



June 14, 2019

(The original Notice & Agenda for this meeting went out on June 12.  
This is an update with a *Revised* Agenda.)

## UNIVERSITY OF NEW MEXICO BOARD OF REGENTS

### NOTICE AND REVISED AGENDA Special Meeting Monday, June 17, 2019, 9:00 AM Roberts Room, Scholes Hall UNM Main Campus

Board of Regents President, Douglas M. Brown, calls a Special Meeting of the Board of Regents. The special meeting will be held on Monday, June 17, 2019, commencing at 9:00 AM in Scholes Hall, Roberts Room #204, on UNM Main Campus.

Following is the *revised* agenda for the meeting:

1. Call to order, confirmation of a quorum and adoption of the agenda  
*Douglas M. Brown, President of the Board*

Public Comment – comments related to items on the agenda (limit 3 min.)

2. Approval of Regents' Policy Manual (RPM) Revisions:
  - a. Revised/Consolidated Policy RPM 2.3 ("Equal Opportunity; Affirmative Action, Anti-Harassment, and Anti-Retaliation")  
[To replace RPM 2.3 ("Equal Opportunity & Affirmative Action for Employees & Students"), and to replace and rescind RPM 2.4 ("Diversity and Campus Climate") and RPM 2.5 ("Sexual Harassment")]
  - b. Revised Policy RPM 3.7 ("Health Sciences Center Institutional Compliance Program")
  - c. New Policy RPM 3.8 ("Institutional HIPAA Compliance Program")  
*(Bonnie Leigh Reifsteck; Loretta Martinez)*
3. Approval of Property Acquisition from Donor *(Tom Neale)*
4. Approval of Annual Renewal of Maui HPCC Lease *(Tom Neale)*
5. Approval of Jaggear Software Renewal *(Bruce Cherrin)*
6. Approval: Health Sciences Center – UNMH Contracts *(Bonnie White)*
  - a. Stryker/K2M, Medtronic, Nuvasine, DePuy Synthes, Globus Medical Noah America, Inc., Seaspine Sales, LLC, Ulrich Medical USA, Zimmer Biomet US, Inc. - \$5,418,472
  - b. Hospital Environmental Supplies - \$1,000,000
  - c. Lifeguard Program Rotor Services - \$2,000,000 annually
  - d. Cost Accounting Software - \$2,500,000 total

(continued on next page)

- e. Hospital System Hand Hygiene Project - \$1,000,000
  - f. Spinal Cord Stimulation - \$1,200,000 annually
  - g. Cochlear Implants - \$1,400,000 annually
  - h. Computer Assisted Surgery, Instrumentation and Disposables - \$2,500,000 annually
  - i. Pyxis Supply Stations - \$1,004,000 annually
  - j. Hospital Waste Management - \$1,000,000 annually
  - k. Accounts Receivable Management - \$6,000,000 annually
  - l. Mortgage Banker – dependent on HUD mortgage final loan
7. Approval: Health Sciences Center – Capital Projects (*Bonnie White*)
- a. UH Main-Basement-Server Room HVAC Upgrade - \$633,200
  - b. UH Main-Basement Machine Room 8 – Medical Air Compressor Replacement - \$858,700
  - c. UH-Main-Cardiac Cath Lab-1 Replacement - \$800,000
  - d. UH-Main – OR-Air Handler Upgrades - \$1,265,200
  - e. BBRP – Mechanical Room – AHU Upgrade - \$972,900
8. Request approval to increase the General Obligation Bond application to HED for the proposed College of Nursing/College of Population Health Building from \$30 million as previously approved by the Regents, to \$33 million. (*Paul Roth*)

Public Comment – comments not related to items on the agenda (limit 3 min.)

9. Adjourn

To comply with the New Mexico Open Meetings Act (10-5-1 NMSA 1978), this notice and agenda is made available at least 72 hours before the meeting and accessible on the public website, [regents.unm.edu/meetings/index.html](https://regents.unm.edu/meetings/index.html).

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in a meeting of the Board of Regents, please contact the University Communication and Marketing department at least one week prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the University Communication and Marketing department at [ucam@unm.edu](mailto:ucam@unm.edu), 277-5813, if an accessible format is needed.

## MEMORANDUM

**To:** UNM Board of Regents

**From:** Loretta Martinez, Chief Legal Counsel  
Bonnie Leigh Reifsteck, Interim University Policy & Administrative Planning Director

**Date:** June 5, 2019

**Subject:** Request for approval of revisions to Regents' Policy 2.3

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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.

From 2016-2018, a representative committee undertook to complete a comprehensive review of the Regents' Policy Manual with the approval of the Presidents of the Board of Regents during that time. The committee consulted with subject matter experts on campus and with the Office of University Counsel. A full set of draft changes were presented to the Board of Regents in October 2017 and January 2018, pending review and approval.

Several of these policies have more timely requirements for approval of revisions. As such, we request approval of revisions to Regents' Policy 2.3 ("Equal Opportunity, Affirmative Action, Anti-Harassment, and Anti-Retaliation"). We also request approval for rescission of RPM 2.4 ("Diversity and Campus Climate") and RPM 2.5 ("Sexual Harassment"), which were consolidated into RPM 2.3.

These policy revisions serve to consolidate Regents' policies on equal opportunity, affirmative action, sexual harassment and misconduct, and campus climate. The changes in this policy also fulfill a recent finding of the Liaison Committee on Medical Education (LCME) accreditation report to include gender identity in the Regents' policy on equal opportunity. Since the policy changes relate to sexual harassment and as part of our agreement, the draft revisions were also reviewed by the Department of Justice.

Copies of the draft changes are attached in both clean-copy and track-changes versions.

Thank you for your consideration of this request.

# **DRAFT OF 9-12-2017 – NEW** (9-14-2016 draft reviewed by the DOJ)

A consolidated policy that replaces RPM 2.4 (“Diversity and Campus Climate”) and RPM 2.5 (“Sexual Harassment”)

## **Regents' Policy Manual - Section 2.3: Equal Opportunity, Affirmative Action, Anti-Harassment, and Anti-Retaliation**

Adopted Date: 09-12-1996

### **1. Applicability**

This policy applies to all University students, employees, and applicants.

### **2. Policy**

The University has an enduring commitment to support equality of employment and educational opportunity by promoting a diverse environment free from unlawful discrimination and harassment. The University forbids unlawful discrimination and harassment based on considerations of age, ancestry/national origin, gender identity, genetic information, serious medical condition, mental/physical disability, pregnancy, religion, sex, sexual orientation, spousal affiliation, or veteran status.

#### **2.1. Equal Employment Opportunity**

University policy, state and federal law, and regulations forbid unlawful discrimination based on the considerations mentioned in Section 2 above in recruiting, hiring, training, promoting, and all other terms and conditions of employment. Personnel policies will be administered without regard to those considerations, except when one of these is a bona fide occupational qualification. The University strives to assure equal access to all programs, facilities, and services.

## **2.2. Equal Educational Opportunity**

The University is committed to providing equal educational opportunity and forbids unlawful discrimination on the basis of the considerations mentioned in Section 2 above. Equal educational opportunity includes admission, recruitment, academic activities, student support services, extracurricular activities, facilities, financial assistance, housing, health and insurance services, and athletics.

## **2.3. Affirmative Action**

The University is committed to a program of affirmative action to increase access by, and participation of, traditionally underrepresented populations in the University's work force and educational programs. A diverse workforce and student body are absolutely essential to fulfill the University's education, research, and public service missions and to serve our state's diverse communities.

With respect to the workforce, in the case where a vacant position falls within a job group which is determined to have underutilization, the hiring official gives preference for selection to a finalist who is a member of the underutilized group, provided that finalist's qualifications and past performance are substantially equal to or exceed the other finalists' qualifications.

With respect to student admissions, the University defines diversity broadly to include, in addition to the traditionally underrepresented populations, such categories as socioeconomic background, culture, language fluency, first generation college students, veteran status, and living in rural New Mexico.

## **2.4. Reasonable Accommodation**

The University makes reasonable accommodations for the religious observances and national origin practices, as well as the known physical or mental disabilities, of students, prospective students, employees, prospective employees, or program users, unless such accommodations fundamentally alter a program, service, or the essential functions of a job, excessively burden faculty, or place an undue hardship on the operation of the University. Employees or program users with disabilities should contact the Office of Equal Opportunity, and students with disabilities should contact the Accessibility Resource Center for information regarding accommodations.

## **2.5. Anti-Harassment**

The University strives to create and maintain an atmosphere free from all forms of unlawful harassment, exploitation, or intimidation in employment and educational settings. The University prohibits harassment of employees and students on the basis of the considerations mentioned in the Section 2 above. The University makes special efforts to eliminate both overt and subtle forms of sexual harassment, sexual violence, and misconduct, as those terms are defined in UAP 2740. In fulfilling its dual roles of educating and providing public service, the University can and must demonstrate leadership in educating all members of its community about appropriate behavior.

## **2.6. Anti-Retaliation**

Retaliation against any individual for bringing a complaint alleging non-compliance with this or any other policy or for participating in an investigation or hearing is strictly forbidden.

### 3. References

- Title VI and VII of the Civil Rights Act of 1964
- Title IX of the Educational Amendments of 1972
- Americans with Disabilities Act
- Section 504 of the Rehabilitation Act of 1973
- Executive Order 11,246 of September 24, 1965 ("Equal Employment Opportunity"), as amended by Executive Order 13672 of July 21, 2014 (added sexual orientation and gender identity)
- NMSA 1978, § 28-1-1 et seq. ("New Mexico Human Rights Act")
- NMSA 1978, § 28-22-1 et seq. ("New Mexico Religious Freedom Restoration Act")
- UAP 2200 ("Whistleblower Protection, Reporting Suspected Misconduct, and Retaliation")
- UAP 2215 ("Consensual Relationships and Conflicts of Interest")
- UAP 2720 ("Prohibited Discrimination")
- UAP 2740 ("Sexual Misconduct")

# DRAFT OF 9-12-2017 – NEW – Track Changes

(9-14-2016 draft reviewed by the DOJ)

A consolidated policy that replaces RPM 2.4 ("Diversity and Campus Climate") and RPM 2.5 ("Sexual Harassment"). The previous versions of RPM 2.4 and 2.5 are included below in red-lined text.

