



Regular Meeting of  
**The Board of Regents of the University of New Mexico**  
 December 9, 2020; 9:00 AM  
 Open Session and Executive Session  
 Virtual Meeting<sup>1</sup>: <https://live.unm.edu/board-of-regents>

**Revised AGENDA**

TAB

- I. Call to Order and Confirmation of a Quorum *Regent President Douglas M. Brown*
- II. Adoption of the Agenda
- III. Land Acknowledgement Statement, *Doug Brown, Regent President* ..... 1
- IV. Approval of the Minutes of the October 21, 2020 regular meeting..... 2  
Public Comment<sup>2</sup> [limit 3 mins.]  
Comments from Regents
- V. President’s Administrative Report, *Garnett S. Stokes* ..... 3
- VI. Regents’ Committee Reports

**Approval of Consent Docket**

Action items on Regent’s Committee agendas may be move to the Board of Regents’ consent docket; items on the consent docket received unanimous approval in committee; per Regents’ Policy 1.2, “Any member of the Board of Regents shall have the right upon request to remove any item from the Board’s consent agenda and place the item on the Board’s regular agenda for discussion.”

- A. [ASAR]\* Approval of Parent Association Bylaws and Name Change ..... C-1
- B. [F&F]\* Approval of Disposition of Surplus Property for Sept/Oct.2020 ..... C-2
- C. [F&F] Approval of Potential Advanced Refunding of UNM Series 2014A and 2014C Bonds..... C-3
- D. [HSCC]\* Approval of the UNM Health Sciences Center Fall 2020 Graduates.... C-4
- E. [HSCC] Approval of HSC Upper Plaza Collaboration Structure ..... C-5
- F. [HSCC] Approval of UNM Hospital Items: ..... C-6
  - 1. Colburn Hill - \$14,250,000
  - 2. Telehealth Platform and Platform Software Support - \$2,250,000
  - 3. Request for Approval of Demolition of the Former Physics & Astronomy Building (#207)
- G. [HSCC] Approval of Appointments to UNM Sandoval Regional Medical Center, Inc. Board of Directors:..... C-7
  - 1. Renew Appointment of Donnie Leonard
  - 2. Renew Appointment of Kim Hedrick
- H. [HSCC] Approval of Appointments to the Carrie Tingley Hospital (CTH) Advisory Board:..... C-8
  - 1. Renew Appointment of Margaret Armstrong
  - 2. Renew Appointment of Sandra Whisler
  - 3. Renew Appointment of Marry Blessing

4. Appointment of Thomas Todd Trautwein as CTH Foundation Board Representative
- I. [HSCC] Approval of Carrie Tingley Hospital Advisory Board Bylaws..... C-9

\* [ASAR] Academic/Student Affairs & Research Committee; [F&F] Finance & Facilities Committee; [HSCC] Health Sciences Center Committee

**Ad Hoc Governance Committee, Regent Schwartz, Chair**

**Action Item**

- A. Recommendation to revise Regents’ Policies, *Loretta Martinez, General Counsel*..... 4
- RPM: 3.3, 3.4, 3.6, 3.8, 5.3, 5.5, 5.18, 7.6, 7.8, (an additional amendment to be proposed by Chair Schwartz subsequent to committee meeting), 7.9, 7.14  
(see attached)

**Academic/Student Affairs and Research Committee [ASAR], Regents Henry & Rael, Co-Chairs**

**Action Items**

- A. Fall 2020 Degree Candidates, *Finnie Coleman, Faculty Senate President*..... 5
- B. Posthumous Degree for Felix Rael, *Lisa Lindquist, Dir. LOBORespect Advocacy Center*..... 6
- C. Form D – PhD program in Communication Sciences and Disorders..... 7  
*Cathy Binger, Professor, Department of Speech and Hearing Sciences*
- D. Honorary Degree Candidates, *Rebecca Sanchez, Chair, Honorary Degree Committee* ..... 8  
[This item will be discussed in closed session so candidate’s names can be kept confidential until approved by the Board and the proposective recipients’ have accepted the honorary degree.]

**Finance and Facilities Committee [F&F], Regent Begay, Chair**

**Action Item**

- A. Approval of 1<sup>st</sup>-Qtr Athletics’ Enhanced Fiscal Oversight Program Report and Certification through September 30, 2020; and 1<sup>st</sup>-Qtr Information on Athletics’ Report by Sport through September 30, 2020..... 9  
*Eddie Nunez, AD; Nicole Dopson, Dir., Financial Operations, EVP for AA/Provost’s Office*

**Information Items**

[These items are for information only and will not be presented; documentation is provided in the eBook]

- B. Monthly Consolidated Financial Reports for Month Ended September 30, 2020 .... 10
- C. Investment Overview and Introduction to new Investment Advisors – NEPC..... 11

**Health Sciences Center Committee [HSCC], Regent Schwartz, Chair**

**Action Items** (see Consent Docket)

**Information Item**

- A. College of Nursing Proposal to Address Nursing Shortage..... 12  
*Richard Larson, Exec. Vice Chancellor, HSC; Christine Kasper, Dean, College of Nursing*

VII. Business Related to Innovate ABQ, Inc.

- A. Approval of HED Requirements Regarding Conveyance of Real Estate from Innovate, ABQ, Inc., *Tom Neale, Dir. Real Estate* ..... 13

- VIII. Vote to Recess the Board of Regents in order to hold the ‘Meeting of the Member’ for Innovate ABQ, Inc.
- IX. Meeting of the Member – Innovate ABQ, Inc. .... 14
- A. Vote to Convene the Meeting of the Member, *Regent Doug Brown*
- B. Action Item:
- Approval of Dissolution of the Corporation and Plan of Distribution  
*Tom Neale, Dir. Real Estate; Randy McDonald, Counsel, Innovate ABQ, Inc.*
- C. Vote to Adjourn
- X. Vote to Reconvene the Board of Regents
- XI. Advisors’ Comments [*limit 3 mins.*] ..... 15
- XII. Vote to close the meeting and proceed in Executive Session (Roll Call Vote)
- A. Discussion and Action on Honorary Degree Candidate(s) – [names to be kept confidential until prospective recipients accept the degree]
- B. Discussions, and where appropriate determination, of matters subject to attorney-client privilege pertaining to threatened or pending litigation, as permitted by Section 10-15-1(7), NMSA (1978)
- C. Discussion of personally identifiable information about a student, as permitted by Section 10-15-1.H(4), NMSA (1978), as amended
- D. Discussion of “limited personnel matters” as defined in and permitted by Section 10-15-1.H(2), NMSA (1978) – regarding: President Stokes’ Goals/metrics
- XIII. Vote to re-open the meeting and certification that only those matters described in Agenda Item XII. were discussed in Closed Session, and if necessary, final action with regard to certain matters will be taken in Open Session
- XIV. Adjourn

<sup>1</sup>Under the current guidelines from the Governor, and in order to slow the spread of COVID-19, the UNM Regents will meet online on the Zoom platform. Additionally, following the NM Attorney General’s recent guidelines for Open Meetings Act compliance, public access to view or listen to Regent meetings is provided via a livestream of the virtual meeting. To view the livestream, go to the following website: <https://live.unm.edu/board-of-regents>

<sup>2</sup>Public comment will be heard during the meeting. Due to the nature of online meetings and the logistics of getting speakers connected, anyone wishing to provide public comment during the meeting *must register their intent to speak before noon on Tuesday, December 8, 2020*. In order to sign up for public comment, please email [regents@unm.edu](mailto:regents@unm.edu), [or call 505-277-7639 and leave a message] with the subject, “Request to provide public comment at 12/9 Regent’s Meeting”, and include the following information:

1. First and last name
2. Email address and telephone number
3. Affiliated organization & Professional Title (if applicable)
5. Topic you would like to address

Instructions on steps to follow in order to provide public comment will be emailed to registered speakers.

\*Please consider submitting your comments in writing to [regents@unm.edu](mailto:regents@unm.edu), so that in the case of connection difficulties during the public comment time, your comment can be read aloud during the 3 minute time limit.



MEMORANDUM

**To:** Board of Regents  
**From:** Loretta Martinez, General Counsel  
**Date:** December 4, 2020  
**Subject:** Request for approval of revisions to Regents' Policies 3.3, 3.4, 3.6, 3.8, 5.3, 5.5, 5.18, 7.6, 7.8, 7.9, and 7.14

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The UNM Regents' Policy Manual, adopted in 1996, states that periodically, the Board shall review all policies in the Regents' Policy Manual, and all policies adopted or revised since the previous review, and make any changes it deems appropriate. Any Regents' policy may be modified by a majority vote of the Board of Regents at any of its meetings. The President will submit proposed revisions along with background information to the Regents for consideration.

On August 13, 2019, an ad hoc Governance Committee of the Board of Regents was formed. Part of its charge is to review Regent policies, and this review is ongoing.

Several Regent policies pertaining to the Health Sciences Center, the personnel authority of the President, the position of Executive Vice President of Health Sciences and Chief Executive Officer for the UNM Health System (EVP & CEO HSC) and the Health Sciences Committee require timely consideration due to the HSC leadership transition beginning December 1, 2020.

On behalf of President Stokes, the following policies with attached revisions were discussed by the ad hoc Governance Committee at its meeting on November 30, 2020, and following discussion, the Committee recommended approval by the Board of Regents:

- 3.3 Appointment and Termination of Key Administrators
- 3.4 Health Sciences Center and Services
- 3.6 UNM Hospital Board of Trustees
- 3.8 Institutional HIPAA Compliance Program
- 5.3 Employment of UNM Graduates
- 5.5 Outside Employment
- 5.18 Endowed Faculty Chairs
- 7.6 University Enterprise Business Activities
- 7.8 Signature Authority for Contracts\*\*
- 7.9 Property Management
- 7.14 Risk Management and Insurance

In summary, these policy revisions are necessary to conform Regent policies with the personnel authority of the President and the employment contract of the EVP & CEO HSC; to change references to the Chancellor for Health Sciences to EVP & CEO HSC; to change references to the HSC Board of Directors to the HSC Committee; to increase the settlement authority of the President and to otherwise make minor changes and delete obsolete references.

**RPM 3.3:** Revises the position titles for which the President shall inform the Board of Regents prior to appointing, dismissing, setting compensation, amending or not renewing employment contracts. Deletes the

provision that a majority of the Board must consent to and approve the dismissal of the Chancellor for Health Sciences.

**RPM 3.4:** Adds the College of Population Health and the UNM Clinical and Translational Sciences Center to the list of component units of the UNM Health Science Center. Adds “Comprehensive” to the title of the UNM Cancer. Changes references to “Chancellor for Health Sciences” to “Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System.” Deletes references to the President establishing the annual goals and evaluating the EVP & CEO HSC regarding those goals “in consultation” with the Board. Requires the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System and the Executive Vice President for Academic Affairs and Provost to collaborate in coordinating, developing and improving educational and research programs at the HSC. Requires the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System to consult with the President in exercising emergency powers or issuing new policies or procedures.

**RPM 3.6, 3.8, 5.3, 5.5, 5.18, 7.6:** Change references to Chancellor for Health Sciences to Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System. RPM 3.8 also deletes an obsolete linked reference to a HIPAA compliance policy for certain health plans offered by the University.

