



SUMMARY OF PROCEEDINGS

KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

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

Regular Meeting
Wednesday, July 20, 2022

11:30 A.M.

BOARD RECONVENED

Board Members: Alsop, Berjis, Bigler, Brar, Kitchen, McLaughlin, Pelz
Roll Call: 5 Present; 2 Absent - Alsop, Brar

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.

NON-AGENDA ITEM

MOTION TO CONSIDER NON-AGENDA ITEM 31: MADE FINDING THAT THE NEED TO TAKE ACTION ON A NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED ON FRIDAY, JULY 15, 2022. ON MONDAY, JULY 18, 2022, KERN COUNTY HOSPITAL AUTHORITY RECEIVED A COURTESY COPY OF A PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF FILED IN KERN COUNTY SUPERIOR COURT BY SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 521 THAT SAME DAY, ACCORDING TO THE EMAIL RECEIVED FROM UNION COUNSEL. DUE TO THE NATURE OF THE ALLEGATIONS, IT IS NECESSARY FOR THE BOARD OF GOVERNORS TO MEET IN CLOSED SESSION WITH COUNSEL AT ITS REGULAR MEETING ON JULY 20, 2022, AS THE NEXT REGULAR MEETING OF THE BOARD OF GOVERNORS IS NOT SCHEDULED TO OCCUR UNTIL WEDNESDAY, AUGUST 17, 2022

Pelz-Berjis: 5 Ayes; 2 Absent - Alsop, Brar

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)) –

DIRECTOR BERJIS REPORTED ON THE NEW ACADEMIC YEAR THAT COMMENCED JULY 1 AND WELCOMED THE NEW COLLABORATION WITH WESTERN UNIVERSITY SCHOOL OF MEDICINE; CHAIRMAN BIGLER WISHED EVERYONE INVOLVED THE BEST

ITEMS FOR CONSIDERATION

CA

- 3) 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 2022-012
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 4) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on June 15, 2022 –
APPROVED
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 5) Proposed Agreement with Everardo Cobos, M.D., a contract employee, for professional medical services in the Department of Medicine from August 8, 2022 through August 7, 2025, in an amount not to exceed \$1,650,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 073-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 6) Proposed retroactive Amendment No. 3 to Agreement 20119 with Juan M. Lopez, M.D., a contract employee, for professional services in the Department of Obstetrics and Gynecology, for the period July 1, 2019 through June 30, 2022, extending the term for 90 days from July 1, 2022 through September 30, 2022, and increasing the maximum payable by \$115,000, from \$1,350,000 to \$1,465,000, to cover the extended term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 074-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 7) Proposed Amendment No. 1 to Agreement 041-2021 with Jeffry L. Huffman, M.D., a contract employee, for professional services in the Department of Surgery, for the period July 31, 2021 through July 30, 2026, adding compensation for dual hospital coverage, and increasing the maximum payable by \$467,200, from \$4,088,000 to \$4,555,200, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 075-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 8) Proposed Amendment No. 2 to Agreement 873-2015 with Jeffrey G. Nalesnik, M.D., a contract employee, for professional services in the Department of Surgery, for the period January 1, 2016 through December 31, 2025, adding compensation for dual hospital coverage, and increasing the maximum payable by \$467,200, from \$8,974,358 to \$9,441,558, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 076-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 9) Proposed Agreement with Danny Long Huynh, M.D., a contract employee, for professional services in the Department of Surgery from August 8, 2022 through August 7, 2027, in an amount not to exceed \$4,360,000, plus applicable benefits –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 077-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 10) Proposed Amendment No. 2 to Agreement 06222 with Tri M. Ngo, M.D., an independent contractor, for professional medical services in the Department of Radiology, for the period January 3, 2022 through January 2, 2024, increasing the maximum payable by \$500,000, from \$250,000 to \$750,000, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 078-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 11) Proposed retroactive 340B Split Billing Service Agreement and Business Associate Agreement with Verity Solutions Group, Inc., an independent contractor, containing nonstandard terms and conditions, to provide 340B split billing services and software, for a term of three years, effective June 24, 2022, in an amount not to exceed \$115,000 –
APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 079-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

