



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, November 15, 2023

11:30 A.M.

BOARD RECONVENED

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

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

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH A "CA" OR "C" WERE 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!

VINCENT MORENO EXPRESSED HIS GRATITUDE TO THE PHYSICIANS, NURSES, AND STAFF FOR THE CARE AND TREATMENT HE RECEIVED DURING A RECENT WEEK-LONG INPATIENT ADMISSION TO KERN MEDICAL CENTER

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 OVERWHELMING NUMBER OF GRADUATED MEDICAL EDUCATION APPLICATIONS RECEIVED FOR THE UPCOMING 2024-2025 ACADEMIC YEAR

RECOGNITION

- 3) Presentation by the Chief Executive Officer recognizing Raji Brar for her service on the Kern County Hospital Authority Board of Governors –
CHIEF EXECUTIVE OFFICER SCOTT THYGERSON RECOGNIZED RAJI BRAR FOR HER YEARS OF SERVICE TO THE KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS; MS. BRAR HEARD

ITEMS FOR CONSIDERATION

CA

- 4) Minutes for the Kern County Hospital Authority Board of Governors regular meeting on October 18, 2023 –
APPROVED
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA

- 5) Proposed acceptance of donation of travel and related expenses from Safety National and MedPro for two Kern Medical Center employees to attend CHA's "2023 Behavioral Health Care Symposium" in Sacramento, California, from December 12-13, 2023 –
APPROVED; ADOPTED RESOLUTION 2023-017
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA

- 6) Proposed retroactive Sixth Amendment to Operating Agreement of Kern Medical Surgery Center, LLC, to provide that the books and records of the Company shall be subject to the provisions of the California Public Records Act, effective October 1, 2023 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 153-2023
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA

- 7) Proposed retroactive Amendment P2402410071626 to Master Agreement 050-2018 with Change Healthcare Technologies, LLC, an independent contractor, containing nonstandard terms and conditions, for Interqual licensed software, for the period August 15, 2018 through August 14, 2023, extending the term for three years from August 15, 2023 through August 14, 2026, in an amount not to exceed \$109,957, to cover the term –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 154-2023
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA

- 8) Proposed Subscription Renewal Quote Q-1059696 with Lansweeper Inc., an independent contractor, containing nonstandard terms and conditions, for the purchase of IT asset management software licenses and support, from December 18, 2023 through December 17, 2024, in an amount not to exceed \$12,800 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 155-2023
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA

- 9) Proposed Quote 00005079 with Fujifilm Healthcare Americas Corporation, an independent contractor, containing nonstandard terms and conditions, for purchase of urology supplies, in an amount not to exceed \$10,775 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 156-2023
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA

- 10) Proposed Master Services Agreement and Proposal with inforgant, LLC, an independent contractor, for a Chief Information Security Officer and related software services, from November 15, 2023 through November 14, 2024, in an amount not to exceed \$310,000 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 157-2023
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA

- 11) Proposed Agreement with GE Healthcare, an independent contractor, for purchase of anesthesia machines and vaporizers, effective November 15, 2023, in an amount not to exceed \$586,718 –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 158-2023
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA

- 12) Proposed Amendment No. 7 to Agreement 1048-2010 with Total Renal Care, Inc., an independent contractor, for acute dialysis services, for the period December 1, 2010 through November 30, 2023, extending the term for three months from December 1, 2023 through February 29, 2024, at no additional cost –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 159-2023
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA

- 13) Proposed Customer Order 1000253922 with Carefusion Solutions, LLC, an independent contractor, for Secure Medication Dispensing Units and support, for a term of five years from November 15, 2023 through November 14, 2028, in an amount not to exceed \$3,000,000 plus applicable taxes and fees –
APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 160-2023
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA

- 14) Proposed recommendation to Kern County Board of Supervisors to appoint candidate Candace B. Neal, to the Kern County Hospital Authority Board of Governors to fill the community at large member vacancy created by the resignation of Raji Brar, term to expire June 30, 2024 –

MADE RECOMMENDATION; REFERED TO KERN COUNTY BOARD OF SUPERVISORS TO MAKE APPOINTMENT PENDING RESULTS OF THE BACKGROUND CLEARANCE
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

15) Kern County Hospital Authority Chief Financial Officer report – CHIEF FINANCIAL OFFICER ANDREW CANTU MADE PRESENTATION; DIRECTORS BERJIS AND MCLAUGHLIN HEARD REGARDING THE IMPACT OF THE UPCOMING MINIMUM WAGE INCREASE ON THE BUDGET; CHIEF EXECUTIVE OFFICER SCOTT THYGERSON HEARD IN RESPONSE; RECEIVED AND FILED
Pelz-: 4 Present; 2 Absent - Bigler, Zervis

16) Kern County Hospital Authority Chief Executive Officer report – CHIEF EXECUTIVE OFFICER SCOTT THYGERSON HEARD; RECEIVED AND FILED
Pollard-Pelz: 4 Present; 2 Absent - Bigler, Zervis

CA
17) Monthly report on What’s Happening at Kern Medical Center – RECEIVED AND FILED
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

CA
18) Claims and Lawsuits Filed as of October 31, 2023 – RECEIVED AND FILED
Berjis-Pollard: 4 Present; 2 Absent - Bigler, Zervis

ADJOURNED TO CLOSED SESSION
Berjis-Pollard

CLOSED SESSION

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

20) 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

21) 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

22) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Rebecca Rivera, M.D. – SEE RESULTS BELOW

- 23) 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
- 24) 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
- 25) CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Unrepresented Employees (Government Code Section 54957.6) – SEE RESULTS BELOW
- 26) Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – SEE RESULTS BELOW
- 27) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION
Berjis-Pollard

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item 19 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 POLLARD); 2 ABSENT - DIRECTORS BIGLER AND ZERVIS), THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, RELEASE OF PROCTORING, REQUEST FOR REVISION OF PRIVILEGES; AND VOLUNTARY RESIGNATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item 20 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 21 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 22 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2) & (e)(2)) Number of cases: One (1) Significant exposure to litigation in the opinion of the Board of Governors on the advice of legal counsel, based on: Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the Authority and that are known to a potential plaintiff or plaintiffs. Facts and circumstances are as follows: Rebecca Rivera, M.D. – HEARD; NO REPORTABLE ACTION TAKEN

Item 23 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 24 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 25 concerning CONFERENCE WITH LABOR NEGOTIATORS - Agency designated representatives: Chief Executive Officer Scott Thygerson, and designated staff - Unrepresented Employees (Government Code Section 54957.6) – HEARD; NO REPORTABLE ACTION TAKEN

Item 26 concerning Request for Closed Session regarding peer review of health facilities (Health and Safety Code Section 101855(j)(2)) – NOT HEARD

Item 27 concerning PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Title: Chief Executive Officer (Government Code Section 54957) – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, DECEMBER 13, 2023 AT 11:30 A.M.

Pelz



/s/ Mona A. Allen
Authority Board Coordinator



/s/ Phillip McLaughlin
Vice Chairman, Board of Governors
Kern County Hospital Authority