## Regents' Policy Manual - Section 2.3: Equal Opportunity ~~&~~, Affirmative Action ~~for~~ Employees & Students, Anti-Harassment, and Anti-Retaliation

Adopted Date: 09-12-1996

### 1. Applicability

~~This policy applies to recruitment, admission, extracurricular activities, housing, facilities, access to course offerings, counseling and testing, financial assistance, employment, health and insurance services, and athletic programs for students. This policy also applies to the recruitment, hiring, training, and promotion of University employees (faculty and staff), and to all other terms and conditions of employment.~~

### **Policy**

~~This policy applies to all University students, employees, and applicants.~~

### 2. Policy

~~The University has an enduring commitment to support equality of employment and educational opportunity by promoting a diverse environment free from unlawful discrimination and harassment. The University forbids unlawful discrimination and harassment based on considerations of age, ancestry/national origin, gender identity, genetic information, serious medical condition, mental/physical disability, pregnancy, religion, sex, sexual orientation, spousal affiliation, or veteran status.~~

#### 2.1. Equal Employment Opportunity



University policy, state and federal law, and regulations forbid unlawful discrimination ~~on the basis of race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, ancestry, or medical condition,~~ based on the considerations mentioned in Section 2 above in recruiting, hiring, training, promoting, and all other terms and conditions of employment. ~~All personnel~~ Personnel policies, ~~such as compensation, benefits, transfers, layoffs, terminations, returns from layoff, University sponsored training, education, tuition assistance, social, and recreation programs~~ will be administered without regard to ~~the characteristics or conditions listed above~~ those considerations, except when one of these is a bona fide occupational qualification. The University strives to ~~establish procedures which~~ assure equal ~~treatment and~~ access to all programs, facilities, and services.

## **2.2. Equal Educational Opportunity**

The University ~~of New Mexico~~ is committed to providing equal educational opportunity and forbids unlawful discrimination on the basis of ~~race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, ancestry, or medical condition,~~ the considerations mentioned in Section 2 above. Equal educational opportunity includes: admission, recruitment, academic activities, student support services, extracurricular ~~programs and~~ activities, facilities, financial assistance, housing, health and insurance services, and athletics. ~~In keeping with this policy of equal educational opportunity, the University is committed to creating and maintaining an atmosphere free from all forms of harassment.~~

## **2.3. Affirmative Action**

~~Further, the~~ The University ~~of New Mexico commits itself~~ is committed to a program of affirmative action to increase access by, and participation of, traditionally underrepresented ~~groups~~ populations in the University's ~~education programs and work force.~~ It is and educational programs. A diverse workforce and student body are absolutely essential to fulfill the ~~policy of~~ University's education, research, and public service missions and to serve our state's diverse communities.

With respect to the ~~University~~ workforce, in the case where a vacant position falls within a job group which is determined to have underutilization, ~~that~~ the hiring official ~~give~~ gives preference for selection to a finalist who is a member of the underutilized group, provided ~~his/her~~ that finalist's qualifications and past performance are substantially equal to or exceed the other ~~finalists~~ finalists' qualifications.

With respect to student admissions, the University defines diversity broadly to include, in addition to the traditionally underrepresented populations, such categories as socioeconomic background, culture, language fluency, first generation college students, veteran status, and living in rural New Mexico.

## **2.4. Reasonable Accommodation Policy**

The University makes reasonable accommodations ~~to~~for the religious observances ~~and~~ national origin practices ~~of a student, an employee or prospective employee, and to the~~, as well as the known physical or mental ~~limitations~~disabilities, ~~of a qualified student, employee, applicant~~students, prospective students, employees, prospective employees, or program ~~user with a disability~~users, unless such accommodations ~~have the end result of~~ fundamentally ~~altering~~alter a program, service, or the essential functions of a job, excessively burden faculty, or ~~service or placing~~place an undue hardship on the operation of the University. ~~Qualified students, employees~~Employees or program users with disabilities should contact the ~~Office of Equal Opportunity Programs or the Office of Disabled Student Services~~Office of Equal Opportunity, and students with disabilities should contact the Accessibility Resource Center for information regarding accommodations.

## **2.5. Anti-Harassment Policy**

~~It is the policy of the institution to prevent and eliminate~~The University strives to create and maintain an atmosphere free from all forms of unlawful harassment, exploitation, or intimidation in employment and educational settings. The University prohibits harassment of employees ~~by supervisors or co-workers~~ and ~~harassment of~~ students on the basis of ~~race, color, religion, national origin, physical or mental disability, age, sex, sexual preference, ancestry, medical condition, or other protected status~~the considerations mentioned in the Section 2 above. The University makes special efforts to eliminate both overt and subtle forms of sexual harassment.

## **Implementation**

~~The President will develop administrative policies and procedures to implement this policy. The President shall establish an affirmative action plan and procedures which will ensure increased access, sexual violence, and participation in recruitment, hiring, training, promotion, misconduct,~~ as those terms are defined in UAP 2740. In fulfilling its dual roles of educating and ~~other employment-related activities. The President shall establish grievance procedures for resolving allegations of discriminatory treatment or harassment against employees~~providing public service, the University can and students~~must demonstrate leadership in educating all members of its community about appropriate behavior.~~

## **2.6. Anti-Retaliation**

Retaliation against any individual for bringing a complaint ~~or~~alleging non-compliance with this or any other policy or for participating in an investigation or hearing is strictly forbidden.

## **3. References**

- Title VI and VII of the Civil Rights Act of 1964

- ~~Title IX of the Educational Amendments of 1972; New Mexico Human Rights Act, § 28-1-1 et seq., NMSA 1978;~~
- ~~Americans with Disabilities Act; Executive Order 12,246 Guidelines on Affirmative Action Programs from the Federal~~
- ~~Section 504 of the Rehabilitation Act of 1973~~
- ~~Executive Order 11,246 of September 24, 1965 ("Equal Employment Opportunity Commission and the Office for Civil Rights; UAP 3220 ("Ombuds/Dispute Resolution Services for Staff"); UAP 2720 ("Equal Opportunity, Non-Discrimination, and Affirmative Action"); RPM 2.5 ("Sexual Harassment")."), as amended by Executive Order 13672 of July 21, 2014 (added sexual orientation and gender identity)~~
- ~~NMSA 1978, § 28-1-1 et seq. ("New Mexico Human Rights Act")~~
- ~~NMSA 1978, § 28-22-1 et seq. ("New Mexico Religious Freedom Restoration Act")~~
- ~~UAP 2200 ("Whistleblower Protection, Reporting Suspected Misconduct, and Retaliation")~~
- ~~UAP 2215 ("Consensual Relationships and Conflicts of Interest")~~
- ~~UAP 2720 ("Prohibited Discrimination")~~
- ~~UAP 2740 ("Sexual Misconduct")~~

## ~~Regents' Policy Manual – Section 2.4: Diversity and Campus Climate~~

~~Adopted Date: 09-12-1996~~

### ~~Applicability~~

~~This policy applies to all members of the University community.~~

### ~~Policy~~

~~The University values the diversity of its students, faculty, staff and the other people with whom it interacts. The University is a forum for the expression, consideration and evaluation of ideas. The educational process on campus is clearly enriched and strengthened by the fact that these ideas arise and are evaluated from such different perspectives.~~

~~The University is committed to increasing participation in the University by populations historically underrepresented at UNM (Hispanics, Native Americans, African Americans, Asian Americans, students from rural areas and first generation college students); recruiting and~~

~~supporting a diverse faculty and staff; and fostering diverse intellectual approaches to teaching, research and creative activity.~~

~~The University is further committed to creating and maintaining a diverse community and a campus in which students, faculty and staff can learn and work together in an atmosphere that is productive and free from harassment, exploitation, intimidation, hate crimes, discrimination and retaliation. The University will act decisively and promptly to deal with those who engage in criminal acts and who violate applicable administrative policies and procedures, thereby demonstrating in the strongest terms that such actions will not be tolerated on this campus.~~

## **Implementation**

~~The President shall develop any administrative policies and procedures necessary to implement this policy.~~

# **Regents' Policy Manual – Section 2.5: Sexual Harassment**

~~Adopted Date: 09-12-1996~~

## **Applicability**

~~This policy applies to all members of the University community.~~

## **Policy**

~~The University is committed to creating and maintaining a community in which students, faculty, and administrative and academic staff can learn and work together in an atmosphere that enhances productivity and draws on the diversity of its members — an atmosphere free from all forms of disrespectful conduct, harassment, exploitation or intimidation, including sexual. Sexual harassment subverts the mission of the University and threatens the careers of students, faculty and staff. It is a violation of federal law and will not be tolerated. The University makes special efforts to eliminate both overt and subtle forms of sexual harassment. In fulfilling its dual roles of educating and providing public service, the University can and must demonstrate leadership in educating all members of its community to what is appropriate behavior between the genders.~~

## **Implementation**

~~The President shall adopt administrative policies and procedures for implementing this policy and for resolving complaints of sexual harassment. Retaliation against any individual for bringing a complaint or participating in an investigation or hearing is strictly forbidden.~~

## **References**

~~Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; UAP 2730 ("Sexual Harassment"); UAP 3220 ("Ombuds Services and Dispute Resolution for Staff").~~

## MEMORANDUM

**To:** UNM Board of Regents

**From:** Loretta Martinez, Chief Legal Counsel  
Bonnie Leigh Reifsteck, Interim University Policy & Administrative Planning Director

**Date:** June 5, 2019

**Subject:** Request for approval of revisions to Regents' Policy 3.7 and NEW 3.8

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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.

From 2016-2018, a representative committee undertook to complete a comprehensive review of the Regents' Policy Manual with the approval of the Presidents of the Board of Regents during that time. The committee consulted with subject matter experts on campus and with the Office of University Counsel. A full set of draft changes were presented to the Board of Regents in October 2017 and January 2018, pending review and approval.