- CA
12) Proposed Purchase Agreement and Service Agreement with Philips Healthcare, a division of Philips North America, LLC, an independent contractor, for the purchase of three EPIQ Elite Diagnostic Ultrasound Systems, and continued Service Agreement for a term of four years following expiration of the 12-month warranty period, in an amount not to exceed \$541,000 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 080-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar
- CA
13) Proposed Affiliation Agreement with Ross University School of Medicine and American University of the Caribbean School of Medicine, independent contractors, for clinical training of third- and fourth-year medical students from August 1, 2022 through July 31, 2025 – APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 081-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar
- 14) Proposed retroactive Workforce Disruption Staffing Agreement with Aya Healthcare, Inc., an independent contractor, containing nonstandard terms and conditions, to provide emergency assistance with crisis staffing in response to labor disputes, strikes or other work stoppages from July 1, 2022 through June 30, 2023, in an amount not to exceed \$15,000,000 – RIKO MENDEZ, CHIEF ELECTED OFFICER, SEIU, LOCAL 521, HEARD REGARDING THE UPCOMING STRIKE BY SEIU MEMBERS AND ONGOING UNION NEGOTIATIONS; CHIEF EXECUTIVE OFFICER SCOTT THYGERSON HEARD IN RESPONSE; APPROVED; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN AGREEMENT 082-2022
Pelz-McLaughlin: 5 Ayes; 2 Absent – Alsop, Brar
- CA
15) Proposed retroactive Amendment No. 5 to Agreement 620-2009 with Craneware, Plc., an independent contractor, for migration to Trisus Chargemaster Product (formerly Chargemaster Toolkit) and continued access to Physician Revenue and Online Reference Toolkits, for the period June 30, 2009 through June 29, 2022, extending the term five years from June 30, 2022 through June 29, 2027, and increasing the maximum payable by \$1,590,297, from \$2,605,613 to \$4,195,910, to cover the additional services and extended term – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 083-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar
- CA
16) Proposed Sales Agreement with Axonics, Inc., an independent contractor, containing nonstandard terms and conditions, for the purchase of cystoscope and intraoperative urethral bulking system used for urology and urogynecology procedures, for a term of three years, effective July 20, 2022, in an amount not to exceed \$125,000 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 084-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar
- CA
17) Proposed Purchase Agreement with Philips Healthcare, a division of Philips North America, LLC, an independent contractor, for the purchase of upgraded telemetry monitoring systems, effective July 20, 2022, in an amount not to exceed \$1,370,000 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 085-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 18) Proposed Attachment 1 to Agreement 180-99 with 3M Health Information Systems, Inc., an independent contractor, containing nonstandard terms and conditions, to provide pass-through third-party terms to support software for the electronic health record, for a term that is coterminous with the current Agreement, with a term expiration of August 1, 2023 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 086-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 19) Proposed Quote 2003222207515-07 with Presidio Networked Solutions Group, LLC, an independent contractor, for the purchase of network infrastructure equipment to support core network services under the terms and conditions of Master Services Agreement 053-2018, for a term of 60 months effective July 25, 2022, in an amount not to exceed \$2,215,708 – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 087-2022
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

NOTE: CHIEF FINANCIAL OFFICER ANDREW CANTU LEFT THE MEETING PRIOR TO THE DISCUSSION AND VOTE ON ITEM 20

- 20) Proposed retroactive Amendment No. 1 to Agreement 049-2019 with Cantu Management Group, Inc., an independent contractor, for Chief Financial Officer, healthcare consulting and financial management services, for the period September 1, 2019 through August 31, 2023, increasing the maximum payable by \$13,043,284, from \$7,200,000 to \$20,243,284, to cover the term, effective September 1, 2021 – PUBLIC COMMENT RECEIVED FROM SYDNEE GALUSHA, SEIU, LOCAL 521, REGARDING APPROVAL OF PAYMENTS TO CANTU MANAGEMENT GROUP, CANTU MANAGEMENT GROUP RESPONSIBILITIES FOR OVERSIGHT OF HOSPITAL FINANCES AND INTERNAL CONTROLS, AND BOARD POLICY OR LIMITATIONS ON RETROACTIVE AGREEMENTS; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 088-2022
Pelz-Berjjs: 5 Ayes; 2 Absent - Alsop, Brar

