



## 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, September 20, 2023

11:30 A.M.

#### BOARD RECONVENED

Board Members: Berjis, Bigler, McLaughlin, Pelz, Pollard, Zervis  
Roll Call: 4 Present, 2 Absent - McLaughlin, Pollard

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!**

ELVA LOPEZ, M.D., HEARD REGARDING UNFAIR TREATMENT OF FEMALE FACULTY; A CULTURE OF FEAR AND RETALIATION; A LACK OF DUE PROCESS FOR WOMEN FACULTY; THE INABILITY TO RETAIN A PROGRAM DIRECTOR; AND THE EXISTENCE OF A MASOGINISTIC CULTURE IN THE DEPARTMENT OF OBSTETRICS AND GYNECOLOGY; CHAIRMAN BIGLER AND CHIEF EXECUTIVE OFFICER SCOTT THYGERSON 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**

ITEMS FOR CONSIDERATION

- CA  
3) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on August 16, 2023 –  
APPROVED  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**
- CA  
4) Proposed appointment of Ralph Garcia-Pacheco Suarez, M.D., as Chair, Department of Medicine, effective September 20, 2023 –  
RATIFIED APPOINTMENT  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**
- CA  
5) Proposed Kern County Hospital Authority Organizational Chart, effective September 20, 2023 –  
APPROVED  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**
- CA  
6) Proposed Agreement with Prime Actuarial Consulting LLC, doing business as Bickmore Actuarial, an independent contractor, for actuarial analysis of Kern Medical Center self-insured malpractice and workers' compensation programs from October 1, 2023 through September 30, 2028, in an amount not to exceed \$55,000 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 118-2023  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**

CA

- 7) Proposed Master Agreement with Flex Financial, a division of Stryker Sales, LLC, an independent contractor, containing nonstandard terms and conditions, for purchase of surgical equipment from September 20, 2023 through July 19, 2025, in an amount not to exceed \$2,023,299 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 119-2023  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**

CA

- 8) Proposed Purchase Order with Heredia Cabling Solutions, an independent contractor, for purchase of infrastructure updates to support the Philips Telemetry patient monitoring system, effective September 20, 2023, in an amount not to exceed \$436,657 –  
MADE A FINDING THAT 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 120-2023; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF THE TOTAL CONTRACT PRICE  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**

CA

- 9) Proposed Personal/Professional Services Agreement with Atlas Copco Compressors, LLC, doing business as Accurate Air Engineering, an independent contractor, containing nonstandard terms and conditions, for preventive maintenance of vacuum pumps, air compressors and medical air filters from September 20, 2023 through September 19, 2026, in an amount not to exceed \$300,000 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 121-2023  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**

CA

- 10) Proposed retroactive Second Amendment to Kern County Hospital Authority Defined Contribution Plan for Physician Employees, amending the definition of “Eligible Employee” to exclude the chief medical officer from participation, effective August 26, 2023 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 122-2023  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**

CA

- 11) Proposed Fourth Amendment to Operating Agreement of Kern Medical Surgery Center, LLC, increasing the number of managers from three to seven and appointing the Board of Governors as the managers, effective October 1, 2023 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 123-2023  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**

CA

- 12) Proposed Reference Laboratory Services Agreement with The Trustees of the University of Pennsylvania, as owner and operator of Hospital of the University of Pennsylvania on behalf of its Department of Pathology and Laboratory Medicine, an independent contractor, containing nonstandard terms and conditions, for comprehensive testing and reference laboratory services, in an amount not to exceed \$100,000, effective September 20, 2023 –  
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 124-2023  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**