Several of these policies have more timely requirements for approval of revisions. As such, we request approval of revisions to Regents' Policy 3.7 ("Health Sciences Center Institutional Compliance Program") and NEW Regents' Policy 3.8 ("Institutional HIPAA Compliance Program").

These policy revisions serve to separate Regents' policies on the Health Sciences Center Institutional Compliance Program and the Institutional HIPAA Compliance Program. The HIPAA Compliance Program spans across campuses, and revisions include a more accurate listing of the health care components of the University's "hybrid covered entity" in Exhibit A.

Copies of the draft changes are attached in both clean-copy and track-changes versions.

Thank you for your consideration of this request.

**DRAFT OF 9-15-2017 – clean copy**

# **Regents' Policy Manual - Section 3.7: Health Sciences Center Institutional Compliance Program**

Adopted Date: 12-14-2010

Amended: 09-12-2014

## **Applicability**

This policy applies to the academic and clinical programs, facilities, and services operating under the University of New Mexico Health Sciences Center (HSC) and its units, clinics, centers, programs, and affiliated corporations described in [RPM 3.4](#).

## **Institutional Compliance Program**

The HSC attempts to ensure at all times that its business (internally and with outside contractors) is conducted in accordance with the highest ethical standards and in compliance with the various federal and state laws and regulations applicable to its activities. To fulfill these obligations, the HSC has adopted and implemented an Institutional Compliance Program, which will include all compliance functions related to its clinical, research, and educational efforts. These functions include, without limitation, clinical and clinical trials compliance, human research protection, animal research, biosafety, conflict of interest, human subjects protection, use of animals in education and research, export control compliance, research integrity, and fiscal

compliance related to billing and federal grants, Family Educational Rights and Privacy Act, and other educational compliance activities.

The HSC Institutional Compliance Program is committed to building a culture that fosters integrity and ethical conduct, promoting compliance with regulatory requirements, and enhancing awareness through education, training, and guidance to faculty and staff. Employees are expected to acknowledge that they understand their responsibilities and perform their work in an ethical and legal manner as detailed in the [HSC Code of Ethics](#). The HSC Institutional Compliance Program promotes an environment where suspected acts or events of non-compliance should be reported to their immediate supervisor, another member of management, or the HSC Compliance Officer. Reports can also be made in confidence and anonymously without fear of retaliation through the UNM Compliance Hotline at 1-888-899-6092 or online through [www.unm.ethicspoint.com](http://www.unm.ethicspoint.com).

The HSC Institutional Compliance Program is based on risk-based and proactive activities in support of compliance and aligned with the compliance program guidances published by the US Department of Health and Human Services' Office of the Inspector General for hospitals, recipients of Public Health Service research awards, and related health professions (including those related to physicians at teaching hospitals), and the US Federal Sentencing Guidelines. The HSC Institutional Compliance Program strives to reduce fraud, waste, and abuse while maintaining the reputation of the HSC as a reliable, honest, and trustworthy health care community partner.

## References

- [HSC Compliance Office](#)
- US Federal Sentencing Guidelines: [www.ussc.gov/guidelines/2015-guidelines-manual/archive/2010-8b21](http://www.ussc.gov/guidelines/2015-guidelines-manual/archive/2010-8b21)



- Office of the Inspector General Compliance Program  
Guidelines: <https://oig.hhs.gov/compliance/compliance-guidance/index.asp>
- Centers for Medicare and Medicaid Services Guidelines for Physicians at Teaching Hospitals: <https://www.cms.gov/outreach-and-education/medicare-learning-network-MLN/MLNProducts/downloads/guidelines-teaching-physicians-textonly.pdf>

# DRAFT OF 9-15-2017 – track changes

## Regents' Policy Manual - Section 3.7: Health Sciences Center Institutional Compliance Program

(HIPAA/HITECH removed to create new RPM 3.8)

Adopted Date: 12-14-2010  
Amended: 09-12-2014

(replaces ~~RPM 2.13.3 and RPM 2.13.4~~)

### Applicability

This policy applies to the academic and clinical programs, facilities, and services operating under the University of New Mexico Health Sciences Center (HSC) and its ~~component~~ units, clinics, centers, programs, and ~~subsidiary~~ affiliated corporations described in ~~RPM 3.4~~. ~~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.~~

### Institutional Compliance Program

The HSC ~~will attempt~~ attempts to ensure at all times that its business (internally and with outside contractors) is conducted in accordance with the highest ethical standards and in compliance with the various federal and state laws and regulations applicable to its activities. To fulfill these obligations, the HSC has adopted and implemented an Institutional Compliance Program, which will include all compliance functions related to its clinical, research, and educational efforts ~~at the HSC~~. These functions include, without limitation, clinical and clinical trials compliance, human research protection, animal research, biosafety, conflict of interest ~~in research~~, human subjects protection, use of animals in education and research, export control compliance, research integrity, and fiscal compliance related to billing and federal grants, FERPA Family Educational Rights and Privacy Act, and other educational compliance activities, ~~as described in Section 5 of Regents policies and corresponding policies set forth in the Faculty Handbook (collectively, the “HSC Institutional Compliance Programs and Requirements”).~~

### ~~HIPAA and HITECH~~

~~Under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and Health Information Technology for Economic and Clinical Health Act, contained in the American Recovery and Reinvestment Act of 2009 (“HITECH Act”), and the regulations issued by the Department of Health and Human Services with respect thereto (collectively, the “HIPAA Regulations”) the University is hereby deemed a “hybrid covered entity” within the meaning of the HIPAA Regulations. Certain components of the University have been designated by the Regents as “health care components” of the University. The “health care components” of the~~

~~“hybrid covered entity” shall, at a minimum, include, but not be limited to, the HSC and the UNM Health System as described and defined in Section 1 of RPM 3.4 and the Office of University Counsel. Additionally, the University and the UNM Hospital each sponsor self-insured group health benefit plans for the benefit of their respective employees and their dependents and certain other self-insured medical, dental, prescription drug, and vision health benefit plans (collectively, the “UNM/UNMH Self-Insured Health Plans”). The UNM/UNMH Self-Insured Health Plans shall be considered an “organized health care arrangement” within the meaning of HIPAA, HITECH Act, and the HIPAA Regulations. As a an organized health care arrangement and covered entity within the University, the UNM/UNMH Self-Insured Health Plans are considered “health care components” within the meaning of HIPAA and the HIPAA Regulations. All components of this organized health care arrangement will comply with HIPAA, HITECH Act, and the HIPAA Regulations, including all informatics technology security.~~

~~The Chancellor for Health Sciences will designate an individual to serve as the HSC Compliance Director to oversee, implement and report on the HSC Institutional Compliance Program and Requirements. Additionally, the President of the University shall delegate to the Chancellor for Health Sciences responsibility to assure compliance with HIPAA, HITECH Act, and the HIPAA Regulations and to designate an individual to serve as the Privacy Officer for the University’s health care components and the organized health care arrangement.~~

## **Implementation**

~~Certain components of the University designated by the Regents as “health care components” of the University are listed in Exhibit A to this policy. Exhibit A will be replaced with a resolution of the Regents adopted on an annual basis that designates the “health care components” of the University.~~

The HSC Institutional Compliance Program is committed to building a culture that fosters integrity and ethical conduct, promoting compliance with regulatory requirements, and enhancing awareness through education, training, and guidance to faculty and staff. Employees are expected to acknowledge that they understand their responsibilities and perform their work in an ethical and legal manner as detailed in the HSC Code of Ethics. The HSC Institutional Compliance Program promotes an environment where suspected acts or events of non-compliance should be reported to their immediate supervisor, another member of management, or the HSC Compliance Officer. Reports can also be made in confidence and anonymously without fear of retaliation through the UNM Compliance Hotline at 1-888-899-6092 or online through [www.unm.ethicspoint.com](http://www.unm.ethicspoint.com).

The HSC Institutional Compliance Program is based on risk-based and proactive activities in support of compliance and aligned with the compliance program guidances published by the US Department of Health and Human Services’ Office of the Inspector General for hospitals, recipients of Public Health Service research awards, and related health professions (including those related to physicians at teaching hospitals), and the US Federal Sentencing Guidelines. The HSC Institutional Compliance Program strives to reduce fraud, waste, and abuse while

maintaining the reputation of the HSC as a reliable, honest, and trustworthy health care community partner.

## References

University Research Park and Economic Development Act, N.M. Stat. ann. § 21-28-1 et seq. (1978, as amended); The Administrative Simplification Provisions of the Health Insurance Portability & Accountability Act of 1996 (HIPAA), codified at 42 U.S.C. § 1320d. Regulations pursuant to HIPAA codified at 45 C.F.R., Parts 160, 162, and 164; American Recovery and Reinvestment Act of 2009 (ARRA), Title XIII, Health Information Technology for Economic and Clinical Health Act (HITECH Act); RPM 3.4 “Health Sciences Center and Services”; RPM 3.5 “Health Sciences Center Board of Directors”; RPM 3.6 “UNM Hospital Board of Trustees”; University Business Policy 2200, "Reporting Misconduct and Retaliation"; HSC Institutional Compliance Plan; and HSC Code of Conduct/Organizational Ethics; UNM’s HIPAA Compliance Policy for Certain Health Plans Offered by the University; UNM Hospital HIPAA Policy.