**RPM 7.8:** Deletes contracts “between the Chancellor for Health Sciences and the University” as a contract the Board must approve and sign. Changes references to Chancellor for Health Sciences to Executive Vice President of Health Sciences and Chief Executive Officer for the UNM Health System. Changes references to Executive Vice President for Administration to Senior Vice President for Finance & Administration. Increases authority of President to enter into financial settlements without Board approval from \$400,000 to \$1,000,000 and makes other changes regarding settlements made on behalf of UNM by the Risk Management Division, settlements involving UNM funds and regular reports to the Board regarding all settlements and judgments.

\*\* Since the November 30, 2020 ad hoc Governance committee meeting, the President has made an additional request to change certain language relating to settlement authority procedures that Chair Schwartz has agreed to ask the Board to consider as an amendment to the committee’s previous recommendation, as follows:

The revised language recommended to the Board by the ad hoc Governance Committee on November 30 was as follows:

The University shall not agree to ~~pay a~~ financial settlement paid on its behalf without (1a) an appropriate risk assessment of the case, and (2b) written approval by the Executive Vice President for Chancellor for Health Sciences and Chief Executive Officer for of the UNM Health System for medical malpractice cases or the President for all other cases, ~~Provost, or the Executive Vice President for Administration, and (c) final approval by the President.~~

The President’s language substitution request is as follows:

The University shall not agree to ~~pay a~~ financial settlement paid on its behalf without an ~~(a)~~ appropriate risk assessment of the case and adherence to internal approval procedures established by the President. ~~(b) written approval by the Chancellor for Health Sciences, Provost or Executive Vice President for Administration, and (c) final approval by the President.~~

**RPM 7.9 and 7.14:** Changes references from HSC Board of Directors to HSC Committee. RPM 7.14 also changes a reference to Chancellor for Health Sciences to Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System and changes word “insurance” to “coverage.”

Copies of the recommended revisions are attached in both track-changes and clean-copy versions. Should the Board of Regents approve, the changes will be made as soon as practicable and as well as conforming changes to any related University Administrative Policies.

Thank you for your consideration of this request.

# Proposed Policy Revisions - Red-Lined

## Regents' Policy Manual - Section 3.3: Appointment and Termination of Key Administrators

Adopted Date: 09-12-1996

Amended: 12-14-2004

Amended: 12-14-2010

Amended: 03-14-2016

### Applicability

This policy applies to the appointment, dismissal, compensation, and contract amendment or non-renewal of all executive vice presidents, [senior vice presidents](#), ~~vice presidents~~, [director of intercollegiate athletics](#), and the University's [general](#) counsel.

### Policy

In addition to following the applicable administrative policies and procedures, the President shall inform the Board of Regents prior to appointing, dismissing, setting compensation, and amending or not renewing the contract of all executive vice presidents, [senior vice presidents](#), ~~vice presidents~~, [director of intercollegiate athletics](#), and the university's [general](#) counsel. The President shall also inform the Board of Regents in connection with the appointment, termination, and compensation of other senior or key administrative positions as appropriate, depending on the circumstances surrounding the appointment, termination or change in compensation. ~~In the case of the Chancellor for Health Sciences, the President has authority to dismiss him or her only with the consent and approval of a majority of the Board of Regents.~~

With regard to the recruitment and hiring of all executive vice presidents, [senior vice presidents](#), ~~vice presidents~~, [director of intercollegiate athletics](#), and the University's [general](#) counsel, the following guidelines shall be observed, consistent with University policies and procedures:

- A national search shall be conducted unless there are exceptional circumstances and the Regents have been consulted;
- A broadly-representative search committee shall be used; [and](#)
- Finalists in a competitive process for the position shall participate in interviews which include an open forum on campus for the general University or Health Sciences Center, as the case may be, community and interested members of the public.

### References

Employment Contracts, [RPM 6.9](#).

### Implementation

The President shall adopt administrative policies and procedures for the recruitment and hiring of key administrative positions, including but not limited to the positions specified in this policy. Dismissal or contract non-renewal shall be in accordance with University policies and procedures.

# Regents' Policy Manual - Section 3.4: Health Sciences Center and Services

Adopted Date: 12-14-2010

Amended: 03-14-2016

(replaces [RPM 2.13](#))

## Applicability

This policy applies to the academic and clinical programs, facilities and services operating as part of the UNM Health Sciences Center (HSC) and, as provided more fully below, to certain subsidiary corporations of the University. This policy also applies to those operations of the University that are deemed to be "health care components" of the University as set forth below.

## Policy

The health care related education, research, and clinical programs and services offered by the University and/or provided in the University's facilities and those of certain of its University Research Park and Economic Development Act ("URPEDA") subsidiaries as described in this Policy are hereby designated as the "UNM Health Sciences Center" which is and shall be a component unit of the University. The clinical elements of the HSC are intended to be a fully integrated, academic health center and health care delivery system and will be collectively administered as the "UNM Health System."

## Component Units of UNM Health Sciences Center

The HSC consists of the School of Medicine, the College of Nursing, the College of Pharmacy, [and the College of Population Health](#); the Health Sciences Center Library & Informatics Center; the UNM [Comprehensive Cancer Center](#), [the UNM Clinical and Translational Sciences Center](#), UNM Medical Group, Inc., ("UNMMG") a New Mexico non-profit and URPEDA corporation organized and formed by the University, UNM Sandoval Regional Medical Center, Inc., ("UNM SRMC") a New Mexico non-profit and URPEDA corporation organized and formed by the University and several research and public service programs related to health sciences. The HSC also includes the University of New Mexico Hospital ("UNMH"), the University of New Mexico Children's Hospital (the "Children's Hospital"), the University of New Mexico Adult Psychiatric Center formerly known as the Mental Health Center ("Adult Psychiatric Center"), the UNM Children's Psychiatric Hospital ("CPH"), the Carrie Tingley Hospital ("CTH") and the outpatient facilities and clinics operated under the license(s) of the foregoing. In this Policy, UNMH, Children's Hospital, Adult Psychiatric Center, CPH, CTH and the outpatient facilities and clinics thereof shall be referred to collectively as the "UNM Hospital." The HSC will also include such other and further clinics, centers, and programs developed and/or to be developed and operated by the HSC or any of the component units currently comprising the HSC or those added to the HSC at a future date.

## [UNM Health Sciences Center Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System](#)~~Chancellor~~

~~The Executive Vice President for Health Sciences and Chancellor~~ [Chief Executive Officer for the UNM Health System Sciences \(Chancellor/EVP & CEO- Health Sciences Center\)](#) shall provide leadership and have administrative responsibility for all activities, operations, and programs of the HSC, and the UNM Health System, consistent with University policies, recognizing that teaching, research, service, and patient care are the foundations of an academic health center in accordance with [Regent Policies and University Administrative Policies and Procedures.](#)

### ~~RPM 3.3~~

The President of the University shall, ~~in consultation with the Board of Regents,~~ set the annual goals to be established for the [EVP & CEO](#)~~Chancellor~~ for Health Sciences in performing his or her job duties. The President of the University shall perform an evaluation of the [EVP & CEO](#)~~Chancellor~~ for Health Sciences' performance in respect of such goals ~~in consultation with the Board of Regents.~~



Subject to [RPM 3.1](#), the [EVP & CEO](#) Chancellor for Health Sciences shall have general supervision over the affairs, property, personnel, and financial resources of the HSC. With respect to the Institutional Compliance Programs identified more fully in [RPM 3.7](#), the

[Chancellor EVP & CEO](#) for Health Sciences shall be designated and shall be the “institutional official” or “designated official,” as the case may be for each Institutional Compliance Program at the HSC requiring the designation of such an official. In this regard, the [Chancellor EVP & CEO](#) for Health Sciences shall have such additional powers, duties, and authorities as may from time to time be assigned to him/her by the President of the University.

Additionally, the [Chancellor EVP & CEO](#) for Health Sciences shall serve as the chief academic officer relative to colleges, schools, programs, and centers at the HSC and ~~together with the~~ [shall work in mutual collaboration](#) ~~with the Executive Vice President for Academic Affairs and Provost, in~~ -coordinating, developing, and improving the educational and research programs at the HSC, subject to any limitations imposed in his/her employment contract and/or by the President of the University in accordance with [RPM 3.1](#). The [Chancellor EVP & CEO](#) for Health Sciences will ensure that all HSC educational and research programs meet the standards of the State of New Mexico and all relevant and applicable accreditation bodies. The [Chancellor EVP & CEO](#) for Health Sciences will oversee the deans of the respective colleges and schools comprising the HSC and the work of the faculty in the colleges, schools, programs, and centers at the HSC. Moreover, with respect to faculty matters at the HSC, all references in Faculty Handbook Policies to the Provost or the Provost’s Office shall mean or shall be interpreted to mean the [Chancellor EVP & CEO](#) for Health Sciences or to the Office of [Chancellor EVP & CEO](#) for Health Sciences.

### **1. Authority in an Emergency**

In the event of an emergency declared by the President as described in [RPM 3.2](#), the [Chancellor EVP & CEO](#) for Health Sciences, in the exercise of reasonable judgment under the circumstances [and in consultation with the University President](#), is authorized to approve actions as are necessary to safeguard persons or property or to maintain the HSC’s educational, research and clinical functions. Such actions shall remain in effect during the state of emergency, unless cancelled sooner by the President.

### **2. Appointment of Additional Officers for the UNM Health Sciences Center**

Upon the approval of the President of the University, the [Chancellor EVP & CEO](#) for Health Sciences may appoint such additional deans of the component colleges and schools of the HSC and/or officers of the HSC or the UNM Health System and such agents and employees as the [Chancellor EVP & CEO](#) for Health Sciences may deem necessary, appropriate and advisable and may delegate to such deans and/or officers as is consistent with Regent policies and policies of the University that are applicable to the HSC.

### **3. Policies and Procedures for the UNM Health Sciences Center**

The [Chancellor EVP & CEO](#) for Health Sciences [in consultation with the University President](#) may issue administrative policies and procedures related to HSC matters for the HSC and for the UNM Health System as long as the policies are not in conflict with policies in the [Regents’ Policy Manual](#), [Faculty Handbook](#), or the [University Administrative Policies and Procedures Manual](#).

## **References**

University Research Park and Economic Development Act, N.M. Stat. ann. § 21-28-1 et seq. (1978, as amended); [RPM 3.2](#) “Authority in an Emergency”; [RPM 3.5](#) “Health Sciences Center Board of Directors”; [RPM 3.6](#) “UNM Hospital Board of Trustees”; [RPM 3.7](#) “Institutional Compliance Program.”

# Regents' Policy Manual - Section 3.6: UNM Hospital Board of Trustees

Adopted Date: 12-14-2010

Amended: 03-14-2016

(replaces portions of [RPM 2.13](#))

## Applicability

This policy applies to the oversight and governance of the clinical, operational and financial affairs of the UNM Hospital.

## Policy

Under that certain Lease Agreement for Operation and Lease of County Healthcare Facilities between the Regents and the Board of County Commissioners of the County of Bernalillo (the "County" or the "County Commissioners"), dated as of July 1, 1999, and approved by the New Mexico Board of Finance on August 12, 1999, as amended by that certain First Amendment to Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the "Lease"), the Regents are responsible for operation and maintenance of UNMH and the Mental Health Center. The Lease is effective as of October 8, 1999, the effective date of the Agreement Regarding Consent to Lease Agreement entered into between the Regents and the Indian Health Service which was amended by that certain First Amended Agreement Regarding Consent to Lease Agreement dated as of November 18, 2004 (as amended, the "Consent"). The Lease provides for appointment of a combined nine-member governing board, which shall be known as the "UNM Hospital's Board of Trustees" (hereinafter, the "UNMH BOT") for the non-research, non-educational operations of the UNM Hospital, with such authority and powers as are delegated to the UNMH BOT by Regents' policy and consistent with applicable federal and state laws and regulations and accreditation standards. The current delegation of authority and powers by the Regents to the UNMH BOT is set forth in [Exhibit A](#) to this policy (corresponding to Exhibit F to the Lease).

