. The log including names and comments will become part of these minutes and is attached.

7. Old Business-

A. Secretaries report on Conflict-of-Interest Statement- Kathi Pape, Secretary, stated that she reviewed all conflict-of-interest statements and found nothing out of order.

Kathi Pape motioned to approve the conflict-of-interest statements. Cookie Johnson seconded. Motion carried unanimously.

8. New Business-

A. Governor's Vaccination Mandate- Discussed with policy below

B. SVH Vaccination Policy- Sheila Adams, ICEO, CNO, this policy (page 25) was created by our HR attorney. It is based on the mandate issued on August 17, 2021. The opposition letter discussed earlier is also in the packet on page 24.

We must honor the Governor's mandate; however, we have 22% of employees who have not turned in a waiver nor are they vaccinated. 33% of the nursing unit is not vaccinated and has not submitted a waiver request. The New Mexico Rural Hospital Network submitted a letter to the Governor from several hospital CEOs including Sheila as Interim CEO for SVH. We have heard nothing in response to the letter. Religious objections, medical conditions and certain disabilities defined by the ADA are the only exemption options. We have provided the appropriate forms to staff who wish to receive an exemption for one of these reasons. The exemptions are being reviewed by our HR attorney and Infection Control is tracking the status of all employees.

Violating this mandate means we would face sanctions. We could receive a letter ordering us to become compliant. The state could put management personnel on site at our expense and/ or we

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could be fined up to \$5,000 per day for noncompliance. We could also face termination of our Medicaid participation which is approximately 20 to 25% of revenue and Medicare which is 50%.

So far, we have had one individual resign. Clinical staff are the largest unvaccinated group. We are already short staffed and the rates for MedSurg nurses are now starting at \$110 per hour and up to as high as \$170.

We have two unvaccinated employees out with COVID. We have four COVID positive, unvaccinated inpatients and one pending COVID test on an unvaccinated employee. We have had only one case of an employee contracting COVID after vaccination.

Sheila stated that if the Board approves this policy, we would like a two-week extension to comply. This will give the staff time to read the policy and fully understand it. Patrick Congjuico (infection control) is calling every employee on the unvaccinated list explaining exceptions that are available or offering vaccination dates.

A civil suit has been filed in Federal court against this order by an RN and a mother with children in 4H. The judge in the case said he needs more information, and this case has not been heard yet. The compliance date for this mandate is August 27, 2021.

Employees of the hospital are waiting for the hospital to act. At one-point last week, we had 25 staff that will/ would refuse testing as well as the vaccination.

Bruce Swingle stated that we must comply with the public health order. CEOs were never consulted, and we need to let the Governor know from the Boards perspective, the impact of these unintended consequences. We are not in a position to recruit, doctors, nurses, providers, and professional staff in this rural community. This could potentially close the hospital.

The SVH Vaccination policy has not been distributed to employees yet because the Board has not approved it yet. All department leaders were notified in a meeting last Friday that we are going honor the mandate, that there has been a civil suit filed, the NMRHN composed a letter to the Governor on behalf of rural hospitals throughout New Mexico, many unions are fighting against this mandate and, if you choose to leave, you will not be eligible for unemployment. There were employees who misinterpreted this message.

Kathi Pape suggested creating a document that explains not only the consequences to the employees but also to the hospital. In addition, a letter to the Governor is in order.

Greg D'Amour agrees with a letter stating our intention to become compliant, our intention to educate our staff on consequences for them as well as the hospital for noncompliance and take measures to ensure the public safety by beginning testing of all staff.

Larger hospitals such as Mountain View and Memorial Medical in Las Cruces are complying. Many of their staff are not getting the mandatory vaccination. Instead, they are finding employment in El Paso, TX which is only 30 minutes away.

The letter will buy us a little time to protect our employees, however they must give a little too and agree to be tested.

Cookie Johnson stated, in summary, this is three-fold. We need to write the letter to the Governor asking for more time and notifying her of the potential loss of 10% or more of our staff, we need to revise and finalize the policy and we need to begin testing of all staff.

Kathi Pape motioned to draft a letter to the Governor expressing all the Board's concerns and the unintended consequences created by the mandate. Further, explain the education that we will do and ask for an extension of time. Denise Addie seconded. Kathi Pape added that a letter in response to our

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representatives should be included and the letter to the Governor copied to them as well. Denise Addie seconded the amended motion. Cookie Johnson called for a roll call vote:

Kathi Pape, **Secretary**, Y
Stan Thompson, Y
Bruce Swingle, Y
Denise Addie, Y

Katharine Elverum, Y
Rolf Hechler, Y
Peggy (Cookie) Johnson, **Vice Chair**, Y
Greg D'Amour, **Chair**, Y

Motion carried unanimously.

Bruce Swingle noted several times throughout the discussion that the Governor's office rarely responds to letters. It was decided that the letter should be addressed to Acting Cabinet Secretary, David Scrase, MD, and a copy sent to the Governor's office as well as, Senator Diamond, Representative Dow, Luis Terrazas and Vince Torres, Chief of Staff.

Discussion was held regarding the SVH Vaccination Policy itself. Greg D'Amour stated that testing must be implemented beginning next week for all employees. Travis Day suggested tabling the policy until there is clarity on several issues discussed today. Katharine Elverum suggested a draft stamped policy be distributed to the employees. Kathi Pape expressed concern for not having a policy in place by August 27, 2021.