## ~~EXHIBIT A~~

### ~~THE UNIVERSITY OF NEW MEXICO Health Care Components Designated As a Hybrid Entity Pursuant to Regulations Promulgated Pursuant to the Health Insurance Portability & Accountability Act of 1996, As Amended Amended: December 7, 2010~~

~~The University of New Mexico ("UNM"), as a hybrid covered entity under 42 C.F.R. Part 164.504, hereby designates the following operations as health care components for purposes of complying with the Health Insurance Portability and Accountability Act of 1996:~~

- ~~1. The Health Sciences Center (and its component units, centers, and programs as defined in RPM 3.4) and the UNMH Facilities (as defined in RPM 3.4), excluding the Tumor Registry and the Office of the State Medical Investigator for the State of New Mexico in fulfilling its statutory duties as coroner;~~
- ~~2. UNM Medical Group, Inc., a New Mexico non-profit and University Research Park and Economic Development Act corporation (“UNMMG”), including, without limitation, any and all clinics operated and/or managed by UNMMG;~~
- ~~3. Telemedicine, telehealth and/or teleradiology programs (including, without limitation, Project ECHO) on all UNM campuses;~~
- ~~4. Counseling Assistance & Referral Services;~~
- ~~5. Center for Family & Adolescent Research;~~
- ~~6. Center for Exercise;~~
- ~~7. Psychology Clinic;~~
- ~~8. Speech and Hearing Sciences;~~
- ~~9. Employee Health Promotion Program;~~
- ~~10. Any and all Lobo Clinics;~~

- ~~11. Student Health Center, excluding those activities thereof covered by the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g, as amended;~~
- ~~12. Office of the University Counsel;~~
- ~~13. Safety and Risk Services Department;~~
- ~~14. Internal Audit Department;~~
- ~~15. UNM Medical Plan (as defined in RPM 3.4), including, without limitation, the following:-
  - ~~a. UNM Medical Plan (for health benefits)~~
  - ~~b. Delta Dental (for dental benefits)~~
  - ~~c. Flexible Healthcare Spending Benefit (for flexible spending accounts)~~
  - ~~d. Prescription Drugs~~~~
- ~~16. Human Resources Department in carrying out and discharging Plan administration duties in respect of the UNM Medical Plan;~~
- ~~17. Information Technologies Department when accessing or providing mission support services in respect of the UNM Health Sciences Center, the UNM Medical Plan, and/or any of the departments, centers, or programs identified in this Exhibit A; and~~
- ~~18. UNM Hospitals self insured Health Benefit Plans including, without limitation, the following:-
  - ~~a. UNM Hospitals group health benefit plan (for health benefits)~~
  - ~~b. Delta Dental (for dental benefits)~~
  - ~~c. Flexible Healthcare Spending Benefit (for flexible spending accounts)~~
  - ~~d. Prescription Drugs~~~~

- HSC Compliance Office
- US Federal Sentencing Guidelines: [www.uscourts.gov/guidelines/2015-guidelines-manual/archive/2010-8b21](http://www.uscourts.gov/guidelines/2015-guidelines-manual/archive/2010-8b21)
- Office of the Inspector General Compliance Program Guidelines: <https://oig.hhs.gov/compliance/compliance-guidance/index.asp>
- Centers for Medicare and Medicaid Services Guidelines for Physicians at Teaching Hospitals: <https://www.cms.gov/outreach-and-education/medicare-learning-network-MLN/MLNProducts/downloads/guidelines-teaching-physicians-textonly.pdf>

## **DRAFT OF 3-26-2018 – clean copy**

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

**(formerly part of RPM 3.7)**

## **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 for Health Sciences 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 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

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
- 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

## DRAFT OF 3-26-2018 – track changes (showing changes from current version of RPM 3.7)

### Regents' Policy Manual - Section 3.7: ~~Health Sciences Center~~8: Institutional HIPAA Compliance Program

~~Adopted Date: 12-14-2010~~

~~Amended: 09-12-2014~~

~~(replaces RPM 2.13.3 and RPM 2.13.4)~~  
(formerly part of RPM 3.7)

#### 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**~~This policy applies to the academic and clinical programs, facilities and services operating under the University of New Mexico Health Sciences Center (HSC) and its component units, clinics, centers, programs, and subsidiary corporations described in RPM 3.4. 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.~~

#### ~~Institutional Compliance Program~~

~~The HSC will attempt to ensure at all times that its business (internally and with outside contractors) is conducted in accordance with the highest ethical standards and in compliance with the various federal and state laws and regulations applicable to its activities. To fulfill these obligations, the HSC has adopted and implemented an Institutional Compliance Program, which will include all compliance functions related to clinical, research and educational efforts at the HSC. These functions include, without limitation, clinical and clinical trials compliance, human research protection, animal research, biosafety, conflict of interest in research, human subjects protection, use of animals in education and research, export control compliance, research integrity, and~~

~~fiscal compliance related to billing and federal grants, FERPA, and other educational compliance activities, as described in Section 5 of Regents policies and corresponding policies set forth in the Faculty Handbook (collectively, the “HSC Institutional Compliance Programs and Requirements”).~~

## ~~HIPAA and HITECH~~

~~Under the~~

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”) and ),
- Health Information Technology for Economic and Clinical Health Act, contained in the American Recovery and Reinvestment Act of 2009 (“(HITECH-Act”),), and the
- regulations issued by the Department of Health and Human Services with respect ~~thereto (collectively, the “to~~ HIPAA (collectively with HIPAA and HITECH, the “HIPAA Standards”).

**Self-Insured Health Plans** Regulations”) ~~the University is hereby deemed a “hybrid covered entity” within the meaning of the HIPAA Regulations. Certain components of the University have been designated by the Regents as “health care components” of the University. The “health care components” of the “hybrid covered entity” shall, at a minimum, include, but not be limited to, the HSC and the UNM Health System as described and defined in Section 1 of RPM 3.4 and the Office of University Counsel. Additionally, the University and the UNM Hospital each sponsor self-insured group health benefit~~

The University and University Hospitals may sponsor self-insured health plans for the benefit of their respective employees and their dependents ~~and certain other self-insured medical, dental, prescription drug, and vision health benefit plans (collectively, the “UNM/UNMH, including the UNM Self-Insured Health Plans”).~~ The UNM/UNMH Self-Insured Health Plans shall be considered an “organized health care arrangement” within the meaning of HIPAA, HITECH Act, and the HIPAA Regulations. As a an organized health care arrangement and covered entity within the University, the UNM/UNMH 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 ~~are~~ shall each be

considered ~~“health care components~~ a “covered entity” within the meaning of the HIPAA Standards.

**HIPAA** ~~and the HIPAA Regulations. All components of this organized health care arrangement will comply with HIPAA, HITECH Act, and the HIPAA Regulations, including all informatics technology security.~~ Privacy Officer

~~The Chancellor for Health Sciences will designate an individual to serve as the HSC Compliance Director to oversee, implement and report on the HSC Institutional Compliance Program and Requirements. Additionally, the President of the University shall delegate~~ The University President has delegated to the Chancellor for Health Sciences responsibility ~~to assure compliance with HIPAA, HITECH Act, and the HIPAA Regulations and to designate an individual to serve as the Privacy Officer for the University’s health care components and the organized~~ for assuring that the University’s health care ~~arrangement.~~

### **Implementation**

~~Certain components of the University designated by the Regents as “identified in Exhibit A comply with the HIPAA Standards. As part of that responsibility, the Chancellor for Health Sciences designates an individual to serve as the HIPAA Privacy Officer for the University’s health care components” of the University are listed in Exhibit A to this policy. Exhibit A will be replaced with a resolution of the Regents adopted on an annual basis that designates the “health care components” of the University.~~

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, N.M. Stat. ann. § 21-28-1 et seq. (1978, ")
- 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 & Accountability Act of 1996 (HIPAA), codified at 42 U.S.C. § 1320d.")
- Regulations pursuant to HIPAA-codified at: 45 C.F.R., CFR, Parts 160, 162, and 164; American Recovery and Reinvestment Act of 2009 (ARRA); Title XIII; Health Information Technology for Economic and Clinical Health Act (HITECH Act);-
- RPM 3.4 ("Health Sciences Center and Services"; RPM 3.5 "Health Sciences Center Board of Directors"; RPM 3.6 "UNM Hospital Board of Trustees"; University Business Policy 2200, "Reporting Misconduct and Retaliation"; HSC Institutional Compliance Plan; and HSC Code of Conduct/Organizational Ethics; UNM's HIPAA Compliance Policy for Certain Health Plans Offered by the University; UNM Hospital HIPAA Policy.)
- UNM's HIPAA Compliance Policy for Certain Health Plans Offered by the University

## EXHIBIT A

**~~THE UNIVERSITY OF NEW MEXICO Health Care Components Designated  
As a Hybrid Entity Pursuant to Regulations  
Promulgated Pursuant to the Health Insurance Portability & Accountability  
Act of 1996, As Amended Amended: December 7, 2010~~**

The University of New Mexico ("~~UNM~~"),<sup>2</sup> as a hybrid covered entity under 42 ~~C.F.R.~~CFR Part 164.504, hereby designates the following operations as health care components for purposes of complying with the ~~Health Insurance Portability and Accountability Act of 1996~~HIPAA Standards:

- ~~1. The Health Sciences Center (and its component units, centers, and programs as defined in RPM 3.4) and the UNMH Facilities (as defined in RPM 3.4), excluding the Tumor Registry and the Office of the State Medical Investigator for the State of New Mexico in fulfilling its statutory duties as coroner;-~~
- ~~2. UNM Medical Group, Inc., a New Mexico non-profit and University Research Park and Economic Development Act corporation ("UNMMG"), including, without limitation, any and all clinics operated and/or managed by UNMMG;-~~
  - ~~• HSC and its academic and clinical arms (as defined in RPM 3.4, except for UNMMG and SRMC)~~
  - ~~3. Telemedicine, telehealth, and/or teleradiology programs (including, without limitation, Project ECHO) on all UNM campuses;- hospitals, and clinics~~
  - ~~4. Counseling Assistance &and Referral Services;-~~
- ~~5. Center for Family & Adolescent Research;-~~
- ~~6. Center for Exercise;-~~
- ~~7. Psychology Clinic;-~~
  - ~~8. Speech and Hearing Sciences;-~~
- ~~9. Employee Health Promotion Program;-~~
  - ~~10. Any and all Lobo Clinics;-~~
  - ~~11. Student Health Center and Counseling, excluding those activities thereof covered by the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g, as amended;-~~
- ~~12. Office of the University Counsel;-~~

- 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
- 13. • 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