The Regents will have authority to appoint seven of the UNMH BOT members, and the County Commissioners will have authority to appoint two of the UNMH BOT members. At least one Regent-appointed member of the UNMH BOT will be a Pueblo Indian, as required by the contract between the County and the federal government for provision of care to Native Americans. Voting Board members will not include either County Commissioners or Regent members.

## Relationship to the Board of Regents and to the UNM Health Sciences Center Committee

The Regents may, but are not obligated to, by and through the HSC Committee, designate a member of the Regents to attend meetings of the UNMH BOT and/or committee meetings of delegated committees of the UNMH BOT, for liaison purposes, but not as a voting member of the UNMH BOT.

Representatives of the UNMH BOT, as designated by the Chairperson of the UNMH BOT, will make periodic reports to the HSC Committee, at least semi-annually, on matters within the UNMH BOT's delegated responsibility and will report for ratification, all matters required to be ratified and approved by the governing body under applicable laws, regulations, or accreditation standards and Regents' policies.

Actions by the UNMH BOT pursuant to this delegation are subject to approval or ratification by the HSC Committee and the Board of Regents as required by applicable federal and state laws and regulations, accreditation standards, and provisions of the Lease. As provided in Section V of the Lease, consistent with the Regents' constitutional and statutory responsibilities, the Regents will retain the right to consider, determine, and act upon any matter relating to the UNM Hospital in a manner consistent with this Policy. However, neither the HSC Committee nor the Regents will modify nor decline to ratify actions by the UNMH BOT, within the scope of the authority and powers delegated by the Regents to the UNMH BOT, except after consultation, with one or more representatives of the UNMH BOT designated by the Chairperson of the UNMH BOT.

## References

Hospital Funding Act, N.M.STAT.ANN. §§4-48B-7 and -12 (1978); statutes applicable to Regents' responsibility for the operation of Carrie Tingley Hospital, N.M.STAT.ANN. §§ 23-2-1 et seq (1978), and the Children's Psychiatric Hospital N.M.STAT.ANN. § 23-8-1 (1978); 1999 Lease Agreement between Regents and County Commissioners of Bernalillo County as amended by the 2004 First Amendment to Lease Agreement; and the 1999 Agreement Regarding Consent to Lease Agreement between the Regents and the Indian Health Service, and the All-Indian Pueblo Council as amended by the 2004 First Amendment to the 1999 Agreement Regarding Consent to Lease Agreement. (Supersedes: 1996 Resolution Concerning Health Sciences Center; 1998 Supplemental Resolution Regarding the University of New Mexico Hospital Board of Trustees.) (Copies maintained by Office of the [Chancellor-Executive Vice President](#) for Health Sciences [and Chief Executive Officer foref the UNM Health System](#), and the Office of University Counsel.); [RPM 3.4](#) "Health Sciences Center and Services" [RPM 3.5](#) "Health Sciences Center Committee."

## EXHIBIT A

### AMENDED AND RESTATED DELEGATION OF AUTHORITY AND POWERS BY REGENTS TO THE UNIVERSITY OF NEW MEXICO HOSPITAL BOARD OF TRUSTEES

## Delegation

The authority and powers listed below are delegated by the Regents of the University of New Mexico (the "Regents") to the University of New Mexico Hospital Board of Trustees, (the "UNMH BOT"), pursuant to Section V of that certain Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of July 1, 1999, as amended by that certain First Amendment to Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the "Lease"), effective as of January 1, 2011 (the "Delegation Effective Date"). This delegation shall continue in effect unless revised as provided in Section V of the Lease. This delegation amends, restates, and supersedes any and all previous delegations and/or conflicting or inconsistent provisions in Regents' policies existing on the Delegation Effective Date, except for Regents' policies revising this delegation in accordance with the provisions of Section V of the Lease.<sup>(1)</sup> As provided in Section V of the Lease, consistent with the Regents' constitutional and statutory responsibilities, the Regents will retain the right to consider, determine, and act upon any matter relating to the UNM Hospital and, subject thereto, the Regents hereby delegate the following authority and responsibility to the UNMH BOT it being the intention of the Regents to designate, for licensure, accreditation, and governance purposes, the UNMH BOT as the "governing body" for the UNM Hospital:

1. Oversight and management of the non-research, non-educational operations of the UNM Hospital in a proper and responsible manner so as to enable the UNM Hospital to provide or arrange for provision of high quality healthcare services to patients of the UNM Hospital and to support the teaching and clinical research missions of the HSC; provided, however, that nothing contained in this delegation shall be construed to be a delegation of authority to the UNMH BOT of any matter covered and addressed by the University of New Mexico Labor Management Relations Resolution adopted by the Regents on May 9, 2006 (the "Labor Resolution").
2. Review and recommend for approval to the UNM Health Sciences Center Committee ("HSC Committee") in accordance with applicable Regent or University policy, the UNM Hospital's operating and capital budgets.
3. Review and approve, or in appropriate circumstances recommend for approval in accordance with applicable Regent or University policy, the following:
  - a. the procurement by the UNM Hospital of equipment (whether by purchase, lease, or other forms of acquisition[s]);
  - b. execution by the UNM Hospital of contracts for services with third parties; or
  - c. lease by the UNM Hospital of real estate.

In this connection, the HSC Committee shall establish by resolution, the level of approval authority for the UNMH BOT with respect to Vendor Contracts, leases of real property, Trade Transactions, Third Party Payor Contracts and/or Strategic Transactions within the parameters of what are Approvable Transactions as set forth in [RPM 3.4](#).

4. Review and approval, in coordination with the HSC Committee, of the UNM Hospital's operating plan and strategic plan.

5. Review and approval of policies of the UNM Hospital that require review and approval by the governing body under applicable laws, regulations or accreditation standards; subject to ratification by the HSC Committee and the Board of Regents, other than policies that are covered by the Labor Resolution.
6. Review and approval, in accordance with applicable Regent or University policy and/or applicable accreditation standards, the Medical Staff Bylaws and the HSC Medical Staff Rules and Regulations and amendments thereto.
7. Assurance that the Medical Staff has reasonable policies and procedures in place regarding credentialing of physicians and ancillary providers who practice at the UNM Hospital.
8. Receipt of and action upon recommendations of the Medical Staff related to appointment and reappointment of members of the Medical Staff and the granting of privileges to physicians and ancillary providers who practice at the UNM Hospital or at other patient care facilities as assigned by the HSC. In this connection, all action by the UNMH BOT related to the appointment and reappointment of members of the Medical Staff shall be fully effective at the time of such action, even if the affected medical staff member may have the ability to appeal the same to the Regents under Regents' Policy [1.5](#). With respect to "Professional Review Actions" as defined in the Medical Staff Bylaws and related manuals and in applicable federal and state laws, rules, regulations, and accreditation standards, the affected member or members of the Medical Staff shall have such appellate rights as are specified in the Medical Staff Bylaws and related manuals.
9. Receipt of and action upon, as appropriate, periodic reports and recommendations of the Medical Staff and administrators of the UNM Hospital related to quality assurance for patient care delivered at the UNM Hospital.
10. Coordination with and oversight of any advisory/advocacy boards existing or created for UNM Hospital for other than research and education purposes, and establishment of reporting mechanisms between those advisory/advocacy boards and the UNMH BOT.
11. Review and recommendation as to the bylaws of advisory/advocacy boards of UNM Hospital and submission of the bylaws of those advisory/advocacy boards to the Regents for review and approval in accordance with applicable Regents' policy.
12. Subject to [RPM 7.8](#) (with respect to financial settlements) oversight of claims and/or lawsuits involving the UNM Hospital and, in coordination with the HSC Committee, the development of a loss control program with respect thereto.
13. Oversight of, and action upon, issues involving compliance by the UNM Hospital and the employees thereof with applicable federal and state health care regulatory requirements including, without limitation, billing issues, anti-kickback statute issues, Stark law issues, and other regulatory requirements and with the HSC Institutional Compliance Program as contemplated in [RPM 3.7](#).
14. Oversight of, and action upon, issues involving compliance by the UNM Hospital and the employees thereof with applicable federal and state health care regulatory requirements including, without limitation, compliance with HIPAA, HITECH and the regulations and with the University's HIPAA compliance program as contemplated in [RPM 3.7](#).

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[1] Capitalized terms not otherwise defined in this [Exhibit A](#) shall have the meanings ascribed to such terms in Regents' Policy [3.4](#).

# Regents' Policy Manual - Section 3.8: Institutional HIPAA Compliance Program

Adopted Date: 06-17-2019

## Applicability

This policy applies to the "health care components" of the University's Health Sciences Center (HSC), to other health care components of the University, and to the University's organized health care arrangement (OHCA).

The University is considered a "hybrid covered entity" because it consists of both health care components and non-health care components. The health care components of the hybrid covered entity are identified in Exhibit A to this policy.

## HIPAA and HITECH

It is the policy of the health care components of the University to establish reasonable administrative, technical, and physical safeguards in an effort to protect the privacy of "protected health information" and "electronic protected health information" that the health care components create, obtain, or maintain, as required by the:

- Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA),
- Health Information Technology for Economic and Clinical Health Act, contained in the American Recovery and Reinvestment Act of 2009 (HITECH), and
- regulations issued by the Department of Health and Human Services with respect to HIPAA (collectively with HIPAA and HITECH, the "HIPAA Standards").

## Self-Insured Health Plans

The University and University Hospitals may sponsor self-insured health plans for the benefit of their respective employees and their dependents, including the UNM Self-Insured Health Plan, the Self-Insured Resident Physician Health Plan, and the Self-Insured Student Health Plan (each, a "Self-Insured Benefit Plan," and, collectively, the "Self-Insured Benefit Plans"). The Self-Insured Benefit Plans shall each be considered a "covered entity" within the meaning of the HIPAA Standards.

## HIPAA Privacy Officer

The University President has delegated to the [Chancellor-Executive Vice President](#) for Health Sciences and [Chief Executive Officer](#) for the UNM Health System responsibility for assuring that the University's health care components identified in Exhibit A comply with the HIPAA Standards. As part of that responsibility, the [Chancellor for Health Sciences-Executive Vice President for Health Sciences and Chief Executive Officer](#) for the UNM Health System designates an individual to serve as the HIPAA Privacy Officer for the University's health care components.

The responsibilities of the HIPAA Privacy Officer include assuring that Exhibit A accurately reflects the University's health care components. The HIPAA Privacy Officer must notify the UNM Policy Office when Exhibit A should be amended. The UNM Policy Office has authority to amend Exhibit A at the request of the HIPAA Privacy Officer.

## Affiliated Corporations

Two affiliated University Research Park and Economic Development Act (URPEDA) corporations that are components of HSC's clinical arm are separate legal entities and, therefore, their own covered entities within the meaning of the HIPAA Standards. These URPEDA corporations are integral members of the UNM Health System, as defined in [RPM 3.4](#), and have adopted and implemented their own policies in respect to the HIPAA Standards, consistent with this policy.

