



SUMMARY OF PROCEEDINGS

KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

**Kern Medical Center
1700 Mount Vernon Avenue
Conference Room 1058
Bakersfield, California 93306**

Regular Meeting
Wednesday, October 16, 2019

11:30 A.M.

BOARD RECONVENED

Board Members: Alsop, Berjis, Bigler, Brar, McLaughlin, Pelz, Sistrunk
ROLL CALL: 4 Present; 3 Absent - Brar, Pelz, Sistrunk

NOTE: The vote is displayed in bold below each item. For example, Alsop-McLaughlin denotes Director Alsop made the motion and Director McLaughlin seconded the motion.

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH A "CA" ARE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

- 1) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. In addition, the Board may take action to direct the staff to place a matter of business on a future agenda. **SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE AND SPELL YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!**
NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Government Code section 54954.2(a)(2))
NO ONE HEARD

RECOGNITION

- 3) Presentation by the Chief Executive Officer recognizing the Kern Medical Center 'Run Hide Fight' Committee –
MADE PRESENTATION; JARED LEAVITT, CHIEF OPERATING OFFICER, HEARD

ITEMS FOR CONSIDERATION

CA

- 4) Minutes for Kern County Hospital Authority Board of Governors regular meeting on September 18, 2019 –
APPROVED
Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 5) Proposed Resolution establishing regular meeting dates of the Kern County Hospital Authority Board of Governors for calendar year 2020 –
APPROVED; ADOPTED RESOLUTION 2019-013
Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 6) Proposed retroactive Side Letter of Agreement with Committee of Interns and Residents/ Service Employees International Union, Local 1957, for the provision of three annual wellness days for residents, effective July 1, 2019 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 059-2019; DIRECTED STAFF TO IMPLEMENT
Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 7) Proposed retroactive Amendment No. 3 to Agreement 001-2018 with Matthew M. Malerich, M.D., Incorporated, an independent contractor, for professional medical services in the Department of Surgery, for the period April 9, 2018 through April 8, 2021, extending the guarantee period by 23 days through October 31, 2019, adding services, and increasing the maximum payable by \$300,000, from \$1,600,000 to \$1,900,000, to cover the term, effective October 9, 2019 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 060-2019
Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 8) Proposed Agreement with Tung Thanh Trang, M.D., a contract employee, for professional medical and administrative services in the Department of Surgery from November 13, 2019 through November 12, 2022, in an amount not to exceed \$1,978,000 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 061-2019
Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 9) Proposed retroactive Amendment No. 3 to Agreement 002-2018 with Desert Hand and Plastic Surgery PC, an independent contractor, for professional medical services in the Department of Surgery, for the period April 9, 2018 through April 8, 2021, extending the guarantee period by 23 days through October 31, 2019, adding services, and increasing the maximum payable by \$300,000, from \$1,600,000 to \$1,900,000, to cover the term, effective October 9, 2019 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 062-2019
Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 10) Proposed retroactive Amendment No. 4 to Agreement 06018 with Clarity Technology Partners, LLC, an independent contractor, containing nonstandard terms and conditions, for technology-related temporary staffing and contingent search services, adding services through January 31, 2020, and increasing the maximum payable by \$138,346, from \$920,000 to \$1,058,346, to cover the term, effective September 2, 2019 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 063-2019
Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 11) Proposed retroactive Lease Schedule to Master Lease 010-2019 with Dell Financial Services, L.L.C., an independent contractor, containing nonstandard terms and conditions, for lease of desktop computers for the Cerner Millennium Project from May 1, 2019 through May 22, 2023, in an amount not to exceed \$850,187, plus applicable taxes – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 064-2019
Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 12) Proposed retroactive Agreement with ProviderTrust, Inc., an independent contractor, containing non-standard terms and conditions, for monitoring and search services related to licensure and exclusion of individuals and entities from September 30, 2019 through September 29, 2020, in an annual amount not to exceed \$14,174 – APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 065-2019
Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 13) Proposed retroactive Amendment No. 5 to Agreement 166-2012 with Press Ganey Associates, Inc., an independent contractor, for patient experience survey products, for the period April 1, 2012 through September 30, 2019, extending the term for three months through December 31, 2019, and increasing the maximum payable by \$80,000, from \$1,728,765 to \$1,808,765, to cover this extended term – APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 066-2019
Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 14) Proposed retroactive Amendment No. 1 to Agreement 14718 with Frank Rappe, an independent contractor, doing business as R & R Janitorial and Carpet, for janitorial services, for the period February 19, 2018 through February 18, 2019, extending the term from February 19, 2019 to February 19, 2021, and increasing the maximum payable by \$560,000, from \$150,000 to \$710,000, to cover the extended term –
APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 067-2019

Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

- 15) Kern County Hospital Authority Chief Financial Officer report –
RECEIVED AND FILED

Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

- 16) Kern County Hospital Authority Chief Executive Officer report –
RECEIVED AND FILED

McLaughlin- Berjis: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

CA

- 17) Claims and Lawsuits Filed as of September 30, 2019 –
RECEIVED AND FILED

Berjis-McLaughlin: 4 Ayes; 3 Absent - Brar, Pelz, Sistrunk

ADJOURN TO CLOSED SESSION

Berjis-Alsop

CLOSED SESSION

- 18) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 19) Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 20) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Adria Ottoboni v. Kern Medical Center Foundation, et al., Kern County Superior Court Case No. BCV-19-102820 SDS – SEE RESULTS BELOW
- 21) PUBLIC EMPLOYEE APPOINTMENT/RECRUITMENT - Title: President of Hospital and Clinic Operations (Government Code Section 54957) – SEE RESULTS BELOW
- 22) Request for Closed Session for the purpose of discussion or taking action on authority trade secrets (Health and Safety Code Section 101855(e)(1)) – SEE RESULTS BELOW
- 23) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION

Alsop-McLaughlin

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 18 concerning Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – HEARD; BY A UNANIMOUS VOTE OF THOSE DIRECTORS PRESENT (MOTION BY DIRECTOR MCLAUGHLIN, SECOND BY DIRECTOR ALSOP; 3 ABSENT - DIRECTORS BRAR, PELZ AND SISTRUNK), THE BOARD APPROVED ALL PROVIDERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, REVIEW/RELEASE OF PROCTORING, REQUEST FOR ADDITIONAL PRIVILEGES, CHANGE IN STAFF STATUS, AND VOLUNTARY RESIGNATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item No. 19 concerning Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 20 concerning CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Adria Ottoboni v. Kern Medical Center Foundation, et al., Kern County Superior Court Case No. BCV-19-102820 SDS – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 21 concerning PUBLIC EMPLOYEE APPOINTMENT/RECRUITMENT - Title: President of Hospital and Clinic Operations (Government Code Section 54957) – HEARD; BY A UNANIMOUS VOTE OF THOSE DIRECTORS PRESENT (MOTION BY DIRECTOR ALSOP, SECOND BY DIRECTOR MCLAUGHLIN; 3 ABSENT - DIRECTORS BRAR, PELZ AND SISTRUNK) THE BOARD APPOINTED A. SCOTT THYGERSON AS PRESIDENT OF HOSPITAL AND CLINIC OPERATIONS; NO OTHER REPORTABLE ACTION TAKEN

Item No. 22 concerning Request for Closed Session for the purpose of discussion or taking action on authority trade secrets (Health and Safety Code Section 101855(e)(1)) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 23 concerning PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, DECEMBER 13, 2019, AT 11:30 A.M.

Berjis



/s/ Mona A. Allen
Authority Board Coordinator



/s/ Russell E. Bigler
Chairman, Board of Governors
Kern County Hospital Authority