14. ~~Internal Audit Department;~~

15. ~~UNM Medical Plan (as defined when accessing or providing health care operational support services in RPM 3.4), including, without limitation, respect to the following:-~~

a. ~~UNM Medical Plan (for health benefits)-~~

b. ~~Delta Dental (for dental benefits)-~~

- c. • Flexible Healthcare Spending HSC, the Self-Insured Benefit (for flexible spending accounts) Plans, and/or to any of the other health care components identified in this Exhibit A

d. ~~Prescription Drugs-~~

- Applicable Human Resources Department Departments as follows:
  - of the University, in carrying out and discharging Plan its administration duties in respect to its Self-Insured Benefit Plan
  - 16. ○ of UNM Hospitals, in carrying out and discharging its administration duties in respect of the UNM Medical to its Self-Insured Benefit Plan;
  - 17. • Information Technologies Department of the University, and the HSC, respectively, when accessing or providing mission support services in respect of to the UNM Health Sciences Center HSC, the UNM Medical Plan Self-Insured Benefit Plans, and/or to any of the departments, centers, or programs other health care components identified in this Exhibit A; and

18. ~~UNM Hospitals self-insured Health Benefit Plans including, without limitation, the following:-~~

a. ~~UNM Hospitals group health benefit plan (for health benefits)-~~

b. ~~Delta Dental (for dental benefits)-~~

c. ~~Flexible Healthcare Spending Benefit (for flexible spending accounts)-~~



## d. Prescription Drugs

# Memo

**To:** Dr. Craig White, Senior Vice President for Finance and Administration

**From:** Thomas M. Neale, Director of Real Estate

**Date:** June 13, 2019

**Re:** Real Property Donation/Acquisition – Antoine Predock Studio and Office  
300 – 308 12<sup>th</sup> Street NW, Albuquerque, New Mexico

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In 2016, the University Administration, UNM Foundation, UNM School of Architecture, and architect Antoine Predock negotiated a donation agreement that included extensive archival material and real property owned by Antoine Predock. The real property component of the donation consisted of four contiguous properties located along 12<sup>th</sup> Street NW, including Antoine Predock's studio/office complex and three residential properties. The combined real property component had an estimated market value of \$1,675,000. As part of the donation agreement, the UNM Foundation acquired the real property as a bargain sale for \$700,000. The UNM Foundation sold the three residential properties and transferred the Predock Studio and Office Complex to the Regents of the University of New Mexico on May 11, 2017 by Special Warranty Deed.

The intent of the donation was to establish the Antoine Predock Center for Design and Design Research within the existing studio and office complex and to sell the three residential properties to insure transfer to UNM with minimal costs. The UNM Real Estate Department assisted with the standard due diligence associated with this donation, including a market value appraisal, title commitment, survey, environmental site assessment, and a building condition assessment. This was to provide a clear understanding of the value, condition, financial liability, and potential use of the property prior to accepting the donation.

The property conveyed to the Regents contained approximately 10,000 square feet on a 14,200-square-foot site at the northeast corner of 12<sup>th</sup> Street and Marquette Avenue in Downtown Albuquerque. The estimated market value of the property was \$866,000 and cost paid by the Regents to the UNM Foundation was \$141,585. The cost was to separate two structures to enable one to be sold and reimbursement for closing and due diligence costs.

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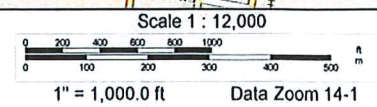
It is my understanding that the Regents were briefed on this transaction. On May 7, 2017, the Finance and Facility Committee approved the naming of the property and the full Board of Regents approved the naming of the project the same month as a consent agenda item. A copy of the minutes are attached. However, there was not a formal approval of the acquisition through donation by the Board of Regents.

Policy requires formal approval of the acceptance of a donation of real property by the Board of Regents, the Higher Education Department, and the State Board of Finance. To insure compliance with Policy, I am requesting formal Board of Regents approval to accept the donation of the real property located at 300 – 308 12<sup>th</sup> Street NW.

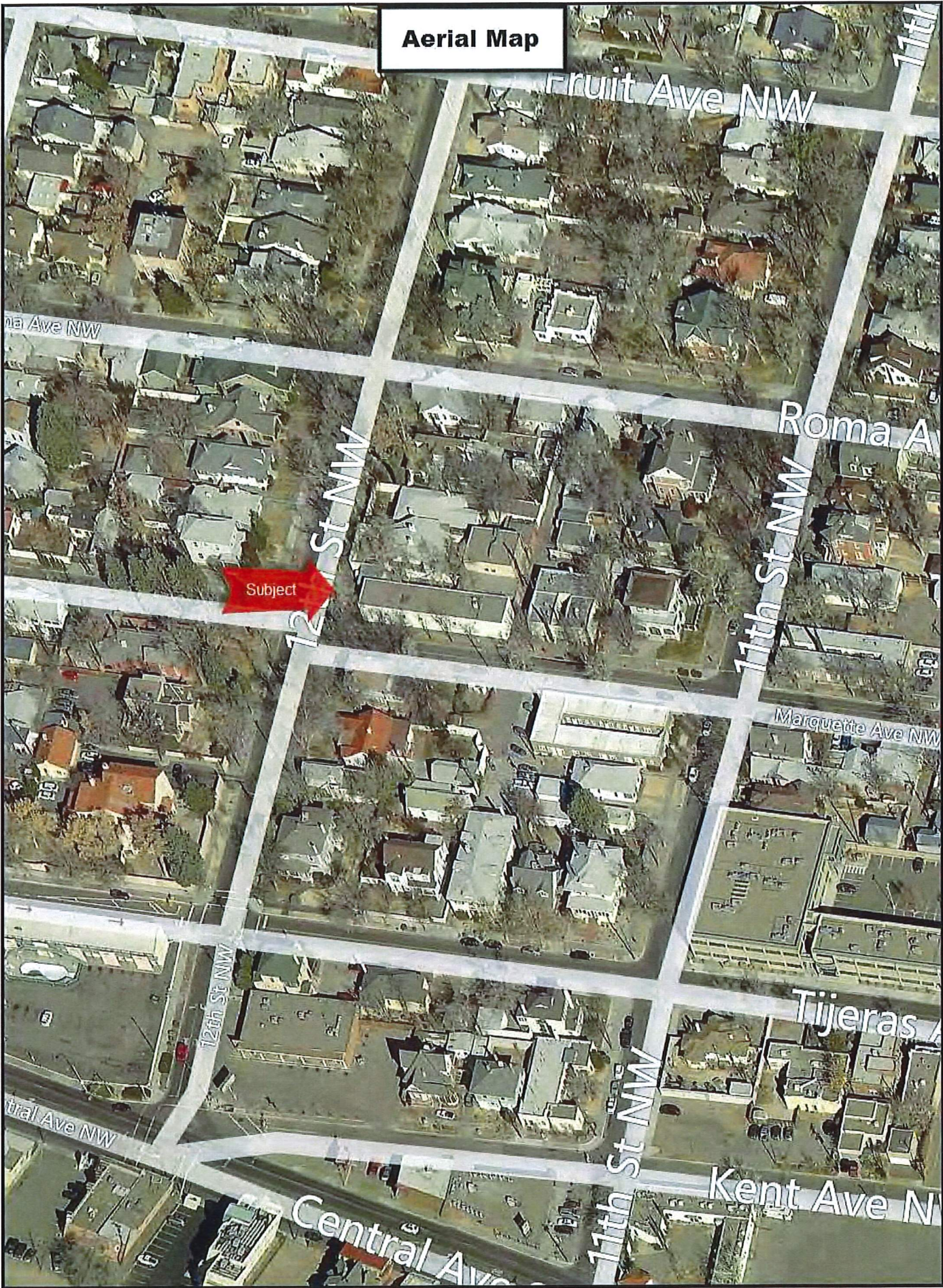
# Neighborhood Map



Subject



**Aerial Map**



Property Photographs  
300-308-A-B 12<sup>th</sup> St NW  
Albuquerque, New Mexico



View to north on 12<sup>th</sup> Street NW



View to south on 12<sup>th</sup> Street NW



View to west on Marquette Ave. NW



300-308 12<sup>th</sup> Street



Front elevation of 300 12<sup>th</sup> Street



Side south elevation

**THE UNIVERSITY OF NEW MEXICO**  
**Board of Regents' Finance and Facilities Committee (F&F)**  
**March 7, 2017 – Meeting Summary**

**Committee Members Present:** Regent President Robert Doughty (participating as a voting member) and Regent Marron Lee.

**Committee Members Absent:** Regent Tom Clifford

**Administration Present:** Chaouki Abdallah, President; David W. Harris, EVP for Administration; and Craig White, Provost/EVP for Academic Affairs.

**Presenters in Attendance:** Dr. Joe Cecchi, School of Engineering Dean; Bruce Cherrin, Chief Procurement Officer; Joey Evans, HR Projects Specialist; Dr. Geraldine Forbes Isais, School of Architecture and Planning Dean; Liz Metzger, University Controller; Lisa Marbury, Executive Director, ISS; Daniel Ortega, Master of Law Program Director; Jason Strauss, Lobo Energy CEO; Chris Vallejos, AVP, ISS; and Dr. Amy Wohlert, Naming Committee Chair.

**ACTION ITEMS:**

1. **Call to Order, Confirmation of a Quorum and Adoption of Agenda.** Chairperson Marron Lee called the meeting to order at 8:43 a.m. in Scholes Hall, Roberts Room and confirmed that a quorum was established. Due to a short quorum and time constraints, Regent Lee deferred Action Items 5, 6, and Information Item 9 to the full Board of Regents meeting. Information Items 10 and 11 would be presented together. No discussion or action would occur at the Finance and Facilities Committee meeting on the deferred items. **Regent Doughty moved to adopt the agenda as amended and Regent Lee seconded. The motion passed by unanimous vote with a quorum of committee members present and voting.**
2. **Finance and Facilities Committee Meeting Summary from February 7, 2017.** Regent Doughty moved to approve and Regent Lee seconded. **The motion passed by unanimous vote with a quorum of committee members present and voting.**
3. **Contract Approvals:**
  - a. **UNM Division of Human Resources – Dental Health Plan Administrative Services.** Bruce Cherrin and Joey Evans made the presentation. Regents' approval was requested for the Dental Health Plan contract with Delta Dental for administrative services.

