

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**LAS ANIMAS COUNTY**

**AND**

**MT. SAN RAFAEL HOSPITAL**

**THIS MEMORANDUM OF UNDERSTANDING** is made this 15<sup>th</sup> day of March, 2022, by and between the undersigned representatives of Las Animas County and Mt. San Rafael Hospital a not-for-profit corporation organized and existing under the laws of the state of Colorado located at 410 Benedicta Ave, Trinidad, Colorado 81082.

**RECITALS:**

**WHEREAS** Mt. San Rafael Hospital is a Colorado not-for-profit hospital that provides a disproportionate share of healthcare services to the Medicaid population in addition to supporting many programs that benefit the indigent, uninsured, or underinsured population in the State of Colorado;

**WHEREAS** Mt. San Rafael Hospital desires to participate in the drug discount program established under Section 340B of the Public Health Services Act (the "340B Program").

**WHEREAS**, in order to participate in the 340B Program Mt. San Rafael Hospital must enter into an agreement with a unit of the state or local government pursuant to which Mt. San Rafael Hospital commits to provide health care services to low-income individuals who are not entitled to Medicare or Medicaid benefits at no or reduced reimbursement for these patients.

**WHEREAS** Mt. San Rafael Hospital desires to make such a formal commitment to Las Animas County; and

**WHEREAS** Las Animas County agrees to accept such commitments on behalf of the citizens of Las Animas County.

**NOW, THEREFORE**, in consideration of the mutual agreements and covenants contained therein and for other valuable consideration, the receipt and sufficiency of which hereby are acknowledged, it is mutually agreed upon by and between the parties to this Agreement, as follows:

1. **Commitment of Mt. San Rafael Hospital to provide Indigent Care**
  - a. During the term of this memorandum, Mt. San Rafael Hospital agrees to continue its historic commitment to the provision of health care to indigent, uninsured and underinsured residents of Colorado. In any event Mt. San Rafael Hospital will ensure that all patients will receive necessary care, as required by law, regardless of ability to pay.
2. **Acceptance and Acknowledgements of the Las Animas County**

- a. The Commissioners accept the commitment of Mt. San Rafael Hospital as set forth above;
- b. The Commissioners hereby acknowledge that healthcare services, as provided by Mt. San Rafael Hospital hereunder, are in the public interest and that Mt. San Rafael Hospital has expressed their commitment to provide such services to individuals who are not entitled to benefits under Title XVIII or eligible for assistance under any State plan pursuant to Title XIX of the Social Security Act; and
- c. The Commissioners acknowledge that Mt. San Rafael Hospital has expressed their commitment to providing these services at no or reduced reimbursement for these patients.

3. **Representations of Mt. San Rafael Hospital.** Mt. San Rafael Hospital represents that as of the date hereof:

- a. Mt. San Rafael Hospital constitutes a corporation duly organized and validity existing in good standing under the laws of the state of Colorado with the corporate power and authority to enter into and perform its obligation under this Memorandum of Understanding; and
- b. Mt. San Rafael Hospital is a tax-exempt corporation under Section 501 (c)(3) of the Internal Revenue Code of the United States, as amended and under applicable laws of the State of Colorado.

4. **Term and Termination.**

- a. The term of this memorandum shall commence on the date first above written and shall continue until terminated by either party upon not less than ninety (90) days prior written notice to the other.

5. **Notice.**

- a. All notices required or permitted to be given under this memorandum shall be deemed given when delivered by hand or sent by registered or certified mail, return receipt requested, addressed as follows:

Sent to:  
Las Animas County  
200 East 1<sup>st</sup> Street Room 110  
Trinidad, CO. 81082  
Attention:  
Board of County Commissioners

Sent to:  
Mt. San Rafael Hospital  
410 Benedicta Ave.  
Trinidad, CO. 81082  
Attention:  
Mt. San Rafael CEO

**6. Governing Law.**

- a. This memorandum shall be governed by and construed in accordance with the laws of the State of Colorado (excepting any conflict of laws provisions which would serve to defeat application of Colorado substantive law).

**IN WITNESS WHEREOF**, Mt. San Rafael Hospital and Las Animas County have executed this Agreement as of the day and year first written above by their duly authorized representatives.

WITNESS:

**Mt. San Rafael Hospital**

Signature: \_\_\_\_\_

Written Name: \_\_\_\_\_

Title: \_\_\_\_\_

WITNESS:

**Las Animas County**

Signature: \_\_\_\_\_

Written Name: \_\_\_\_\_

Title: County Commissioner