More specifically, UNM Medical Group, Inc. (UNMMG) and any and all clinics operated and/or managed by UNMMG are a covered entity separate from the University, including, without limitation, UNMMG's provision of third-party administration, medical management, clinical management, network management, and related services in relation to any of the Self-Insured Benefit Plans.

In addition, UNM Sandoval Regional Medical Center, Inc. (SRMC) and any and all clinics operated and/or managed by SRMC are a covered entity separate from the University. At the same time, any self-insured group health benefit

plan sponsored by SRMC for the benefit of SRMC employees and their dependents (the "SRMC Self-Insured Benefit Plan") is also considered a separate covered entity.

## Organized Health Care Arrangement

The HSC, the Self-Insured Benefit Plans, UNMMG, SRMC, the SRMC Self-Insured Benefit Plan, and the health care components listed in Exhibit A shall take the steps necessary to be considered an OHCA within the meaning of the HIPAA Standards when the parties mutually agree and benefit from joint activities. All components of the OHCA will undertake the steps necessary to comply with the HIPAA Standards.

## References

- NMSA 1978, § 21-28-1 et seq. ("University Research Park and Economic Development Act")
- 42 U.S.C. § 1320d, and as amended by the HIPAA Omnibus rule, effective March 26, 2013 ("The Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996")
- Regulations pursuant to HIPAA: 45 CFR, Parts 160, 162, and 164; American Recovery and Reinvestment Act of 2009; Title XIII; Health Information Technology for Economic and Clinical Health Act
- RPM 3.4 ("Health Sciences Center")
- UNM's HIPAA Compliance Policy for Certain Health Plans Offered by the University

## EXHIBIT A

**Amended: 06-19-2020**

The University of New Mexico, as a hybrid covered entity under 42 CFR Part 164.504, hereby designates the following operations as health care components for purposes of complying with the HIPAA Standards:

- HSC and its academic and clinical arms (as defined in RPM 3.4, except for UNMMG and SRMC)
- Telemedicine, telehealth, and teleradiology programs (including, without limitation, Project ECHO) on all UNM campuses, hospitals, and clinics
- Counseling Assistance and Referral Services
- Speech and Hearing Sciences
- Any and all Lobo Clinics
- Student Health and Counseling, excluding those activities thereof covered by the Family Education Rights and Privacy Act, 20 USC. § 1232g, as amended
- Office of the University Counsel when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Safety and Risk Services Department when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Internal Audit Department when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Office of Equal Opportunity and the Office of the Title IX Coordinator, when providing services and/or conducting investigations in respect to any of the health care components identified in this Exhibit A
- Applicable Human Resources Departments as follows:
  - of the University, in carrying out and discharging its administration duties in respect to its Self-Insured Benefit Plan
  - of UNM Hospitals, in carrying out and discharging its administration duties in respect to its Self-Insured Benefit Plan

- Information Technologies Department of the University, and the HSC, respectively, when accessing or providing mission support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A

# Regents' Policy Manual - Section 5.3: Employment of UNM Graduates

Adopted Date: 09-12-1996

Amended: 06-12-2012

## Applicability

This policy applies to regular members of the University faculty.

## Policy

As a general policy, no persons who have received degrees from the University of New Mexico shall hereafter be employed as regular members of the faculty in positions which may lead to permanent tenure unless subsequent to their last degree received at the University of New Mexico, they have taken at least one academic year of advanced work at another reputable institution or have established themselves professionally elsewhere. Such work or professional experience must be in their teaching field.

At the discretion of the Provost/Executive Vice President for Academic Affairs, or for Health Sciences faculty the ~~Chancellor~~[Executive Vice President](#) for Health Sciences ~~and Chief Executive Officer foref the UNM Health System~~, an exception may be made to this general policy.

## Reference

"Employment of UNM Graduates," [Faculty Handbook C20](#).



# Regents' Policy Manual - Section 5.5: Outside Employment

Adopted Date: 09-12-1996

## Applicability

This policy applies to full-time faculty members of the University.

## Policy

Full-time members of the University faculty are encouraged to engage in outside professional activities such as writing, consulting, lecturing, or activities of similar nature which will enhance their professional growth or reputation, subject to the following restrictions:

- Since the faculty member's primary responsibility is to the University, all outside employment is considered secondary. The time spent in outside employment or in additional work done within the University for extra compensation, or in both of these together, may not exceed the equivalent of one work day per week during the contract period.
- Outside professional activities will not significantly conflict with classes, office hours, or other assigned duties and commitments.
- Except in cases specifically approved in writing by the President authorizing official University involvement, the faculty member in undertaking such employment shall act as an individual and not as an agent of the University and shall not use the name of the University or official University stationery in connection with such work.
- Great care should be taken to avoid a conflict of interest or appearance of a conflict of interest situation in carrying out any type of consultant or research activity.
- When exceptions to this policy are necessary in the interest of the University, they must have the advance written approval of the [Associate-Senior Vice](#) Provost for Academic Affairs.
- Deans are to report to the [Associate-Senior Vice](#) Provost for Academic Affairs at the end of each semester and summer session summaries of the number of days spent by each faculty member on outside employment.

## Implementation

The full policy, previously adopted by the faculty and approved by the Regents, is printed in the [Faculty Handbook](#).

The Provost has interpreted the "one work day per week" language to mean 39 days for the contract period (9 months). The 39 days can be arranged in various ways (e.g., one day a week, all at one time); Saturdays and Sundays are counted toward the 39 days. Extra compensation paid through the University (see [RPM Policy 5.6](#)) and outside employment both count toward the 39 days.

For the Health Sciences Center, the reporting by the dean (last item in policy above) is made to the [Executive Vice President for Health Sciences](#) [and Chief Executive Officer](#) for [the UNM Health System](#).

## Reference

[Faculty Handbook](#) [1990 ed.] pages B-25 -- B-26.

# Regents' Policy Manual - Section 5.18: Endowed Faculty Chairs

Adopted Date: 06-14-2005

Amended: 01-09-2015

## Applicability

This policy applies to the faculty of the University of New Mexico.

## Policy

The quality of the faculty is one of the enduring hallmarks of a great institution. The University of New Mexico will have made great strides toward being a world-class institution when a large number of eminent scholars across many different areas of study are members of our faculty.

An endowed chair is an honor that can be bestowed on a scholar of distinction. This honor will allow an individual to conduct meaningful inquiry that will expand the frontiers of knowledge and instruct generations; as a result, the reputation of the University will be enhanced. An endowed chair is a singular opportunity to recognize and sustain innovative intellectual work. The income derived from such an endowment can be used to provide salary support or to fund specific laboratory or other scholarly expenses.

## The Role of the University of New Mexico Foundation

An endowed chair may be established by a gift or conferred pledge of \$1.5 million. When the University of New Mexico Foundation (UNM Foundation) becomes aware of a donor's wish to establish an endowed chair, the UNM Foundation will communicate the intent of the donor to the President of the University, the Provost and Executive Vice President for Academic Affairs, and the [Executive Vice President Chancellor for Health Sciences and Chief Executive Officer for the UNM Health System](#). Upon approval by the President, the UNM Foundation will oversee the details of the gift pledge and will ensure that a fundamental agreement is drafted containing terms consistent with the intentions of the donor. A resolution proposal by the UNM Foundation will be forwarded to the Board of Regents' Academic, Student Affairs, and Research Committee. Appropriate University offices will receive copies of fundamental agreements and resolutions. The Board of Regents' Academic, Student Affairs, and Research Committee will, if approved, forward the resolution to the Board of Regents for action.

## The Role of the Regents of the University of New Mexico

The Board of Regents, as the governing body of the University, will act to approve both the establishment of a chair and its holder. In both cases their action will be preceded by review and approval by the Board of Regents' Academic, Student Affairs, and Research Committee.

Once the candidate to hold the chair has been approved by the Board of Regents, the University will take steps to invest in that individual and the chair. This ceremonial occasion would bring together the donors responsible for creating the chair, other donors and friends of the University, friends and family of the chair holder, friends and board members of the University and, if appropriate, invited guests who share scholarly interests with the chair holder to celebrate with members of the academic community. Venues for such an event may vary; possible examples include the Alumni Memorial Chapel, the Student Union Building, or on some occasions the outdoors. The UNM Foundation will be responsible for planning and executing the event.

## Role of the Provost and Executive Vice President for Academic Affairs and the [Executive Vice President Chancellor for Health Sciences and Chief Executive Officer for the UNM Health System](#)

The Provost and Executive Vice President for Academic Affairs or the [Executive Vice President Chancellor for Health Sciences and Chief Executive Officer for the UNM Health System](#), depending on the academic role of the chair holder, should ensure that chair holders provide a report of their activity during the course of an academic year. This ensures the academic integrity of the chair and also provides the donor with information on the positive outcomes of his or her gift.

# References

RPM 2.11 ("Naming University Facilities, Spaces, Endowments, and Programs"); RPM 7.13 ("Receipt and Investment of Gifts to the University"); and Faculty Handbook Policy C170 ("Endowed Chairs and Named Professorships").

# Regents' Policy Manual - Section 7.6: University Enterprise Business Activities

Adopted Date: 09-12-1996

Amended: 12-14-2010

## Applicability

This policy applies to all activities conducted by the University of New Mexico and its affiliated units where fees are charged for providing goods or services to the general public.

## Policy

All University business enterprise activities shall be related to the University's mission of providing instruction, research, scholarship, cultural innovation, public service, patient care, and campus support. Some activities within this mission may be organized as separate and distinct business cost centers, with fees charged for providing goods and services that enhance, promote or support the University's mission and meet the needs of students, faculty, staff and patients. Some of these business activities may also be available to the general public. The University shall comply with all applicable laws and regulations concerning its business activities. The governance of business enterprise activities in respect of the Health Sciences Center shall be as set forth in [RPM 3.4](#).

## Implementation

The President shall establish administrative policies and procedures to ensure that all business activities are related to the University's mission. Exceptions to the policy may be authorized by the President when clearly in the best interest of the University and the public.

## Delegation of Authority

The Executive Vice President for Administration/CFO/COO and the ~~Chancellor~~[Executive Vice President](#) for Health Sciences [and Chief Executive Officer for the UNM Health System](#) (in respect of Health Sciences Center activities) shall be responsible for oversight and review of University business activities, including periodic review of all University business enterprise activities.

## References

University Business Activities, [UBPPM Policy 6010](#).

# Regents' Policy Manual - Section 7.8: Signature Authority for Contracts

Adopted Date: 09-12-1996

Amended: 03-10-1997

Amended: 12-06-2007

Amended: 08-12-2008

Amended: 12-14-2010

Amended: 04-08-2014

Amended: 03-14-2016

## Applicability

This policy applies to all members of the Board of Regents, faculty, staff and students.

## Policy

The Board of Regents must approve and an officer of the Board of Regents must sign the following types of contracts and documents, after due authorization by the Regents:

1. Contracts between the President and the University;
- ~~2. Contracts between the Chancellor for Health Sciences and the University;~~
- ~~3-2.~~ Bond resolution, notification and certification documents, including certification of bond sale; and
- ~~4-3.~~ Any contracts or other documents required by law to be signed by an officer of the Board of Regents.

The Chief Procurement Officer or designee must sign contracts for the purchase of goods and services, and the authority to do so is hereby delegated.

The President shall have the authority to sign all other contracts and documents (other than contracts or agreements for the purchase of goods and services) for the operation of the University and may delegate this authority. The President's signature authority as set forth above includes the authority to execute certificates representing stocks, bonds, or other securities in order to buy, sell, assign, or endorse for transfer such securities. The President shall also have authority to require additional signatures on contracts for the purchase of goods and services.