Mr. Cherrin stated the University is self-insured for dental insurance; the RFP and contract were only for the Administrative Services component. There were two respondents, Blue Cross Blue Shield and Delta Dental; Delta Dental was the incumbent. The fees are \$351K projected for FY 17 and \$339K projected for FY 18.

Regent Doughty inquired about faculty and staff thoughts on the contract, and if they've had an opportunity to review it.

Pamela Pyle, Faculty Senate President, stated they have not looked at it.

Dorothy Anderson, VP HR, stated the contract was a decrease in the overall costs which could result in a decrease in premiums. Typically they have a representative from the Faculty and Staff Benefits Committee (FSBC) on the RFP committee and they do have an opportunity to voice concerns.

Mr. Evans stated they had individuals from HSC Faculty and from the FSBC to participate in the RFP process. The recommendation was unanimous amongst group.

Regent Lee inquired if companies declined to bid as they only had two bidders.

Mr. Evans stated that Delta Dental is the major player and network within New Mexico offering the largest choice for employees in the dental network. They did make multiple attempts to receive as many competitive bids as possible.

Mr. Cherrin stated that the company who runs the State dental plan did not bid. The University has been with Delta Dental for over 20 years. **Regent Doughty moved to approve and Regent Lee seconded. The motion passed by unanimous vote with a quorum of committee members present and voting.**

- b. **Cogeneration Turbine Unit #1 Engine Overhaul.** Bruce Cherrin and Chris Vallejos made the presentation. Regents' approval was requested for the Cogeneration Turbine Unit #1 Engine Overhaul.

Mr. Cherrin stated the University has two cogeneration turbine units; Unit #1 was installed in 2005. It is considered a major maintenance contract as it is over \$1M. They have a maintenance agreement with the Utilities Division, so they receive a 5% discount of the bid.

Regent Doughty inquired if Lobo Energy was involved in the contract.

Mr. Vallejos stated it is an asset owned by the University through the Utility Plant which is in conjunction with Lobo Energy. The cogeneration turbine unit helps drive the energy conservation program as cogeneration generates both steam and electricity.

President Abdallah inquired how often they do the overhaul.

Larry Schuster, PPD, stated that the overhauls are based on the number of operating hours, about 50,000 hours, which ranges from four to five years. This is the third overhaul for the unit. **Regent Doughty moved to approve and Regent Lee seconded. The motion passed by unanimous vote with a quorum of committee members present and voting.**

4. **Approval of Appointment of Erica Jorgensen as Non-Positional Board Member to the Lobo Development Corporation Board.** Chris Vallejos made the presentation. Regents' approval was requested for the appointment of Erica Jorgensen as a non-positional Board Member to the Lobo Development Corporation Board. In accordance with the Lobo



Development Corporation bylaws, the non-positional board appointment is for a one year term. Ms. Jorgensen was in attendance and her resume was included in the agenda eBook.

EVP Harris asked Mr. Vallejos to explain for Ms. Jorgensen the debt posture at Lobo Development and how they service that debt.

Mr. Vallejos stated that Lobo Development has purchased two buildings, they service that debt by revenues generated from the tenants occupying the two buildings; Lobo Development is the landlord.

EVP Harris stated the UNM Hospital has its business operations in one of the buildings, which they have a long term lease with. The UNM Press building is being rented to a large research grant that is operating in the building.

Mr. Vallejos stated that within the corporation, they also have cash flow from their public private partnership with American Campus Communities for two student housing: Lobo Village on South Campus and Casas Del Rio on Main Campus, both of which help generate revenue to service the debt portfolio.

Regent Doughty knows Ms. Jorgensen and stated she is talented and dedicated to the University and believes she will make a wonderful addition to the Lobo Development Board. **Regent Doughty moved to approve and Regent Lee seconded. The motion passed by unanimous vote with a quorum of committee members present and voting.**

5. **Approval of Lobo Development Corporation Annual Meeting Minutes and External Audit for FY 15-16.** Item was deferred to the full Board of Regents meeting. There was no discussion or action taken on the item.
6. **Approval of Lobo Energy, Incorporated Annual Meeting Minutes, External Audit for FY 15-16, and Update on Energy Conservation Program.** Item was deferred to the full Board of Regents meeting. There was no discussion or action taken on the item.
7. **Naming Committee Request for Approval to Name the Antoine Predock Architectural Studio at 300 and 308 12<sup>th</sup> Street NW exterior space, the “Antoine Predock Center for Design and Design Research.”** Dr. Amy Wohlert and Dr. Geraldine Forbes Isais made the presentation. Regents’ approval was requested to name the Antoine Predock Architectural Studio at 300 and 308 12<sup>th</sup> Street NW exterior space, the “Antoine Predock Center for Design and Design Research.”

Dr. Wohlert stated that the naming request is for a couple of small former houses that were the studio of Antoine Predock. They have been donated to the University to house a center to benefit the School of Architecture and Planning. It will also house the archive the estate is giving to the Center for Southwest Research. It benefits the University in two ways; it provides a solution for housing the archive, as well as expansion space for these programs. The request was approved by the Naming Committee and by the President. **Regent Doughty moved to approve and Regent Lee seconded. The motion passed by unanimous vote with a quorum of committee members present and voting.**

# Memo

**To:** Dr. Craig White, Interim Senior Vice President for Finance and Administration

**From:** Thomas M. Neale, Director of Real Estate

**Date:** June 6, 2019

**Re:** Annual Renewal of Maui HPCC Lease

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The terms of the Lease Agreement (the “Lease”) for the Maui High Performance Computing Center (the “Center” or “Maui HPCC”) located at 550 Lipoa Parkway, Maui Research and Technology Park in Kihei, Maui require that the Regents notify the Trustee (“The Bank of New York Mellon Trust Company, N.A.”) of its intention to either renew or not renew the Lease annually for each fiscal year.

On May 31, 2001 the University of Hawaii (“UH”) was awarded the contract to operate and manage the Center by the Air Force Research Laboratory beginning October 1, 2001. In conjunction with the award of this contract, the University of New Mexico (“UNM”) transferred control of the facility to UH, through its subsidiary, The Research Corporation of the University of Hawaii (“RCUH”), by means of a sublease agreement having ten (10) annual lease terms, expiring on September 30, 2011. Two additional Amendments were executed, extending the term through September 30, 2013, at which point UH and RCUH involvement was concluded.

On October 1, 2013, UNM entered into an occupancy agreement directly with the United States of America (“Government”), expiring May 31, 2014. The term length was dictated to adhere to an authorization ceiling, with the intent to execute a longer-term sublease in response to Occupant’s Solicitation for Offer. The procurement process with the Government was completed in February 2015 and a new sublease (“Sublease”) was executed. The Sublease had annual renewal options through September 30, 2018.

The Government entered into a new Sublease effective October 1, 2018 for one-year with four annual renewal options through September 30, 2023. Pursuant to the Sublease, the Government will provide their commitment to renew for an additional one-year term. The Government provides the renewal notice in June of each year. I am recommending that the Regents renew the Maui HPCC Lease (in order to maintain the Government Sublease), and to evidence such renewal by the adoption of the following resolution:

*The Regents ("Regents") of the University of New Mexico ("UNM"), as Lessee, hereby authorize annual renewal of the Lease Agreement dated October 1, 2000 for the UNM Maui High Performance Computing Center (the "Center") with the Bank of New York Mellon Trust Company, N.A., as Lessor and Trustee, for Fiscal Year 2019-2020 beginning July 1, 2019 and ending June 30, 2020 (the "Lease"), based upon its finding that amounts have been or will be budgeted and authorized for payment of all Base Rentals and such Additional Rentals as are estimated to become due under the terms of the Lease. The Regents further find as follows: (1) United States of America ("Government") has entered into a mutually acceptable arrangement with UNM to provide Government with access to the Center, pursuant to which the amounts necessary to pay Base Rentals and Additional Rentals will become available, budgeted and authorized for such payments; (2) pursuant to the Sublease Agreement between UNM and the Government, Government has the right to occupy the facility through September 2020; and (3) in the event that amounts necessary to pay Base Rentals and Additional Rentals are not otherwise available, then pursuant to Sections 5.2 and 5.4 of the Lease, the Regents will notify Lessor that available funds are insufficient to satisfy UNM's obligations when next due and that amounts necessary to pay Base Rentals and Additional Rentals shall be made from the Supplemental Rentals Reserve Fund.*



MSC01 1240  
1 University of New Mexico  
Albuquerque, NM 87131-0001  
Telephone (505) 277-2036  
FAX (505) 277-7774

## MEMORANDUM

To: Dr. Craig White, Interim Sr. Vice President for Administration

From: Bruce Cherrin, Chief Procurement Officer

Subject: Contract Approval

Date: June 6, 2019

The following is being submitted for approval to the Board of Regents, per Regent Policy 7.4.

### **Jaggear (formally SciQuest) software renewal**

The Jaggear software suite consists of Purchasing, Accounts Payable, Contract Management, Chemical Inventory, RFP and Bid module (Sourcing), Vendor on-boarding and maintenance, Project Based Procurement and ERM Stockroom.

Jaggear formally SciQuest( then called Higher Markets) procurement was delivered within the Banner proposal by Ellucian (then SCT) in 2006. UNM and Norte Dame worked with SCT and developed the first interface between an ERP and e-procurement system. Through the years the other modules were developed and installed.

In 2008 UNM began to work directly with SciQuest. As an example, in 2012, the first version of Contract Management software was purchased in response to an internal audit request to develop and maintain a database of contracts. A newer version which contains contract authoring went live last month. We continue to streamline processes and use best practices amid reduced budgets to be responsive to our internal users, our outside vendors and comply with continual additional rules and regulations.