Ming Huang stated that the cost to test is \$50 per employee. This will cost the hospital \$10,000 per week to test all employees. This will also create a burden on our laboratory. Antigens are on back order, and we are down to less than 100 test on hand today. We do have some COVID funds left that we can use to cover this. Greg D'Amour stated that the VA bills his insurance for his required testing. There is no cost to him.

Bruce Swingle motioned to table the SVH Vaccination Policy. Cookie Johnson seconded. Motion carried unanimously. Note: Kathi Pape was out of the room when the vote occurred. She stated her vote would be yes to the motion. Motion carried unanimously.

9. Finance Committee- Cookie Johnson, Chairperson

A. July Financial Report- Ming Huang, CFO, patient days for July were 146, 21 more than June. Outpatient visits were 882, 14 visits less than June. There were 771 rural health visits which is 62 visits more than June. ER saw 672 visits which is 111 visits more than June. EBITDA for July is 21%.

Days cash on hand at the end of July was 153, 104 days available. Accounts receivable net days were 20, accounts payable 26 days. Acute admissions and ER visits are the highest so far this year. Outpatient visits are down only slightly compared to previous months.

Gross patient revenue was \$4,378,529. Bad debt expense is higher than budget due to a higher number of self-pay patients in the ER. We estimate that we will not collect from self-pay resulting in higher bad debt. Total net patient revenue is \$2,188,899. Total operating revenue is \$2,544,910. \$60,000 was mistakenly booked in July under contract services. This should have been booked in August. Additionally, we had the expense of the Interim Clinic Manager at \$20,000. Contract services should come in under budget in August. EBITDA is \$546,140 and the net income for July is \$150,525 versus a budgeted net loss of (\$125,058).

Total cash at the end of July is \$10,569,970. There is still \$2.3 million for provider relief funds. Scott and Ming will be working on reconciliation of the provider relief funds next week. We did receive approval for forgiveness of the PPP loan and recognized the revenue. We continue to pay back the advanced Medicare

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funds. In the next two months, we will pay \$1.1 million for the utility tunnel project. July was the second highest month for revenue.

Cookie Johnson motioned based on the Finance Committee recommendation, approval of the July Financial Report. Kathi Pape seconded. Motion carried unanimously.

B. Phone & Network Maintenance Renewal- Sheila Adams, ICEO, CNO, this is a maintenance renewal with the company that maintains our cyber security, inventory for IS, automatic system updates, server security, 24/7 support, web filtering, firmware, intrusion prevention as well as support for computers, network, security cameras and badge locks. The cost is \$53,862.14.

Cookie Johnson motioned based on the recommendation of the Finance Committee approval of the Phone and Network Maintenance contract in the amount of \$53,862.14. Kathi Pape seconded. Motion carried unanimously.

10. Administrative Reports

A. General Hospital- Sheila Adams, ICEO, CNO, generally, we are all working really hard right now. ER is averaging about 28 patients per day. We have been averaging eight patients in the nursing unit, half of which are COVID patients today. We have not had to open the old hospital rooms for COVID yet.

Bruce Swingle stated that he has not met the Interim Director of the clinic. Sheila stated that her name is Peri Cabral and she is here every other week. We are currently advertising the position.

COVID testing is being done Monday through Friday from 8:00 to 5:00. The COVID call line is still active and we are scheduling four to six test every hour. We are planning to bring back Saturday drive through testing. We are vaccinating with the Pfizer vaccine.

The booster shot is for your antibody levels. Test show that after the booster (third vaccination) your antibody levels boost even higher than after the second shot.

B. Governing Board- Greg D'Amour, Chairperson

1. Committees- The Finance Committee will remain as is with Cookie Johnson, Kathi Pape and Bruce Swingle. The Board Quality/ Compliance Committee will be Denise Addie, Rolf Hechler and Katharine Elverum. Stan Thompson will be Joint Conference and attend Medical Staff meetings.

Motion to Close Meeting: Stan Thompson motion to close the meeting

11. Executive Session – In accordance with Open Meetings Act, NMSA 1978, Chapter 10, Article 15, Section 10-15-1 (H) 9 the Governing Board will vote to close the meeting to discuss the following items:

10-15-1 (H) 9 - Strategic and long-range business plans

- A. Hospital Leadership/ Management
- B. QHR Board Report August 21

Roll Call to Close Meeting:

Kathi Pape, **Secretary**, Y
Stan Thompson, Y
Rolf Hechler, Y
Denise Addie, Y

Katharine Elverum, Y
Peggy (Cookie) Johnson, **Vice Chair** Y
Bruce Swingle, Y

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12. Re-Open Meeting – As required by **Section 10-15-1(J)**, NMSA 1978 matters discussed in executive session were limited only to those specified in the motion to close the meeting.

10-15-1 (H) 9 - Strategic and long-range business plans

- A. Hospital Leadership/ Management
No Action
- B. QHR Board Report August 21
No Action

13. Other

Board Quality will be held on Monday, September 20 at 11:00. Finance Committee will be held on Tuesday, September 21 at 10:30 and Governing Board will be held on September 21 at 12:00.

There will be a Special Governing Board meeting on September 9, 2021 at 1:30 in the boardroom at Sierra Vista Hospital.

14. Adjournment

Cookie Johnson motioned to adjourn. Kathi Pape seconded. Motion carried unanimously.

JB

9/21/21

Recording Secretary, Jennifer Burns

Date of Approval

Greg D’Amour, Chairperson