DIRECTOR BERJIS MADE A REFERRAL TO STAFF TO RESPOND IN WRITING TO MS. GALUSHA'S COMMENTS WITHIN 10 DAYS

Kitchen-Pelz: 5 Ayes; 2 Absent - Alsop, Brar

NOTE: DIRECTOR BRAR JOINED THE MEETING AFTER THE DISCUSSION AND VOTE ON ITEM 20

NOTE: CHIEF FINANCIAL OFFICER ANDREW CANTU JOINED THE MEETING AFTER THE DISCUSSION AND VOTE ON ITEM 20

- 21) Kern County Hospital Authority Chief Financial Officer report –
Pelz-McLaughlin: 6 Ayes; 1 Absent - Alsop
CHIEF FINANCIAL OFFICER ANDREW CANTU HEARD; RECEIVED AND FILED
- 22) Kern County Hospital Authority Chief Executive Officer report –
CHIEF EXECUTIVE OFFICER SCOTT THYGERSON HEARD; RECEIVED AND FILED
McLaughlin-Berjjs: 6 Ayes; 1 Absent - Alsop

- CA
23) Claims and Lawsuits Filed as of June 30, 2022 –
RECEIVED AND FILED
Kitchen-McLaughlin: 5 Ayes; 2 Absent - Alsop, Brar

ADJOURNED TO CLOSED SESSION
Peiz-McLaughlin

CLOSED SESSION

- 24) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 25) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Farzin Tayefeh, M.D., et al. v. County of Kern, et al., Kern County Superior Court Case No. BCV-15-100647 – SEE RESULTS BELOW
- 26) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Kern County Hospital Authority, a Governmental entity v. California Department of Corrections and Rehabilitation, et al., Kern County Superior Court Case No. BCV-20-102979 DRL – SEE RESULTS BELOW
- 27) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Paula Torres and Martin Alejandrez Cruz v. Kern County Hospital Authority, Yasser Ratl Mrad, M.D., and DOES 1 through 250, Inclusive, Kern County Superior Court Case No. BCV-21-101001 – SEE RESULTS BELOW
- 28) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Employee organizations: Service Employees International Union, Local 521 (Government Code Section 54957.6) – SEE RESULTS BELOW
- 29) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes and designated staff - Unrepresented Employee: Chief Executive Officer (Government Code Section 54957.6) – SEE RESULTS BELOW
- 30) 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
- 31) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521 Plaintiff/Petitioner, v. Kern County Hospital Authority, Kern Medical Surgery Center, LLC, and DOES 1-25, Defendants/Respondents, Kern County Superior Court Case No. BCV-22-101782 – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION

Berjis-Pelz

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 24 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 BERJIS, SECOND BY DIRECTOR BRAR; 1 ABSENT - ALSOP), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING; VOLUNTARY RESIGNATION OF PRIVILEGES; AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item No. 25 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Farzin Tayefeh, M.D., et al. v. County of Kern, et al., Kern County Superior Court Case No. BCV-15-100647 – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 26 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Kern County Hospital Authority, a Governmental entity v. California Department of Corrections and Rehabilitation, et al., Kern County Superior Court Case No. BCV-20-102979 DRL – 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: Paula Torres and Martin Alejandro Cruz v. Kern County Hospital Authority, Yasser Ratl Mrad, M.D., and DOES 1 through 250, Inclusive, Kern County Superior Court Case No. BCV-21-101001 – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 28 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Employee organizations: Service Employees International Union, Local 521 (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 29 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Vice President & General Counsel Karen S. Barnes and designated staff - Unrepresented Employee: Chief Executive Officer (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

Item No. 30 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

Item No. 31 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521 Plaintiff/Petitioner, v. Kern County Hospital Authority, Kern Medical Surgery Center, LLC, and DOES 1-25, Defendants/Respondents, Kern County Superior Court Case No. BCV-22-101782 – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, AUGUST 17, 2022 AT 11:30 A.M.

Peiz



/s/ Mona A. Allen
Authority Board Coordinator



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