The proposed contract is for eight (8) years. We have re-negotiated a price for the next eight years with minimal increase to pricing and have added a project based procurement tool with the ability to manage large projects in a true digital environment, and ERM stockroom to enable efficient and effective management of chemical and bulk orders.

The previous year's cost was \$571,176.00 and is being funded by IT, SRS and Purchasing.

The next 8 year negotiated costs are as follows:

Renewal Term:	Current (New)	PBP/Stockroom	Total
7/1/2019-6/30/2020	\$582,600	\$16,875	\$ 599,475.00
7/1/2020-6/30/2021	\$594,252	\$33,750	\$ 628,002.00
7/1/2021-6/30/2022	\$606,137	\$67,500	\$ 673,637.00
7/1/2022 - 6/30/2023	\$ 571,176.54	\$67,500	\$ 638,676.54
7/1/2023 - 6/30/2024	\$ 582,600.07	\$67,500	\$ 650,100.07
7/1/2024 - 6/30/2025	\$ 594,252.07	\$67,500	\$ 661,752.07
7/1/2025 - 6/30/2026	\$ 606,137.11	\$67,500	\$ 673,637.11
7/1/2026 - 6/30/2027	\$ 606,137.11	\$67,500	\$ 673,637.11



MSC01 1240  
1 University of New Mexico  
Albuquerque, NM 87131-0001  
Telephone (505) 277-2036  
FAX (505) 277-7774

## MEMORANDUM

To: Terry Babbitt, Chief of Staff – Office of the President

From: *AJL*  
Ava J. Lovell, SEO Finance and Administration - HSC

Subject: Hospital Contracts for Approval

Date: June 5, 2019

Regent Policy 7.4 (last amended in 2014) requires contracts costing \$1 million or more per contract to be approved by the Regents. Policy 7.12 requires construction projects over \$300 thousand (\$50 thousand for branches) to be presented to the Board of Regents and are subject to HED and Board of Finance rules.

As you can see from the attached UNM Hospital Finance Committee Agenda, UNMH has purchases of supplies, services and construction that were going to Regents for approval in June 2019. Since the Regents are not scheduled to meet until August, delaying execution of these contracts has the potential to reduce cost savings benefits and delay needed operational efficiencies which have been paid for under the Huron initiative.

We have eleven new or renegotiated contracts from the Huron initiative that will result in immediate savings. These contracts have either an annual spend of \$1 million or are multi-year agreements whose total spend may exceed \$1 million.

Five capital construction requests for repair and maintenance to keep our aged inpatient plant and equipment running also need Regent approval in order to move them forward to the HED and State Board of Finance process.

We sincerely appreciate any assistance you can provide.

Thank you for your consideration. Please let me know if you have any questions or concerns.



**UNM Hospital Board of Trustees  
Recommendation to HSC Committee  
May 2019**

**a.**

**Approval**

Ownership  
Stryker/K2m  
2825 Airview Blvd.  
Kalamazoo, MI 49002

Officers Information:  
Kevin Lobo, Chairman and CEO

Medtronics  
710 Medtronic Parkway  
Minneapolis, MN 55432-5604

Omar Ishrak  
Chairman and CEO

Nuvasive  
7475 Lusk Blvd.  
San Diego, CA 92121

Chris Barry  
Chief Executive Officer

DePuy Synthes  
325 Paramount Drive  
Raynham, MA 02767

Robert E. Morel  
President

Globus Medical Noah America Inc.  
2560 General Armistead Avenue  
Audubon, PA 19403

David M. Demski  
Chief Executive Officer

Seaspine Sales, LLC.  
5770 Armada Drive  
Carlsbad, CA 92008

Keith Valentine  
President and Chief Executive Officer

Ulrich Medical USA  
18221 Edison Ave  
Chesterfield, MO 63005

Hans Stover  
President and Chief Executive Officer

Zimmer Biomet US, Inc.  
10225 Westmoor Dr  
Westminster, CO 80021

Jeffrey R. Binder  
President and Chief Executive Officer

**Source of Funds:** UNM Hospital/SRMC Operating Budget

**Description:** Request approval to enter into an initial three year agreement with Stryker/K2M, Medtronics, Nuvasive, DePuy Synthes, Globus Medical Noah America Inc., Seaspine Sales, LLC, Ulrich Medical USA, and Zimmer Biomet US, Inc. for spinal implants and accessories for UNM Hospitals and SRMC. Spinal implants are used to facilitate fusion, correct deformities and stabilize



and strengthen the spine. This agreement provides pricing for the implants and associated accessories to perform these surgeries.

**Projected Annual Cost: \$5,418,472 annually** ✓

\*Based on projected volumes, annual cost savings is \$1,607,103

**Process:** Request for Proposal P396-19

**Selection Criteria:**

The RFP committee members, Christopher Taylor, M.D., Andrew Paterson, M.D., Antony Kallur, M.D., Peter C. Shin, MD, Jeremy Lewis, M.D. David Bennett, M.D., Urvij Mohdri, M.D., and subject matter experts Bradley Ross and Huron representatives participated in the evaluation process. The proposals were scored based on evaluation criteria outlined in the RFP and a multi-source award to eight vendors is recommended to provide the best patient care and value to UNM Hospitals/SRMC.

**Contract Term:** Pricing will remain firm for the first three years. Thereafter, the Agreement may be renewed by mutual written agreement of the parties not to exceed ten (10) years pursuant to NMSA 13-1-150.

**Termination Provision:** Either party may terminate this agreement with thirty (30) days written notice.

**Previous Contract(s):** Lanx, Zimmer, Integra Lifesciences, K2M, Inc, Nuvasive, Stryker, Aesculap, Medtronic, Biomet, DePuy

**Previous Term:** April 1, 2013 through June 30, 2019

**Previous Contract Amount for Spinal Implants:** \$7,025,575 annually





**DATE: 5/29/19**

**RECOMMENDED ACTION:**

As required by Section 7.12 of Board of Regents Policy Manual, the New Mexico Higher Education Department and the New Mexico State Board of Finance, approval is requested for the below consent items. For the projects described below, UNM Hospitals requests the following actions, with action requested only upon requisite sequential approval and recommendation by any and all committees and bodies:

- Board of Trustee Finance Committee approval of and recommendation of approval to the UNMH Board of Trustees.
- UNMH Board of Trustees approval of and recommendation of approval to the UNM Board of Regents HSC Committee.
- UNM Board of Regents HSC Committee approval and recommendation of approval to the UNM Board of Regents.
- UNM Board of Regents approval

**PROJECT DESCRIPTIONS:**

- b. Agreement: Hospital Environmental Supplies.**  
Cleaning supplies and related items. RFP pending. Funding from operational funds. Contract is estimated at and shall not exceed \$250,000 per year, 4 year initial term of agreement total \$1,000,000. ✓
- c. Agreement. Lifeguard Program-Rotor Services.**  
Contract for rotor services in support of UNMH Lifeguard (air ambulance) program. Will award through pending RFP process. UNMH will be establishing a Hospital owned rotor air-ambulance program. The current program is owned and operated by 7-Bar Aviation. The UNMH program will be administered by UNMH management and staff. UNMH will bill for services provided. UNMH will issue an RFP for lease of the aircraft. The awardee will be expected to supply adequate aircraft, provide maintenance of aircraft and pilots. The cost of leasing the aircraft is estimated at and shall not exceed \$2,000,000 per year, depending on usage, flight miles, and other variables. The program will be funded from operational funds.
- d. Agreement. Software Subscription Agreement.**  
Cost accounting software system. UNMH currently does not have system for costing of patient care services. UNMH is seeking to contract with a vendor to supply a cost accounting system that will allow for appropriate costing of patient care services. This information is essential to analysis of the cost to provide care, variability in costs, and the tracking of performance under value based purchasing agreements. The contract is to be awarded through RFP process; the RFP is published and responses are due June 3, 2019. Installation and subscription fees are estimated at and shall not exceed \$2,500,000 ✓ for a multiyear contract. Funding will be through UNMH operational fund.

**e. Agreement. Hospital System hand hygiene project.**

EcoLab –hand hygiene. UNMH will implement a tracking system to ensure staff and physicians adhere to proper hand hygiene. The system will track care givers use of sinks or gel dispensers by recognizing proximity of employee badges. The system will provide objective, reliable measurement of compliance. The cost of the system is anticipated to be less than \$1,000,000 over three years, although adding a fourth year to the term may push contract totals above \$1,000,000. The system will be funded through UNMH operational funds.

**f. Agreement. Spinal Cord Stimulation. (Huron related initiative)**

Used by physicians to deliver low-voltage current to spinal cord to block sensation of pain. Funding will be through operational funds. Procurement will be through RFP. UNMH is currently negotiating with vendors on final costs. Spending is projected at and shall not exceed \$1,200,000 per year. Total spend is currently above \$2,000,000 annually.

**g. Agreement. Cochlear Implants. (Huron related initiative)**

A cochlear implant is a small, complex electronic device that can help to provide a sense of sound to a person who is profoundly deaf or severely hard-of-hearing. The implant consists of an external portion that sits behind the ear and a second portion that is surgically placed under the skin. Funding will be through operational funds. Spending is projected at and shall not exceed \$1,400,000 per year. Savings from current expenditures are estimated at \$250,000 annually.

**h. Agreement. Navigation and disposables. (Huron related initiative)**

Computer assisted surgery, instrumentation and disposables used by physicians. The navigation system is used to aid in surgeries such as spine and ENT. Funding will be through operational funds. Procurement will be through sole source from Stryker. The annual spend is projected at and shall not exceed \$2,500,000 and is expected to be 10-15% less than current spend.

**i. Agreement. Pyxis Supply Stations. (Huron related Initiative)**

Renew contract for the leasing of Pyxis Med/Surg Supply Stations installed at 223 separate inpatient, ambulatory and clinic locations. Pyxis Supply Stations assist with electronic management of patient care unit level med/surg supply usage, replenishment and patient billing purposes. Annual expense estimated at and shall not exceed \$1,003,824, 5 year term of agreement. Funding will be from UNMH operational funds.