It is the official policy of the University to avoid financial settlements of claims and lawsuits against the University except when appropriate. The Risk Management Division of the State of New Mexico provides coverage of certain liabilities of the University and has the authority to settle claims and lawsuits on the University's behalf in consultation with University officials. The University shall not agree to ~~pay a~~ financial settlement ~~paid on its behalf involving a payment by the University~~ without (1a) an appropriate risk assessment of the case, ~~and~~ ~~(2b)~~ written approval by the ~~Executive Vice President for Chancellor for Health Sciences and Chief Executive Officer for the UNM Health System for medical malpractice cases or the President for all other cases,~~ ~~the Provost and the Executive Vice President for Academic Affairs, or the Senior Executive Vice President for Finance & Administration,~~ and (c) final approval by the President. A financial settlement ~~or contract buy-out~~ payment by the University with its own funds can be authorized by the President up to of \$400,000-\$1,000,000. Payments of university funds in excess of this amount or more must also be approved by the Board of Regents. The Board shall receive regular reports of all settlement payments and judgments paid on its behalf or paid from University funds.

After fully advising the President, the ~~Chancellor for Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System~~ is authorized to enter into affiliation agreements with other patient care facilities to provide educational opportunities.

The signature authority delegated in this policy must be exercised in accordance with other Regents' policies, some of which may require approval of the contract or other document by the Board of Regents.

## References

RPM 1.4 ("Appointment of the President of the University"); RPM 7.10 ("Borrowing and Bonding Authority"); RPM 3.4 ("Health Sciences Center and Services"); and UAP 2010 ("Contract Signature Authority and Review").

# Regents' Policy Manual - Section 7.9: Property Management

Adopted Date: 09-12-1996

Amended: 04-08-2014

## Applicability

This policy applies to all property owned, used, loaned, or leased to the University.

## Policy

The University may acquire, maintain, protect, use, and dispose of property required to perform its mission. University property shall be managed according to University policies and applicable state and federal law.

University property includes all equipment purchased by University departments, regardless of the source of funds used to purchase the equipment; U.S. Government-owned equipment used by University departments; components and materials used to make equipment, whether furnished to, acquired by, or fabricated by the University; property donated to the University; and property loaned or leased to the University by outside organizations.

The following types of property management transactions must be approved by the Board of Regents:

1. Purchase, sale, or transfer of real property.
2. Leases of real property, the annual cost of which is \$1,000,000 or more. (Note: If the lease contains an option to purchase the real property, Regents must approve exercising the option.)
3. The Finance and Facilities Committee or the Health Sciences [Board of Directors Committee](#), as appropriate, must approve the disposition of surplus property, in accordance with NMSA 1978, § 13-6-1 et seq. Such dispositions are not approved by the full Board.

## Implementation

The President shall adopt administrative policies and procedures to implement this policy.

## References

By statute, purchase of real property must also be approved by the Higher Education Department and the State Board of Finance.

Disposition of Surplus Property Act, § 13-6-1, NMSA 1978.

[UAP 7710](#) ("Property Management and Control).

[RPM 7.13](#) ("Development, Receipt, and Investment of Gifts to the University).

# Regents' Policy Manual - Section 7.14: Risk Management and Insurance

Adopted Date: 09-12-1996

Amended: 12-14-2010

Amended: 08-14-2015

## Applicability

This policy applies to all members of the University community and to all property owned or controlled by the University.

## Policy

### 1. Safety and Loss Prevention Program

It is the policy of the University to take reasonable steps to avoid accidents or other incidents that could result in injury or death to students, faculty, staff, and visitors, and to protect the physical resources of the University against loss or damage. The University, therefore, will have an active safety and loss prevention program. Because of the unique and distinct manner in which the Health Sciences Center operates and the unique nature of the risks of loss with respect thereto, the governance and oversight of the safety and loss prevention program for the Health Sciences Center (and each of its component colleges, schools, centers, units, and subsidiary corporations as described in Section 1 of [RPM 3.4](#)) shall be as described in Section 3i of [RPM 3.5](#) for the Health Sciences [Board of Directors Committee](#) and Exhibit A Section 12 of [RPM 3.6](#) for the UNM Hospital Board of Trustees. The program will also provide for the proper handling and disposition of hazardous materials, pursuant to applicable laws.

Liability ~~insurance coverage for covering~~ the University and its "public employees," as defined in the New Mexico Tort Claims Act, property and casualty insurance, workers' compensation insurance, and health care liability coverage for health care students are provided by the Risk Management Division, General Services Department, of the State of New Mexico.

Recognizing that the University's and its "public employees" tort liability to third parties is subject to the immunities and limitations set forth in the New Mexico Tort Claims Act and the Eleventh Amendment to the U.S. Constitution, in cooperation with the Risk Management Division of the New Mexico General Services Department under and pursuant to the New Mexico Tort Claims Act, the University will carry (a) fire and extended coverage insurance on its buildings, heating and cooling systems, and major equipment; (b) workers' compensation and unemployment compensation as required by applicable law, (c) medical malpractice, professional liability, and comprehensive general liability insurance under the Public Liability Fund administered by the Risk Management Division to protect itself and its "public employees," as defined in and consistent with the New Mexico Tort Claims Act; (d) such other and further insurance coverage as may be necessary and appropriate under the circumstances of a particular situation.

### 2. Insurance for Employees and Students

The University will provide opportunities for its students and employees to purchase medical insurance.

The Board must approve the establishment or elimination of any alternative insurance or self-insurance program. In 2009, the Board approved a self-funded employee health plan.

The University will offer to all its active permanent faculty and staff employees, and certain retirees, group health insurance coverage which the University co-pays in accordance with state law. University employees may also purchase group life insurance, accidental death and dismemberment insurance, and short- and long-term disability insurance coverage for themselves and their families through the University.

The University will offer one or more health insurance policies to its students each year.

#### 2.1. Reserve Fund Maintained for Self-Insurance Plan

The University maintains a reserve fund for its self-insured health, prescription drug, and dental benefits covering active employees and eligible retirees. Third Party Administrators (TPA) are contracted to process claims and



perform certain administrative functions. In addition to claims payments and TPA administrative fees, the three components of the reserve fund (discussed below) may be used, as appropriate, for medical and non-medical costs such as stop-loss premiums, wellness initiatives, onsite clinic costs, telemedicine services, disease management services, and outside consulting fees.

The reserve fund has three distinct components: an Incurred But Not Reported (IBNR) reserve, a Claims Fluctuation Reserve (CFR), and a general reserve.

- The IBNR reserve is maintained to fund terminal liabilities in the event that the self-funded plan, or any subset of it, were to cease. The amount of the IBNR reserve is calculated and certified annually by an independent credentialed healthcare actuary.
- The CFR reserve provides budget certainty to any given fiscal year should actual costs exceed the expected amounts. The amount is calculated to reflect a percentage of budget certainty between 50% and 100%.
- The general reserve represents any funds that exceed the combined IBNR and CFR reserves, and may include earnings created by the reserve.

## **2.2. Use of the General Reserve Component of the Self-Insurance Reserve Fund**

The Board in its discretion may approve the allocation of funds from the general reserve component for other University purposes. The premium amounts paid by covered employees constitute assets of the self-insurance plan, and can be used for no other purpose. Any interest paid on the employees' premiums, and other monies that exceed participant contributions and form the basis of the general reserve component, however, are considered general assets of the University and may be used for purposes unrelated to the self-insurance plan.

## **3. Reports to the Board**

The President shall report annually to the Board on the status and financial condition of the University's risk management and insurance programs. In this regard, the ~~Chancellor for~~[Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System](#) shall coordinate reporting for the Health Sciences Center's safety and loss prevention program with the President of the University.

## **References**

Tort Claims Act, § 41-4-1 et seq., NMSA 1978; Workers' Compensation Act, § 52-1-1, et seq.; Group Benefits Act, § 10-7B-1, et seq.

# CLEAN COPIES OF REVISIONS:

## Regents' Policy Manual - Section 3.3: Appointment and Termination of Key Administrators

**Adopted Date: 09-12-1996**

**Amended: 12-14-2004**

**Amended: 12-14-2010**

**Amended: 03-14-2016**

### Applicability

This policy applies to the appointment, dismissal, compensation, and contract amendment or non-renewal of all executive vice presidents, senior vice president, director of intercollegiate athletics, and the University's general counsel.

### Policy

In addition to following the applicable administrative policies and procedures, the President shall inform the Board of Regents prior to appointing, dismissing, setting compensation, amending or not renewing the contract of all executive vice presidents, senior vice presidents, director of intercollegiate athletics, and the university's general counsel. The President shall also inform the Board of Regents in connection with the appointment, termination, and compensation of other senior or key administrative positions as appropriate, depending on the circumstances surrounding the appointment, termination or change in compensation.

With regard to the recruitment and hiring of all executive vice presidents, senior vice presidents, director of intercollegiate athletics, and the University's general counsel, the following guidelines shall be observed, consistent with University policies and procedures:

- A national search shall be conducted unless there are exceptional circumstances and the Regents have been consulted;
- A broadly-representative search committee shall be used; and
- Finalists in a competitive process for the position shall participate in interviews which include an open forum on campus for the general University or Health Sciences Center, as the case may be, community and interested members of the public.

### References

Employment Contracts, [RPM 6.9](#).

### Implementation

The President shall adopt administrative policies and procedures for the recruitment and hiring of key administrative positions, including but not limited to the positions specified in this policy. Dismissal or contract non-renewal shall be in accordance with University policies and procedures.

# Regents' Policy Manual - Section 3.4: Health Sciences Center and Services

Adopted Date: 12-14-2010

Amended: 03-14-2016

(replaces RPM 2.13)

## Applicability

This policy applies to the academic and clinical programs, facilities and services operating as part of the UNM Health Sciences Center (HSC) and, as provided more fully below, to certain subsidiary corporations of the University. This policy also applies to those operations of the University that are deemed to be "health care components" of the University as set forth below.

## Policy

The health care related education, research, and clinical programs and services offered by the University and/or provided in the University's facilities and those of certain of its University Research Park and Economic Development Act ("URPEDA") subsidiaries as described in this Policy are hereby designated as the "UNM Health Sciences Center" which is and shall be a component unit of the University. The clinical elements of the HSC are intended to be a fully integrated, academic health center and health care delivery system and will be collectively administered as the "UNM Health System."

## Component Units of UNM Health Sciences Center

The HSC consists of the School of Medicine, the College of Nursing, the College of Pharmacy, and the College of Population Health; the Health Sciences Center Library & Informatics Center; the UNM Comprehensive Cancer Center, the UNM Clinical and Translational Sciences Center, UNM Medical Group, Inc., ("UNMMG") a New Mexico non-profit and URPEDA corporation organized and formed by the University, UNM Sandoval Regional Medical Center, Inc., ("UNM SRMC") a New Mexico non-profit and URPEDA corporation organized and formed by the University and several research and public service programs related to health sciences. The HSC also includes the University of New Mexico Hospital ("UNMH"), the University of New Mexico Children's Hospital (the "Children's Hospital"), the University of New Mexico Adult Psychiatric Center formerly known as the Mental Health Center ("Adult Psychiatric Center"), the UNM Children's Psychiatric Hospital ("CPH"), the Carrie Tingley Hospital ("CTH") and the outpatient facilities and clinics operated under the license(s) of the foregoing. In this Policy, UNMH, Children's Hospital, Adult Psychiatric Center, CPH, CTH and the outpatient facilities and clinics thereof shall be referred to collectively as the "UNM Hospital." The HSC will also include such other and further clinics, centers, and programs developed and/or to be developed and operated by the HSC or any of the component units currently comprising the HSC or those added to the HSC at a future date.

## Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System

The Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System (EVP & CEO Health Sciences Center") shall provide leadership and have administrative responsibility for all activities, operations, and programs of the HSC, and the UNM Health System, consistent with University policies, recognizing that teaching, research, service, and patient care are the foundations of an academic health center in accordance with Regent Policies and University Administrative Policies and Procedures."

The President of the University shall set the annual goals to be established for the EVP & CEO for Health Sciences in performing his or her job duties. The President of the University shall perform an evaluation of the EVP & CEO for Health Sciences' performance in respect of such goals.

Subject to [RPM 3.1](#), the EVP & CEO for Health Sciences shall have general supervision over the affairs, property, personnel, and financial resources of the HSC. With respect to the Institutional Compliance Programs identified more fully in [RPM 3.7](#), the EVP & CEO for Health Sciences shall be designated and shall be the “institutional official” or “designated official,” as the case may be for each Institutional Compliance Program at the HSC requiring the designation of such an official. In this regard, the EVP & CEO for Health Sciences shall have such additional powers, duties, and authorities as may from time to time be assigned to him/her by the President of the University.

Additionally, the EVP & CEO for Health Sciences shall serve as the chief academic officer relative to colleges, schools, programs, and centers at the HSC and shall work in mutual collaboration with the Executive Vice President for Academic Affairs and Provost, in coordinating, developing, and improving the educational and research programs at the HSC, subject to any limitations imposed in his/her employment contract and/or by the President of the University in accordance with [RPM 3.1](#). The EVP & CEO for Health Sciences will ensure that all HSC educational and research programs meet the standards of the State of New Mexico and all relevant and applicable accreditation bodies. The EVP & CEO for Health Sciences will oversee the deans of the respective colleges and schools comprising the HSC and the work of the faculty in the colleges, schools, programs, and centers at the HSC. Moreover, with respect to faculty matters at the HSC, all references in Faculty Handbook Policies to the Provost or the Provost’s Office shall mean or shall be interpreted to mean the EVP & CEO for Health Sciences or to the Office of EVP & CEO for Health Sciences.

### **1. Authority in an Emergency**

In the event of an emergency declared by the President as described in [RPM 3.2](#), the EVP & CEO for Health Sciences, in the exercise of reasonable judgment under the circumstances and in consultation with the University President, is authorized to approve actions as are necessary to safeguard persons or property or to maintain the HSC’s educational, research and clinical functions. Such actions shall remain in effect during the state of emergency, unless cancelled sooner by the President.

### **2. Appointment of Additional Officers for the UNM Health Sciences Center**

Upon the approval of the President of the University, the EVP & CEO for Health Sciences may appoint such additional deans of the component colleges and schools of the HSC and/or officers of the HSC or the UNM Health System and such agents and employees as the EVP & CEO for Health Sciences may deem necessary, appropriate and advisable and may delegate to such deans and/or officers as is consistent with Regent policies and policies of the University that are applicable to the HSC.

### **3. Policies and Procedures for the UNM Health Sciences Center**

The EVP & CEO for Health Sciences in consultation with the University President may issue administrative policies and procedures related to HSC matters for the HSC and for the UNM Health System as long as the policies are not in conflict with policies in the [Regents’ Policy Manual](#), [Faculty Handbook](#), or the [University Administrative Policies and Procedures Manual](#).

## **References**

University Research Park and Economic Development Act, N.M. Stat. ann. § 21-28-1 et seq. (1978, as amended); [RPM 3.2](#) “Authority in an Emergency”; [RPM 3.5](#) “Health Sciences Center Board of Directors”; [RPM 3.6](#) “UNM Hospital Board of Trustees”; [RPM 3.7](#) “Institutional Compliance Program.”

# Regents' Policy Manual - Section 3.6: UNM Hospital Board of Trustees

Adopted Date: 12-14-2010

Amended: 03-14-2016

(replaces portions of RPM 2.13)

## Applicability

This policy applies to the oversight and governance of the clinical, operational and financial affairs of the UNM Hospital.

## Policy

Under that certain Lease Agreement for Operation and Lease of County Healthcare Facilities between the Regents and the Board of County Commissioners of the County of Bernalillo (the "County" or the "County Commissioners"), dated as of July 1, 1999, and approved by the New Mexico Board of Finance on August 12, 1999, as amended by that certain First Amendment to Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the "Lease"), the Regents are responsible for operation and maintenance of UNMH and the Mental Health Center. The Lease is effective as of October 8, 1999, the effective date of the Agreement Regarding Consent to Lease Agreement entered into between the Regents and the Indian Health Service which was amended by that certain First Amended Agreement Regarding Consent to Lease Agreement dated as of November 18, 2004 (as amended, the "Consent"). The Lease provides for appointment of a combined nine-member governing board, which shall be known as the "UNM Hospital's Board of Trustees" (hereinafter, the "UNMH BOT") for the non-research, non-educational operations of the UNM Hospital, with such authority and powers as are delegated to the UNMH BOT by Regents' policy and consistent with applicable federal and state laws and regulations and accreditation standards. The current delegation of authority and powers by the Regents to the UNMH BOT is set forth in Exhibit A to this policy (corresponding to Exhibit F to the Lease).

The Regents will have authority to appoint seven of the UNMH BOT members, and the County Commissioners will have authority to appoint two of the UNMH BOT members. At least one Regent-appointed member of the UNMH BOT will be a Pueblo Indian, as required by the contract between the County and the federal government for provision of care to Native Americans. Voting Board members will not include either County Commissioners or Regent members.

## Relationship to the Board of Regents and to the UNM Health Sciences Center Committee

The Regents may, but are not obligated to, by and through the HSC Committee, designate a member of the Regents to attend meetings of the UNMH BOT and/or committee meetings of delegated committees of the UNMH BOT, for liaison purposes, but not as a voting member of the UNMH BOT.

Representatives of the UNMH BOT, as designated by the Chairperson of the UNMH BOT, will make periodic reports to the HSC Committee, at least semi-annually, on matters within the UNMH BOT's delegated responsibility and will report for ratification, all matters required to be ratified and approved by the governing body under applicable laws, regulations, or accreditation standards and Regents' policies.

Actions by the UNMH BOT pursuant to this delegation are subject to approval or ratification by the HSC Committee and the Board of Regents as required by applicable federal and state laws and regulations, accreditation standards, and provisions of the Lease. As provided in Section V of the Lease, consistent with the Regents' constitutional and statutory responsibilities, the Regents will retain the right to consider, determine, and act upon any matter relating to the UNM Hospital in a manner consistent with this Policy. However, neither the HSC Committee nor the Regents will modify nor decline to ratify actions by the UNMH BOT, within the scope of the authority and powers delegated by the Regents to the UNMH BOT, except after consultation, with one or more representatives of the UNMH BOT designated by the Chairperson of the UNMH BOT.

## References

Hospital Funding Act, N.M.STAT.ANN. §§4-48B-7 and -12 (1978); statutes applicable to Regents' responsibility for the operation of Carrie Tingley Hospital, N.M.STAT.ANN. §§ 23-2-1 et seq (1978), and the Children's Psychiatric Hospital N.M.STAT.ANN. § 23-8-1 (1978); 1999 Lease Agreement between Regents and County Commissioners of Bernalillo County as amended by the 2004 First Amendment to Lease Agreement; and the 1999 Agreement Regarding Consent to Lease Agreement between the Regents and the Indian Health Service, and the All-Indian Pueblo Council as amended by the 2004 First Amendment to the 1999 Agreement Regarding Consent to Lease Agreement. (Supersedes: 1996 Resolution Concerning Health Sciences Center; 1998 Supplemental Resolution Regarding the University of New Mexico Hospital Board of Trustees.) (Copies maintained by Office of the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System, and the Office of University Counsel.); RPM 3.4 "Health Sciences Center and Services" RPM 3.5 "Health Sciences Center Committee."

## EXHIBIT A

### AMENDED AND RESTATED DELEGATION OF AUTHORITY AND POWERS BY REGENTS TO THE UNIVERSITY OF NEW MEXICO HOSPITAL BOARD OF TRUSTEES

## Delegation

The authority and powers listed below are delegated by the Regents of the University of New Mexico (the "Regents") to the University of New Mexico Hospital Board of Trustees, (the "UNMH BOT"), pursuant to Section V of that certain Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of July 1, 1999, as amended by that certain First Amendment to Lease Agreement for Operation and Lease of County Healthcare Facilities dated as of November 18, 2004 (as amended, the "Lease"), effective as of January 1, 2011 (the "Delegation Effective Date"). This delegation shall continue in effect unless revised as provided in Section V of the Lease. This delegation amends, restates, and supersedes any and all previous delegations and/or conflicting or inconsistent provisions in Regents' policies existing on the Delegation Effective Date, except for Regents' policies revising this delegation in accordance with the provisions of Section V of the Lease.<sup>(1)</sup> As provided in Section V of the Lease, consistent with the Regents' constitutional and statutory responsibilities, the Regents will retain the right to consider, determine, and act upon any matter relating to the UNM Hospital and, subject thereto, the Regents hereby delegate the following authority and responsibility to the UNMH BOT it being the intention of the Regents to designate, for licensure, accreditation, and governance purposes, the UNMH BOT as the "governing body" for the UNM Hospital:

1. Oversight and management of the non-research, non-educational operations of the UNM Hospital in a proper and responsible manner so as to enable the UNM Hospital to provide or arrange for provision of high quality healthcare services to patients of the UNM Hospital and to support the teaching and clinical research missions of the HSC; provided, however, that nothing contained in this delegation shall be construed to be a delegation of authority to the UNMH BOT of any matter covered and addressed by the University of New Mexico Labor Management Relations Resolution adopted by the Regents on May 9, 2006 (the "Labor Resolution").
2. Review and recommend for approval to the UNM Health Sciences Center Committee ("HSC Committee") in accordance with applicable Regent or University policy, the UNM Hospital's operating and capital budgets.
3. Review and approve, or in appropriate circumstances recommend for approval in accordance with applicable Regent or University policy, the following:
  - a. the procurement by the UNM Hospital of equipment (whether by purchase, lease, or other forms of acquisition[s]);
  - b. execution by the UNM Hospital of contracts for services with third parties; or
  - c. lease by the UNM Hospital of real estate.

In this connection, the HSC Committee shall establish by resolution, the level of approval authority for the UNMH BOT with respect to Vendor Contracts, leases of real property, Trade Transactions, Third Party Payor Contracts and/or Strategic Transactions within the parameters of what are Approvable Transactions as set forth in RPM 3.4.

