



SUMMARY OF PROCEEDINGS

KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

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

Regular Meeting
Wednesday, February 16, 2022

11:30 A.M.

BOARD RECONVENED

Directors Present: Alsop, Berjis, Bigler, Brar, Kitchen, McLaughlin, Pelz
Directors Absent: None

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 employees from the Whole Person Care program –
CHIEF EXECUTIVE OFFICER SCOTT THYGERSON MADE PRESENTATION; CHAIRMAN BIGLER THANKED THE 14 EMPLOYEES FOR THEIR SERVICE
- 4) Presentation by the Chief Executive Officer recognizing Karen S. Barnes, Vice-President and General Counsel, for her 20 years of dedicated service to Kern Medical Center and the County of Kern –
CHIEF EXECUTIVE OFFICER SCOTT THYGERSON MADE PRESENTATION; CHIEF EXECUTIVE OFFICER SCOTT THYGERSON, KAREN BARNES, CHAIRMAN BIGLER, DIRECTOR BERJIS AND RUSSELL JUDD HEARD

ITEMS FOR CONSIDERATION

CA

- 5) Proposed Resolution in the matter of making findings pursuant to Government Code Section 54953, as amended by Assembly Bill 361, and authorizing the continued use of virtual meetings –
APPROVED; ADOPTED RESOLUTION 2022-003
Pelz-McLaughlin: All Ayes

CA

- 6) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on January 19, 2022 –
APPROVED
Pelz-McLaughlin: All Ayes

CA

- 7) Proposed retroactive Asset Purchase Agreement with Walgreen Co., an independent contractor, containing non-standard terms and conditions, for the transfer of prescription files and remaining pharmaceutical inventory –
APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 015-2022
Pelz-McLaughlin: All Ayes

CA

- 8) Proposed retroactive Side Letter of Agreement with Service Employees International Union, Local 521, to implement minimum wage increases, effective January 1, 2022 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 016-2022
Pelz-McLaughlin: All Ayes

- 9) Proposed Service Agreement with GE Precision Healthcare, LLC, an independent contractor, containing non-standard terms and conditions, for maintenance and service of Q Street Imaging Center equipment, for the period February 16, 2022 through February 15, 2027, in an amount not to exceed \$900,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 017-2022
Brar-McLaughlin: All Ayes

CA

- 10) Proposed Addendum to the Software Use Agreement 2017-025 with Strata Decision Technology, LLC, an independent contractor, for management reporting software for the period March 16, 2017 through March 15, 2022, extending the term for five years from March 16, 2022 through March 15, 2027, and increasing the maximum payable by \$1,809,105, from \$2,056,164 to \$3,865,269, to cover the extended term –
APPROVE; AUTHORIZE CHAIRMAN TO SIGN AGREEMENT 018-2022
Pelz-McLaughlin: All Ayes

CA

- 11) Proposed Third Amendment to Credit Agreement 011-2019 with PNC Bank, National Association (PNC Bank) for a revolving line of credit for the period March 1, 2019 through February 28, 2022, extending the maturity date of the Line of Credit to a date not later than March 1, 2023, amending the Credit Agreement to provide for an interest rate based on One Month Bloomberg Short-Term Bank Yield Index, provided that the Line of Credit shall otherwise be substantially on the same terms set out in the Credit Agreement, and providing that the maximum available principal amount of credit provided under the Credit Agreement may not exceed \$20,000,000 and that any indebtedness incurred thereunder at any time shall be secured only by personal property, substantially the same as the personal property described in the General Security and Pledge Agreement, and delegating authority to certain officers –
APPROVED; ADOPTED RESOLUTION 2022-004; AUTHORIZED AND DIRECTED ANY TWO OF THE FOLLOWING OFFICERS (EACH, AN “AUTHORIZED OFFICER”) OF THE AUTHORITY, FOR AND IN THE NAME OF AND ON BEHALF OF THE AUTHORITY, TO EXECUTE THE THIRD AMENDMENT TO CREDIT AGREEMENT, OR A NEW CREDIT AGREEMENT IF THE AUTHORIZED OFFICERS DETERMINE THAT A NEW CREDIT AGREEMENT IS ADVISABLE, AND AN AMENDMENT TO THE NOTE, OR A NEW NOTE IF THE AUTHORIZED OFFICERS DETERMINE THAT A NEW NOTE IS ADVISABLE, AS THE AUTHORIZED OFFICERS EXECUTING THE SAME, TOGETHER WITH THE VICE PRESIDENT & GENERAL COUNSEL OF THE AUTHORITY, SHALL APPROVE: CHAIRMAN OF THIS BOARD, VICE-CHAIRMAN OF THIS BOARD, CHIEF EXECUTIVE OFFICER OF THE AUTHORITY OR CHIEF FINANCIAL OFFICER OF THE AUTHORITY
Pelz-McLaughlin: All Ayes

CA

- 12) Proposed retroactive Amendment No. 2 to Memorandum of Understanding 61320 with Kern Health Systems, an independent contractor, for translation services for Kern Medical Center patients for the period December 14, 2020 through December 13, 2021, extending the term for an additional period from December 14, 2021 through December 31, 2022, and increasing the maximum payable by \$600,000, from \$425,000 to \$1,025,000, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 019-2022
Pelz-McLaughlin: All Ayes

CA

- 13) Proposed Service Agreement with International Business Machine Corporation, an independent contractor, containing non-standard terms and conditions, for electronic resources for medication safety from February 16, 2022 through February 15, 2025, in an amount not to exceed \$80,212 –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 020-2022