**j. Agreement. Hospital Waste Management (Huron related initiative).**

New agreement(s) for hospital waste management to include municipal; solid waste (trash), regulated medical waste, including sharps, hazardous pharmaceutical waste, hazardous chemical waste, and chemotherapeutic waste. Multiple vendors may be required to establish coverage. Annual expense is estimated at and shall not exceed \$1,000,000 per year. Funding will be from UNMH operational funds.

**k. Agreement. Accounts Receivable. (Huron related initiative).**

Collections firm to assist with collection of amounts due from healthcare payors. UNMH currently outsources the collection of insurance balances that are less than \$1,000, outsourcing happens at day zero. Management is seeking to revise the outsourcing arrangement to be upon day 60 and to lower the percentage of collections paid to the vendor. UNMH will be amending the contract with its incumbent vendor or contracting with a new Vizient contracted vendor, not to exceed \$6,000,000 annually. UNMH currently spends \$10-12 million annually on this services. Based on early discussions, either

process will yield several million dollars in annual savings to UNMH. Funding will be through operational funds.

**1. Agreement: Mortgage Banker.**

Mortgage Banker and underwriter services in connection with anticipated HUD financing for new hospital tower. An RFP has been issued for this service and responses are currently under evaluation. The Mortgage Banker and Underwriter are essential to have in place to assist with pursuit of HUD financing. They will assist with completion of HUD applications, organization of documents, selection of best debt funding vehicle, and placement of bonds as appropriate. Funding will be from HUD Mortgage loan proceeds. ✓



**a.**

**CAPITAL PROJECT APPROVAL**

**PROJECT NAME:** UH Main - Basement - Server Room HVAC Upgrade

**DATE:** 5/29/19

**RECOMMENDED ACTION:**

As required by Section 7.12 of Board of Regents Policy Manual, the New Mexico Higher Education Department and the New Mexico State Board of Finance, capital project approval is requested for The UH Main - Basement - Server Room HVAC Upgrade.

For the project described below, UNM Hospitals requests the following actions, with action requested only upon requisite sequential approval and recommendation by any and all committees and bodies:

- Board of Trustee Finance Committee approval of and recommendation of approval to the UNMH Board of Trustees.
- UNMH Board of Trustees approval of and recommendation of approval to the UNM Board of Regents HSC Committee.
- UNM Board of Regents HSC Committee approval and recommendation of approval to the UNM Board of Regents.
- UNM Board of Regents approval

**PROJECT DESCRIPTION:**

Installation of (4) Computer Room Air Conditioners and associated piping, power, and controls for the UH Main basement server room.

**RATIONALE:**

The current server load has exceeded the cooling capacity of the current cooling equipment. This project provides increased cooling capacity and serves as back-up cooling should an air conditioner fail. The primary focus of the servers is for Radiology and Imaging Services.

**PURCHASING PROCESS:**

Gordian JOC contracted contractor or RFP

**FUNDING:**

Total project budget not to exceed \$633,200 ✓ from the UNM Hospitals Capital Renovation Fund.

**b.**



**CAPITAL PROJECT APPROVAL**

**PROJECT NAME:** UH Main - Basement Machine Room 8 - Medical Air Compressor Replacement  
**DATE:** 5/29/19

**RECOMMENDED ACTION:**

As required by Section 7.12 of Board of Regents Policy Manual, the New Mexico Higher Education Department and the New Mexico State Board of Finance, capital project approval is requested for The UH Main - Basement Machine Room 8 - Medical Air Compressor Replacement. For the project described below, UNM Hospitals requests the following actions, with action requested only upon requisite sequential approval and recommendation by any and all committees and bodies:

- Board of Trustee Finance Committee approval of and recommendation of approval to the UNMH Board of Trustees.
- UNMH Board of Trustees approval of and recommendation of approval to the UNM Board of Regents HSC Committee.
- UNM Board of Regents HSC Committee approval and recommendation of approval to the UNM Board of Regents.
- UNM Board of Regents approval

**PROJECT DESCRIPTION:**

Installation of Medical Air Compressors, filters, and dryers sized for required hospital loads in UH Main basement machine room 8.

**RATIONALE:**

Current equipment has reached its useful service life and reliability. This new equipment will provide improved medical air quality for patients' needs. This will be modern equipment with improved controls for remote monitoring and maintenance service.

**PURCHASING PROCESS:**

Gordian JOC contracted contractor or RFP

**FUNDING:**

Total project budget not to exceed \$858,700 from the UNM Hospitals Capital Renovation Fund.



C.

**CAPITAL PROJECT APPROVAL**

**CIP 3041 - UH Main – Cardiac Cath Lab-1 Replacement**

**DATE: May 29, 2019**

**RECOMMENDED ACTION:**

As required by Section 7.12 of Board of Regents Policy Manual, the New Mexico Higher Education Department and the New Mexico State Board of Finance, capital project approval is requested for the renovation of Cardiac Cath Lab No. 1 (CCL-1). For the project described below, UNM Hospitals requests the following actions, with action requested only upon requisite sequential approval and recommendation by any and all committees and bodies:

- Board of Trustee Finance Committee approval of and recommendation of approval to the UNMH Board of Trustees.
- UNMH Board of Trustees approval of and recommendation of approval to the UNM Board of Regents HSC Committee.
- UNM Board of Regents HSC Committee approval and recommendation of approval to the UNM Board of Regents.
- UNM Board of Regents approval

**PROJECT DESCRIPTION:**

Replacement of the existing single plane scanner with a new biplane scanner in CCL-1, along with all associated medical equipment. Additionally, improvements will be made to the HVAC system with regards to air flow and installation of a dedicated roof top unit for CCL-1, separating it from CCL-2.

**RATIONALE:**

CCL-1 was constructed and equipment installed in 2009. The equipment is at the end of its useful life (or beyond). CCL-1 and CCL-2 currently share the same ventilation unit, which does not meet the modern standards. The upgraded to the equipment will allow it to be used for Neurovascular procedures as well as Pediatric cases, enabling CCL-3 to be utilized for Electrophysiology Procedures (EP) (and other cases) full time instead of only 3 days per week now. EP volume is increasing and Pediatric volume is also expected to increase. Structural volume will also be increasing in the near future with addition of more trained faculty and the ability to start a Transcatheter aortic valve replacement (TAVR) program within the next 6-12 months as well.

**PURCHASING PROCESS:**

UNM's Job Order Contract (JOC).

**FUNDING:**

Total project budget not to exceed without additional authorization \$800,000 from UNM Hospitals Capital Renovation Fund.

d.



**CAPITAL PROJECT APPROVAL**

**PROJECT NAME:** UH Main - OR - Air Handler Upgrades

**DATE:** 5/29/19

**RECOMMENDED ACTION:**

As required by Section 7.12 of Board of Regents Policy Manual, the New Mexico Higher Education Department and the New Mexico State Board of Finance, capital project approval is requested for The UH Main - OR - Air Handler Upgrades.

For the project described below, UNM Hospitals requests the following actions, with action requested only upon requisite sequential approval and recommendation by any and all committees and bodies:

- Board of Trustee Finance Committee approval of and recommendation of approval to the UNMH Board of Trustees.
- UNMH Board of Trustees approval of and recommendation of approval to the UNM Board of Regents HSC Committee.
- UNM Board of Regents HSC Committee approval and recommendation of approval to the UNM Board of Regents.
- UNM Board of Regents approval

**PROJECT DESCRIPTION:**

Installation of a Fan Array (Multiple Fans), Air Conditioning Unit, and a Dynamic Filtration System for the UH Main Operating Rooms.

**RATIONALE:**

This new Fan Array for the Operating Rooms (OR) Air Handler will provide an improved back-up feature should a fan fail. Much needed additional cooling will be provided. The state-of-the-art Dynamic Filtration System will improve the air quality for the Operating Rooms patients. The new Fan Array will decrease maintenance requirements.

**PURCHASING PROCESS:**

Request For Proposals (RFP)

**FUNDING:**

Total project budget not to exceed without additional authorization \$1,265,200 from the UNM Hospitals Capital Renovation Fund.

e.



**CAPITAL PROJECT APPROVAL**

**PROJECT NAME:** BBRP – Mechanical Room – AHU Upgrade

**DATE:** 5/29/19

**RECOMMENDED ACTION:**

As required by Section 7.12 of Board of Regents Policy Manual, the New Mexico Higher Education Department and the New Mexico State Board of Finance, capital project approval is requested for The BBRP – Mechanical Room – AHU Upgrade.

For the project described below, UNM Hospitals requests the following actions, with action requested only upon requisite sequential approval and recommendation by any and all committees and bodies:

- Board of Trustee Finance Committee approval of and recommendation of approval to the UNMH Board of Trustees.
- UNMH Board of Trustees approval of and recommendation of approval to the UNM Board of Regents HSC Committee.
- UNM Board of Regents HSC Committee approval and recommendation of approval to the UNM Board of Regents.
- UNM Board of Regents approval

**PROJECT DESCRIPTION:**

Installation of a Fan Array (Multiple Fans) and a Dynamic Filtration System for the Pediatric Surgery Air Handling Unit

**RATIONALE:**

This new Fan Array for the Pediatric Surgery Air Handler will provide an improved back-up feature should a fan fail. The state-of-the-art Dynamic Filtration System will improve the air quality for the pediatric surgery patients. The new Fan Array will decrease maintenance requirements.

**PURCHASING PROCESS:**

Gordian JOC contracted contractor or RFP

**FUNDING:**

Total project budget not to exceed without additional authorization \$972,900 from the UNM Hospitals Capital Renovation Fund.



*June 17 BOR special meeting*

*Agenda item #8:*

**Request approval to increase the General Obligation Bond application to HED for the proposed College of Nursing/College of Population Health Building from \$30 million as previously approved by the Regents, to \$33 million.**

***Rationale: To increase the square footage of the new building by 6,000 and completely co-locate all College of Nursing Faculty in the new building rather than separately housing their Research faculty in 1650 University.***