4. Review and approval, in coordination with the HSC Committee, of the UNM Hospital's operating plan and strategic plan.

5. Review and approval of policies of the UNM Hospital that require review and approval by the governing body under applicable laws, regulations or accreditation standards; subject to ratification by the HSC Committee and the Board of Regents, other than policies that are covered by the Labor Resolution.
  6. Review and approval, in accordance with applicable Regent or University policy and/or applicable accreditation standards, the Medical Staff Bylaws and the HSC Medical Staff Rules and Regulations and amendments thereto.
  7. Assurance that the Medical Staff has reasonable policies and procedures in place regarding credentialing of physicians and ancillary providers who practice at the UNM Hospital.
  8. Receipt of and action upon recommendations of the Medical Staff related to appointment and reappointment of members of the Medical Staff and the granting of privileges to physicians and ancillary providers who practice at the UNM Hospital or at other patient care facilities as assigned by the HSC. In this connection, all action by the UNMH BOT related to the appointment and reappointment of members of the Medical Staff shall be fully effective at the time of such action, even if the affected medical staff member may have the ability to appeal the same to the Regents under Regents' Policy 1.5. With respect to "Professional Review Actions" as defined in the Medical Staff Bylaws and related manuals and in applicable federal and state laws, rules, regulations, and accreditation standards, the affected member or members of the Medical Staff shall have such appellate rights as are specified in the Medical Staff Bylaws and related manuals.
  9. Receipt of and action upon, as appropriate, periodic reports and recommendations of the Medical Staff and administrators of the UNM Hospital related to quality assurance for patient care delivered at the UNM Hospital.
  10. Coordination with and oversight of any advisory/advocacy boards existing or created for UNM Hospital for other than research and education purposes, and establishment of reporting mechanisms between those advisory/advocacy boards and the UNMH BOT.
  11. Review and recommendation as to the bylaws of advisory/advocacy boards of UNM Hospital and submission of the bylaws of those advisory/advocacy boards to the Regents for review and approval in accordance with applicable Regents' policy.
  12. Subject to RPM 7.8 (with respect to financial settlements) oversight of claims and/or lawsuits involving the UNM Hospital and, in coordination with the HSC Committee, the development of a loss control program with respect thereto.
  13. Oversight of, and action upon, issues involving compliance by the UNM Hospital and the employees thereof with applicable federal and state health care regulatory requirements including, without limitation, billing issues, anti-kickback statute issues, Stark law issues, and other regulatory requirements and with the HSC Institutional Compliance Program as contemplated in RPM 3.7.
  14. Oversight of, and action upon, issues involving compliance by the UNM Hospital and the employees thereof with applicable federal and state health care regulatory requirements including, without limitation, compliance with HIPAA, HITECH and the regulations and with the University's HIPAA compliance program as contemplated in RPM 3.7.
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# Regents' Policy Manual - Section 3.8: Institutional HIPAA Compliance Program

**Adopted Date: 06-17-2019**

## Applicability

This policy applies to the "health care components" of the University's Health Sciences Center (HSC), to other health care components of the University, and to the University's organized health care arrangement (OHCA).

The University is considered a "hybrid covered entity" because it consists of both health care components and non-health care components. The health care components of the hybrid covered entity are identified in Exhibit A to this policy.

## HIPAA and HITECH

It is the policy of the health care components of the University to establish reasonable administrative, technical, and physical safeguards in an effort to protect the privacy of "protected health information" and "electronic protected health information" that the health care components create, obtain, or maintain, as required by the:

- Health Insurance Portability and Accountability Act of 1996, as amended (HIPAA),
- Health Information Technology for Economic and Clinical Health Act, contained in the American Recovery and Reinvestment Act of 2009 (HITECH), and
- regulations issued by the Department of Health and Human Services with respect to HIPAA (collectively with HIPAA and HITECH, the "HIPAA Standards").

## Self-Insured Health Plans

The University and University Hospitals may sponsor self-insured health plans for the benefit of their respective employees and their dependents, including the UNM Self-Insured Health Plan, the Self-Insured Resident Physician Health Plan, and the Self-Insured Student Health Plan (each, a "Self-Insured Benefit Plan," and, collectively, the "Self-Insured Benefit Plans"). The Self-Insured Benefit Plans shall each be considered a "covered entity" within the meaning of the HIPAA Standards.

## HIPAA Privacy Officer

The University President has delegated to the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System responsibility for assuring that the University's health care components identified in Exhibit A comply with the HIPAA Standards. As part of that responsibility, the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System designates an individual to serve as the HIPAA Privacy Officer for the University's health care components.

The responsibilities of the HIPAA Privacy Officer include assuring that Exhibit A accurately reflects the University's health care components. The HIPAA Privacy Officer must notify the UNM Policy Office when Exhibit A should be amended. The UNM Policy Office has authority to amend Exhibit A at the request of the HIPAA Privacy Officer.

## Affiliated Corporations

Two affiliated University Research Park and Economic Development Act (URPEDA) corporations that are components of HSC's clinical arm are separate legal entities and, therefore, their own covered entities within the meaning of the HIPAA Standards. These URPEDA corporations are integral members of the UNM Health System, as defined in [RPM 3.4](#), and have adopted and implemented their own policies in respect to the HIPAA Standards, consistent with this policy.

More specifically, UNM Medical Group, Inc. (UNMMG) and any and all clinics operated and/or managed by UNMMG are a covered entity separate from the University, including, without limitation, UNMMG's provision of third-party administration, medical management, clinical management, network management, and related services in relation to any of the Self-Insured Benefit Plans.

In addition, UNM Sandoval Regional Medical Center, Inc. (SRMC) and any and all clinics operated and/or managed by SRMC are a covered entity separate from the University. At the same time, any self-insured group health benefit



plan sponsored by SRMC for the benefit of SRMC employees and their dependents (the "SRMC Self-Insured Benefit Plan") is also considered a separate covered entity.

## Organized Health Care Arrangement

The HSC, the Self-Insured Benefit Plans, UNMMG, SRMC, the SRMC Self-Insured Benefit Plan, and the health care components listed in Exhibit A shall take the steps necessary to be considered an OHCA within the meaning of the HIPAA Standards when the parties mutually agree and benefit from joint activities. All components of the OHCA will undertake the steps necessary to comply with the HIPAA Standards.

## References

- NMSA 1978, § 21-28-1 et seq. ("University Research Park and Economic Development Act")
- 42 U.S.C. § 1320d, and as amended by the HIPAA Omnibus rule, effective March 26, 2013 ("The Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996")
- Regulations pursuant to HIPAA: 45 CFR, Parts 160, 162, and 164; American Recovery and Reinvestment Act of 2009; Title XIII; Health Information Technology for Economic and Clinical Health Act
- RPM 3.4 ("Health Sciences Center")
- UNM's HIPAA Compliance Policy for Certain Health Plans Offered by the University

## EXHIBIT A

### Amended: 06-19-2020

The University of New Mexico, as a hybrid covered entity under 42 CFR Part 164.504, hereby designates the following operations as health care components for purposes of complying with the HIPAA Standards:

- HSC and its academic and clinical arms (as defined in RPM 3.4, except for UNMMG and SRMC)
- Telemedicine, telehealth, and teleradiology programs (including, without limitation, Project ECHO) on all UNM campuses, hospitals, and clinics
- Counseling Assistance and Referral Services
- Speech and Hearing Sciences
- Any and all Lobo Clinics
- Student Health and Counseling, excluding those activities thereof covered by the Family Education Rights and Privacy Act, 20 USC. § 1232g, as amended
- Office of the University Counsel when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Safety and Risk Services Department when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Internal Audit Department when accessing or providing health care operational support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A
- Office of Equal Opportunity and the Office of the Title IX Coordinator, when providing services and/or conducting investigations in respect to any of the health care components identified in this Exhibit A
- Applicable Human Resources Departments as follows:
  - of the University, in carrying out and discharging its administration duties in respect to its Self-Insured Benefit Plan
  - of UNM Hospitals, in carrying out and discharging its administration duties in respect to its Self-Insured Benefit Plan

- Information Technologies Department of the University, and the HSC, respectively, when accessing or providing mission support services in respect to the HSC, the Self-Insured Benefit Plans, and/or to any of the other health care components identified in this Exhibit A

# Regents' Policy Manual - Section 5.3: Employment of UNM Graduates

Adopted Date: 09-12-1996

Amended: 06-12-2012

## Applicability

This policy applies to regular members of the University faculty.

## Policy

As a general policy, no persons who have received degrees from the University of New Mexico shall hereafter be employed as regular members of the faculty in positions which may lead to permanent tenure unless subsequent to their last degree received at the University of New Mexico, they have taken at least one academic year of advanced work at another reputable institution or have established themselves professionally elsewhere. Such work or professional experience must be in their teaching field.

At the discretion of the Provost/Executive Vice President for Academic Affairs, or for Health Sciences faculty the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System, an exception may be made to this general policy.

## Reference

"Employment of UNM Graduates," Faculty Handbook C20.

# Regents' Policy Manual - Section 5.5: Outside Employment

Adopted Date: 09-12-1996

## Applicability

This policy applies to full-time faculty members of the University.

## Policy

Full-time members of the University faculty are encouraged to engage in outside professional activities such as writing, consulting, lecturing, or activities of similar nature which will enhance their professional growth or reputation, subject to the following restrictions:

- Since the faculty member's primary responsibility is to the University, all outside employment is considered secondary. The time spent in outside employment or in additional work done within the University for extra compensation, or in both of these together, may not exceed the equivalent of one work day per week during the contract period.
- Outside professional activities will not significantly conflict with classes, office hours, or other assigned duties and commitments.
- Except in cases specifically approved in writing by the President authorizing official University involvement, the faculty member in undertaking such employment shall act as an individual and not as an agent of the University and shall not use the name of the University or official University stationery in connection with such work.
- Great care should be taken to avoid a conflict of interest or appearance of a conflict of interest situation in carrying out any type of consultant or research activity.
- When exceptions to this policy are necessary in the interest of the University, they must have the advance written approval of the Senior Vice Provost for Academic Affairs.
- Deans are to report to the Senior Vice Provost for Academic Affairs at the end of each semester and summer session summaries of the number of days spent by each faculty member on outside employment.

## Implementation

The full policy, previously adopted by the faculty and approved by the Regents, is printed in the Faculty Handbook.

The Provost has interpreted the "one work day per week" language to mean 39 days for the contract period (9 months). The 39 days can be arranged in various ways (e.g., one day a week, all at one time); Saturdays and Sundays are counted toward the 39 days. Extra compensation paid through the University (see RPM Policy 5.6) and outside employment both count toward the 39 days.

For the Health Sciences Center, the reporting by the dean (last item in policy above) is made to the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System.

## Reference

Faculty Handbook [1990 ed.] pages B-25 -- B-26.

# Regents' Policy Manual - Section 5.18: Endowed Faculty Chairs

Adopted Date: 06-14-2005

Amended: 01-09-2015

## Applicability

This policy applies to the faculty of the University of New Mexico.

## Policy

The quality of the faculty is one of the enduring hallmarks of a great institution. The University of New Mexico will have made great strides toward being a world-class institution when a large number of eminent scholars across many different areas of study are members of our faculty.

An endowed chair is an honor that can be bestowed on a scholar of distinction. This honor will allow an individual to conduct meaningful inquiry that will expand the frontiers of knowledge and instruct generations; as a result, the reputation of the University will be enhanced. An endowed chair is a singular opportunity to recognize and sustain innovative intellectual work. The income derived from such an endowment can be used to provide salary support or to fund specific laboratory or other scholarly expenses.

## The Role of the University of New Mexico Foundation

An endowed chair may be established by a gift or conferred pledge of \$1.5 million. When the University of New Mexico Foundation (UNM Foundation) becomes aware of a donor's wish to establish an endowed chair, the UNM Foundation will communicate the intent of the donor to the President of the University, the Provost and Executive Vice President for Academic Affairs, and the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System. Upon approval by the President, the UNM Foundation will oversee the details of the gift pledge and will ensure that a fundamental agreement is drafted containing terms consistent with the intentions of the donor. A resolution proposal by the UNM Foundation will be forwarded to the Board of Regents' Academic, Student Affairs, and Research Committee. Appropriate University offices will receive copies of fundamental agreements and resolutions. The Board of Regents' Academic, Student Affairs, and Research Committee will, if approved, forward the resolution to the Board of Regents for action.