- CA  
13) Proposed retroactive Application and Agreement with Board of Administration of the Public Employees' Retirement System, acting on behalf of the State of California, to extend coverage under Section 218 of the Federal Social Security Act to Kern County Employees' Retirement Association members, effective July 1, 2016, in an amount to be determined by the State – APPROVED; ADOPTED RESOLUTION 2023-009; AUTHORIZED VICE PRESIDENT, HUMAN RESOURCES AS AUTHORIZED AGENT TO SIGN APPLICATION AND AGREEMENT 125-2023; DIRECTED HUMAN RESOURCES TO EFFECT THE PURPOSES OF THE RESOLUTION  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**
- CA  
14) Proposed Amendment No. 1 to Agreement 75622 with Ishaan S. Kalha, M.D, a contract employee, for professional medical services in the Department of Medicine, for the period of December 10, 2022 through December 9, 2025, increasing the rates for excess call coverage, and increasing the maximum payable by \$200,000, from \$1,500,000 to \$1,700,000, to cover the term – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 126-2023  
**Berjis-Pelz: 4 Ayes; 2 Absent – McLaughlin, Pollard**
- CA  
15) Proposed Amendment No. 1 to Agreement 103-2022 with Jack C. Hou, M.D., a contract employee, for professional medical services in the Department of Surgery, for the period of September 22, 2022 through September 21, 2023, extending the term for one year from September 22, 2023 through September 21, 2024, and increasing the maximum payable by \$890,000, from \$890,000 to \$1,780,000, to cover the term – APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 127-2023  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**
- CA  
16) Proposed retroactive acceptance of donation of travel and related expenses from Oracle Health for one Kern Medical Center employee to attend the Oracle Health CloudWorld Conference in Las Vegas, Nevada, from September 18-21, 2023 – APPROVED; ADOPTED RESOLUTION 2023-010  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**
- 17) Kern County Hospital Authority Chief Financial Officer report – CHIEF FINANCIAL OFFICER ANDREW CANTU MADE PRESENTATION; RECEIVED AND FILED  
**Zervis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**
- 18) Kern County Hospital Authority Chief Executive Officer report – CHIEF EXECUTIVE OFFICER SCOTT THYGERSON MADE PRESENTATION; DIRECTOR PELZ AND DIRECTOR BIGLER HEARD; RECEIVED AND FILED  
**Berjis-Zervis: 4 Ayes; 2 Absent - McLaughlin, Pollard**
- CA  
19) Monthly report on What's Happening at Kern Medical Center – RECEIVED AND FILED  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**

CA

- 20) Claims and Lawsuits Filed as of August 31, 2023 –  
RECEIVED AND FILED  
**Berjis-Pelz: 4 Ayes; 2 Absent - McLaughlin, Pollard**

ADJOURNED TO CLOSED SESSION  
**Pelz-Berjis**

CLOSED SESSION

- 21) Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 22) Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 23) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(4)) Number of cases: One (1) Based on facts and circumstances, the Board of Governors has decided to initiate or is deciding whether to initiate litigation – SEE RESULTS BELOW
- 24) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Christopher Harkins, Plaintiff, v. Kern County Hospital Authority, a municipal corporation; and DOES 1 through 50, inclusive, Defendants, Kern County Superior Court Case No. BCV-23-102237 DRZ – SEE RESULTS BELOW
- 25) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521, Charging Party, v. Kern County Hospital Authority, Respondent, Public Employment Relations Board Case No. LA-CE-1633-M – SEE RESULTS BELOW
- 26) CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521, Charging Party, v. Kern County Hospital Authority, Respondent, Public Employment Relations Board Case No. LA-CE-1580-M – SEE RESULTS BELOW
- 27) 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 JEB – 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) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION

**Pelz-Zervis**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item 21 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 PELZ, SECOND BY DIRECTOR ZERVIS); 2 ABSENT – DIRECTORS MCLAUGHLIN AND POLLARD), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, CHANGE IN STAFF STATUS, VOLUNTARY RESIGNATION OF PRIVILEGES, AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item 22 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 23 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(4)) Number of cases: One (1) Based on facts and circumstances, the Board of Governors has decided to initiate or is deciding whether to initiate litigation – HEARD; NO REPORTABLE ACTION TAKEN

Item 24 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Christopher Harkins, Plaintiff, v. Kern County Hospital Authority, a municipal corporation; and DOES 1 through 50, inclusive, Defendants, Kern County Superior Court Case No. BCV-23-102237 DRZ – HEARD; NO REPORTABLE ACTION TAKEN

Item 25 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521, Charging Party, v. Kern County Hospital Authority, Respondent, Public Employment Relations Board Case No. LA-CE-1633-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 26 concerning CONFERENCE WITH LEGAL COUNSEL - FORMALLY INITIATED LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Service Employees International Union, Local 521, Charging Party, v. Kern County Hospital Authority, Respondent, Public Employment Relations Board Case No. LA-CE-1580-M – HEARD; NO REPORTABLE ACTION TAKEN

Item 27 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 JEB – HEARD; NO REPORTABLE ACTION TAKEN

Item 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

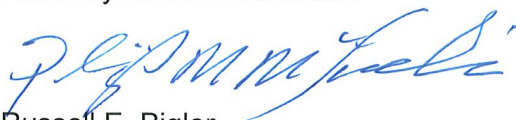
Item 29 concerning PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, OCTOBER 18, 2023 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