Pelz-McLaughlin: All Ayes

- 14) Proposed retroactive Amendment No. 1 to Agreement 039-2021 with Healthcare Performance Group, Inc., an independent contractor, for professional consulting services to assist with staffing shortages related to Cerner Millennium support for the period June 11, 2021 through June 10, 2022, increasing the maximum payable by \$198,720, from \$200,000 to \$398,720, to cover the term –

APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 021-2022

Pelz-Berjis: All Ayes

CA

- 15) Proposed retroactive Amendment No. 2 to Agreement 006-2020 with Neurodiagnostic Workforce LLC, an independent contractor, for neurodiagnostic monitoring services for the period February 12, 2020 through February 11, 2022, extending the term for two years from February 12, 2022 through February 11, 2024, and increasing the maximum payable by \$900,000, from \$752,000 to \$1,652,000, to cover the extended term –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 022-2022

Pelz-McLaughlin: All Ayes

CA

- 16) Proposed Amendment No. 1 to Agreement 03219 with Rehana Rafiq, M.D., a contract employee, for professional medical services in the Department of Family Medicine, Division of Pediatrics, from February 16, 2019 through February 15, 2022, extending the term for an additional period from February 16, 2022 through June 30, 2022, and increasing the maximum payable by \$60,000, from \$350,000 to \$410,000, to cover the extended term –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 023-2022

Pelz-McLaughlin: All Ayes

CA

- 17) Proposed retroactive Agreement with Patrick G. Pieper, M.D., a contract employee, for professional medical services in the Department of Surgery from February 1, 2022 through January 31, 2025, in an amount not to exceed \$1,846,000, plus applicable benefits –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 024-2022

Pelz-McLaughlin: All Ayes

CA

- 18) Proposed Agreement with McMurtrey Lince, Inc., an independent contractor, for construction services related to hospital pharmacy renovations and HVAC installation, effective February 16, 2022, in an amount not to exceed \$467,504 –

MADE FINDING THE PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15301, 15302 AND 15061(B)(3) OF STATE CEQA GUIDELINES; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 025-2022; AUTHORIZED CHIEF EXECUTIVE OFFICER TO APPROVE FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF \$467,504

Pelz-McLaughlin: All Ayes

CA

- 19) Proposed Agreement with James E. Thompson, Inc., doing business as JTS Construction, an independent contractor, for construction services related to renovations at 3551 Q Street, effective February 16, 2022, in an amount not to exceed \$561,143 –
MADE FINDING THE PROJECT IS EXEMPT FROM FURTHER CEQA REVIEW PER SECTIONS 15301, 15302 AND 15061(B)(3) OF STATE CEQA GUIDELINES; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 026-2022; AUTHORIZED CHIEF EXECUTIVE OFFICER TO APPROVE FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF \$567,143
Pelz-McLaughlin: All Ayes

CA

- 20) Proposed Amendment No. 3 to Agreement 07816 with Paul Dhanens Architect, Inc., an independent contractor, for architectural design services for budgeted construction projects for the period July 1, 2016 through June 30, 2023, increasing the maximum payable by \$250,000, from \$700,000 to \$950,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 027-2022
Pelz-McLaughlin: All Ayes

CA

- 21) Proposed Purchase Order Agreement with Acist Medical Systems, Inc., an independent contractor, containing non-standard terms and conditions, for repair of Cath lab equipment, effective February 16, 2022, in an amount not to exceed \$20,125 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 028-2022
Pelz-McLaughlin: All Ayes

- 22) Kern County Hospital Authority Chief Financial Officer report –
RECEIVED AND FILED
Alsop-Berjis: All Ayes

NOTE: DIRECTOR BRAR LEFT THE MEETING PRIOR TO THE DISCUSSION AND VOTE ON ITEM 23

CA

- 23) Kern County Hospital Authority Chief Executive Officer report –
RECEIVED AND FILED
Pelz-Berjis: 6 Ayes; 1 Absent - Brar

- 24) Claims and Lawsuits Filed as of January 31, 2022 –
RECEIVED AND FILED
Pelz-McLaughlin: All Ayes

ADJOURNED TO CLOSED SESSION
Berjis-Alsop

CLOSED SESSION

- 25) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW

NOTE: DIRECTOR KITCHEN LEFT THE MEETING PRIOR TO THE DISCUSSION AND VOTE ON ITEM 26

- 26) 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
- 27) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Marcel Monji v. County of Kern, et al., United States District Court, Eastern District of California, Case No. 1:19-cv-01526-JLT-BAK (SKO) – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION
McLaughlin-Pelz

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 25 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 PRESNET (MOTION BY DIRECTOR ALSOP, SECOND BY DIRECTOR PELZ; 1 ABSENT - BRAR), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, REVIEW/RELEASE OF PROCTORING, CHANGE IN STAFF STATUS; VOLUNTARY RESIGNATION OF PRIVILEGES, AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

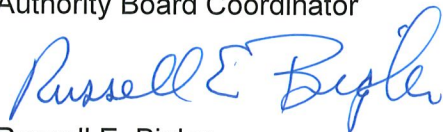
Item No. 26 concerning Request for Closed Session for the purpose of discussion or taking action on authority trade secrets (Health and Safety Code Section 101855(e)(1)) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 27 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Marcel Monji v. County of Kern, et al., United States District Court, Eastern District of California, Case No. 1:19-cv-01526-JLT-BAK (SKO) – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, MARCH 16, 2022 AT 11:30 A.M.
Pelz



/s/ Mona A. Allen
Authority Board Coordinator



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