## The Role of the Regents of the University of New Mexico

The Board of Regents, as the governing body of the University, will act to approve both the establishment of a chair and its holder. In both cases their action will be preceded by review and approval by the Board of Regents' Academic, Student Affairs, and Research Committee.

Once the candidate to hold the chair has been approved by the Board of Regents, the University will take steps to invest in that individual and the chair. This ceremonial occasion would bring together the donors responsible for creating the chair, other donors and friends of the University, friends and family of the chair holder, friends and board members of the University and, if appropriate, invited guests who share scholarly interests with the chair holder to celebrate with members of the academic community. Venues for such an event may vary; possible examples include the Alumni Memorial Chapel, the Student Union Building, or on some occasions the outdoors. The UNM Foundation will be responsible for planning and executing the event.

## Role of the Provost and Executive Vice President for Academic Affairs and the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System

The Provost and Executive Vice President for Academic Affairs or the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System, depending on the academic role of the chair holder, should ensure that chair holders provide a report of their activity during the course of an academic year. This ensures the academic integrity of the chair and also provides the donor with information on the positive outcomes of his or her gift.

# References

RPM 2.11 ("Naming University Facilities, Spaces, Endowments, and Programs"); RPM 7.13 ("Receipt and Investment of Gifts to the University"); and Faculty Handbook Policy C170 ("Endowed Chairs and Named Professorships").

# Regents' Policy Manual - Section 7.6: University Enterprise Business Activities

Adopted Date: 09-12-1996

Amended: 12-14-2010

## Applicability

This policy applies to all activities conducted by the University of New Mexico and its affiliated units where fees are charged for providing goods or services to the general public.

## Policy

All University business enterprise activities shall be related to the University's mission of providing instruction, research, scholarship, cultural innovation, public service, patient care, and campus support. Some activities within this mission may be organized as separate and distinct business cost centers, with fees charged for providing goods and services that enhance, promote or support the University's mission and meet the needs of students, faculty, staff and patients. Some of these business activities may also be available to the general public. The University shall comply with all applicable laws and regulations concerning its business activities. The governance of business enterprise activities in respect of the Health Sciences Center shall be as set forth in RPM 3.4.

## Implementation

The President shall establish administrative policies and procedures to ensure that all business activities are related to the University's mission. Exceptions to the policy may be authorized by the President when clearly in the best interest of the University and the public.

## Delegation of Authority

The Senior Vice President of Finance and Administration, and the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System (in respect of Health Sciences Center activities) shall be responsible for oversight and review of University business activities, including periodic review of all University business enterprise activities.

## References

University Business Activities, UBPPM Policy 6010.

# Regents' Policy Manual - Section 7.8: Signature Authority for Contracts

Adopted Date: 09-12-1996

Amended: 03-10-1997

Amended: 12-06-2007

Amended: 08-12-2008

Amended: 12-14-2010

Amended: 04-08-2014

Amended: 03-14-2016

## Applicability

This policy applies to all members of the Board of Regents, faculty, staff and students.

## Policy

The Board of Regents must approve and an officer of the Board of Regents must sign the following types of contracts and documents, after due authorization by the Regents:

1. Contracts between the President and the University;
2. Bond resolution, notification and certification documents, including certification of bond sale; and
3. Any contracts or other documents required by law to be signed by an officer of the Board of Regents.

The Chief Procurement Officer or designee must sign contracts for the purchase of goods and services, and the authority to do so is hereby delegated.

The President shall have the authority to sign all other contracts and documents (other than contracts or agreements for the purchase of goods and services) for the operation of the University and may delegate this authority. The President's signature authority as set forth above includes the authority to execute certificates representing stocks, bonds, or other securities in order to buy, sell, assign, or endorse for transfer such securities. The President shall also have authority to require additional signatures on contracts for the purchase of goods and services.

It is the official policy of the University to avoid financial settlements of claims and lawsuits against the University except when appropriate. The Risk Management Division of the State of New Mexico provides coverage of certain liabilities of the University and has the authority to settle claims and lawsuits on the University's behalf in consultation with University officials. The University shall not agree to a financial settlement paid on its behalf without (1) an appropriate risk assessment of the case, and (2) written approval by the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System for medical malpractice cases or the President for all other cases. A financial settlement or contract buy-out payment by the University with its own funds can be authorized by the President up to \$1,000,000. Payments of university funds in excess of this amount must also be approved by the Board of Regents. The Board shall receive regular reports of all settlement payments and judgments paid on its behalf or paid from University funds.

After fully advising the President, the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System is authorized to enter into affiliation agreements with other patient care facilities to provide educational opportunities.

The signature authority delegated in this policy must be exercised in accordance with other Regents' policies, some of which may require approval of the contract or other document by the Board of Regents.

## References

[RPM 1.4](#) ("Appointment of the President of the University"); [RPM 7.10](#) ("Borrowing and Bonding Authority"); [RPM 3.4](#) ("Health Sciences Center and Services"); and [UAP 2010](#) ("Contract Signature Authority and Review")



# Regents' Policy Manual - Section 7.9: Property Management

**Adopted Date: 09-12-1996**

**Amended: 04-08-2014**

## Applicability

This policy applies to all property owned, used, loaned, or leased to the University.

## Policy

The University may acquire, maintain, protect, use, and dispose of property required to perform its mission. University property shall be managed according to University policies and applicable state and federal law.

University property includes all equipment purchased by University departments, regardless of the source of funds used to purchase the equipment; U.S. Government-owned equipment used by University departments; components and materials used to make equipment, whether furnished to, acquired by, or fabricated by the University; property donated to the University; and property loaned or leased to the University by outside organizations.

The following types of property management transactions must be approved by the Board of Regents:

1. Purchase, sale, or transfer of real property.
2. Leases of real property, the annual cost of which is \$1,000,000 or more. (Note: If the lease contains an option to purchase the real property, Regents must approve exercising the option.)
3. The Finance and Facilities Committee or the Health Sciences Committee, as appropriate, must approve the disposition of surplus property, in accordance with NMSA 1978, § 13-6-1 et seq. Such dispositions are not approved by the full Board.

## Implementation

The President shall adopt administrative policies and procedures to implement this policy.

## References

By statute, purchase of real property must also be approved by the Higher Education Department and the State Board of Finance.

Disposition of Surplus Property Act, § 13-6-1, NMSA 1978.

UAP 7710 ("Property Management and Control).

RPM 7.13 ("Development, Receipt, and Investment of Gifts to the University).

# Regents' Policy Manual - Section 7.14: Risk Management and Insurance

Adopted Date: 09-12-1996

Amended: 12-14-2010

Amended: 08-14-2015

## Applicability

This policy applies to all members of the University community and to all property owned or controlled by the University.

## Policy

### 1. Safety and Loss Prevention Program

It is the policy of the University to take reasonable steps to avoid accidents or other incidents that could result in injury or death to students, faculty, staff, and visitors, and to protect the physical resources of the University against loss or damage. The University, therefore, will have an active safety and loss prevention program. Because of the unique and distinct manner in which the Health Sciences Center operates and the unique nature of the risks of loss with respect thereto, the governance and oversight of the safety and loss prevention program for the Health Sciences Center (and each of its component colleges, schools, centers, units, and subsidiary corporations as described in Section 1 of [RPM 3.4](#)) shall be as described in Section 3i of [RPM 3.5](#) for the Health Sciences Committee and Exhibit A Section 12 of [RPM 3.6](#) for the UNM Hospital Board of Trustees. The program will also provide for the proper handling and disposition of hazardous materials, pursuant to applicable laws.

Liability coverage for the University and its "public employees," as defined in the New Mexico Tort Claims Act, property and casualty insurance, workers' compensation insurance, and health care liability coverage for health care students are provided by the Risk Management Division, General Services Department, of the State of New Mexico.

Recognizing that the University's and its "public employees" tort liability to third parties is subject to the immunities and limitations set forth in the New Mexico Tort Claims Act and the Eleventh Amendment to the U.S. Constitution, in cooperation with the Risk Management Division of the New Mexico General Services Department under and pursuant to the New Mexico Tort Claims Act, the University will carry (a) fire and extended coverage insurance on its buildings, heating and cooling systems, and major equipment; (b) workers' compensation and unemployment compensation as required by applicable law, (c) medical malpractice, professional liability, and comprehensive general liability insurance under the Public Liability Fund administered by the Risk Management Division to protect itself and its "public employees," as defined in and consistent with the New Mexico Tort Claims Act; (d) such other and further insurance coverage as may be necessary and appropriate under the circumstances of a particular situation.

### 2. Insurance for Employees and Students

The University will provide opportunities for its students and employees to purchase medical insurance.

The Board must approve the establishment or elimination of any alternative insurance or self-insurance program. In 2009, the Board approved a self-funded employee health plan.

The University will offer to all its active permanent faculty and staff employees, and certain retirees, group health insurance coverage which the University co-pays in accordance with state law. University employees may also purchase group life insurance, accidental death and dismemberment insurance, and short- and long-term disability insurance coverage for themselves and their families through the University.

The University will offer one or more health insurance policies to its students each year.

#### 2.1. Reserve Fund Maintained for Self-Insurance Plan

The University maintains a reserve fund for its self-insured health, prescription drug, and dental benefits covering active employees and eligible retirees. Third Party Administrators (TPA) are contracted to process claims and perform certain administrative functions. In addition to claims payments and TPA administrative fees, the three

components of the reserve fund (discussed below) may be used, as appropriate, for medical and non-medical costs such as stop-loss premiums, wellness initiatives, onsite clinic costs, telemedicine services, disease management services, and outside consulting fees.

The reserve fund has three distinct components: an Incurred But Not Reported (IBNR) reserve, a Claims Fluctuation Reserve (CFR), and a general reserve.

- The IBNR reserve is maintained to fund terminal liabilities in the event that the self-funded plan, or any subset of it, were to cease. The amount of the IBNR reserve is calculated and certified annually by an independent credentialed healthcare actuary.
- The CFR reserve provides budget certainty to any given fiscal year should actual costs exceed the expected amounts. The amount is calculated to reflect a percentage of budget certainty between 50% and 100%.
- The general reserve represents any funds that exceed the combined IBNR and CFR reserves, and may include earnings created by the reserve.

## **2.2. Use of the General Reserve Component of the Self-Insurance Reserve Fund**

The Board in its discretion may approve the allocation of funds from the general reserve component for other University purposes. The premium amounts paid by covered employees constitute assets of the self-insurance plan, and can be used for no other purpose. Any interest paid on the employees' premiums, and other monies that exceed participant contributions and form the basis of the general reserve component, however, are considered general assets of the University and may be used for purposes unrelated to the self-insurance plan.

## **3. Reports to the Board**

The President shall report annually to the Board on the status and financial condition of the University's risk management and insurance programs. In this regard, the Executive Vice President for Health Sciences and Chief Executive Officer for the UNM Health System shall coordinate reporting for the Health Sciences Center's safety and loss prevention program with the President of the University.

## **References**

Tort Claims Act, § 41-4-1 et seq., NMSA 1978; Workers' Compensation Act, § 52-1-1, et seq.; Group Benefits Act, § 10-7B-1, et seq.