



SUMMARY OF PROCEEDINGS

KERN COUNTY HOSPITAL AUTHORITY BOARD OF GOVERNORS

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

Regular Meeting
Wednesday, September 16, 2020

11:30 A.M.

BOARD RECONVENED

Board Members: Alsop, Berjis, Bigler, Brar, McLaughlin, Pelz, Sistrunk
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 NO. 20: MADE FINDING THAT THE NEED TO TAKE ACTION ON A NON-AGENDA MATTER OCCURRED AFTER THE AGENDA WAS POSTED ON SEPTEMBER 11, 2020. ON FRIDAY, SEPTEMBER 11, 2020, AFTER THE AGENDA WAS POSTED, GENERAL COUNSEL FOR THE KERN COUNTY HOSPITAL AUTHORITY RECEIVED AN UPDATE REGARDING AN ONGOING MATTER RELATED TO ANTICIPATED LITIGATION THAT REQUIRES THE IMMEDIATE ATTENTION OF THE BOARD OF GOVERNORS PRIOR TO THE BOARD'S NEXT REGULAR MEETING ON OCTOBER 21, 2020. ACCORDINGLY, SEPTEMBER 16, 2020 IS THE LAST DAY FOR THE BOARD OF GOVERNORS TO BE UPDATED ON THE MATTER IN CLOSED SESSION. DUE TO THE IMPACT ON OPERATIONAL ISSUES AND THE ECONOMIC CONSEQUENCES OF FAILING TO ACT ON THE UPDATE, IT IS NECESSARY THAT COUNSEL AND STAFF CONFER WITH THE BOARD OF GOVERNORS IN CLOSED SESSION PRIOR TO THE OCTOBER REGULAR MEETING

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

NOTE: CHIEF EXECUTIVE OFFICER RUSSELL V. JUDD AND EMPLOYEES OF MERIDIAN HEALTHCARE PARTNERS, INC. JOINED THE MEETING AT 11:57 A.M., AFTER THE MOTION AND VOTE ON THE NON-AGENDA ITEM AND CONSENT AGENDA

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 VISIT OF DR. JEROME ADAMS, THE UNITED STATES SURGEON GENERAL, TO KERN MEDICAL CENTER ON SEPTEMBER 14, 2020

CHAIRMAN BIGLER REPORTED ON THE SURGEON GENERAL'S UPCOMING CALL TO ACTION TO ADDRESS HYPERTENSION AND MATERNAL HEALTH ISSUES

RECOGNITION

- 3) Presentation by the Chief Executive Officer recognizing Christina Sistrunk for her service on the Kern County Hospital Authority Board of Governors –
MADE PRESENTATION

ITEMS FOR CONSIDERATION

CA

- 4) Minutes for Kern County Hospital Authority Board of Governors regular meeting on August 19, 2020 –
APPROVED
McLaughlin-Sistrunk: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 5) Proposed Change Order No. 1 to Agreement 034-2020 with Lee Construction, Inc., an independent contractor, for construction services related to the fluoroscopy machine installation, increasing the maximum payable by \$11,210, from \$451,742 to \$462,951, to cover the cost of additional services –

MADE FINDING 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 041-2020; AUTHORIZED CHIEF EXECUTIVE OFFICER TO SIGN FUTURE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED 10% OF THE TOTAL CONTRACT AMOUNT

McLaughlin-Sistrunk: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 6) Proposed Agreement with Fowrooz S. Joolhar, M.D., a contract employee, for professional medical services in the Department of Medicine for the period September 30, 2020 through September 29, 2023, in an amount not to exceed \$1,845,000 –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 042-2020

McLaughlin-Sistrunk: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 7) Proposed Service Agreement and Addendum with OEC Medical Systems, Inc., a GE Healthcare Business, an independent contractor, containing non-standard terms and conditions, for purchase of extended warranty maintenance and glass coverage for the X-ray tube for the OEC C-arm from September 16, 2020 through September 15, 2027, in an amount not to exceed \$81,144 –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 043-2020

McLaughlin-Sistrunk: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 8) Proposed Amendment No. 1 to Agreement 014-2019 with Meridian Healthcare Partners, Inc., an independent contractor, for Chief Executive Officer and healthcare management services for the period December 16, 2018 through December 15, 2025, revising the contractor staff requirements, and adding a new maximum payable of \$10,387,536 for the two-year period from December 16, 2020 through December 15, 2022 –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 044-2020

McLaughlin-Sistrunk: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 9) Proposed Amendment No. 9 to Agreement 947-2008 with Toyon Associates, Inc., an independent contractor, for third-party reimbursement services for the period October 14, 2008 through October 13, 2022, extending the term for two years from October 14, 2020 through October 13, 2022, incorporating changes to the scope of work and hourly rates, and increasing the maximum payable by \$950,000, from \$3,340,000 to \$4,290,000, to cover the extended term –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 045-2020

McLaughlin-Sistrunk: 5 Ayes; 2 Absent - Alsop, Brar

CA

- 10) Proposed retroactive Engagement Letter to Agreement 2017-025 with Strata Decision Technology LLC, an independent contractor, for the period March 16, 2017 through March 15, 2022, for purchase of StrataJazz software consulting services, effective August 17, 2020, and increasing the maximum payable by \$95,580, from \$2,257,169 to \$2,353,019, to cover the cost of the purchased services –

APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 046-2020

McLaughlin-Sistrunk: 5 Ayes; 2 Absent - Alsop, Brar

- 11) Public hearing regarding proposed closure of the gynecologic oncology clinic located at 2011 19th Street, Bakersfield, and consolidation of gynecologic oncology services to 9300 Stockdale Highway, Suite 100, Bakersfield –
OPENED HEARING; NO PUBLIC COMMENT; CLOSED HEARING; APPROVED CLOSURE OF GYNECOLOGIC ONCOLOGY CLINIC LOCATED AT 2011 19TH STREET, BAKERSFIELD; DIRECTED STAFF TO CONSOLIDATE GYNECOLOGIC ONCOLOGY SERVICES AT 9300 STOCKDALE HIGHWAY, SUITE 100, BAKERSFIELD
Pelz-Sistrunk: 5 Ayes; 2 Absent - Alsop, Brar

NOTE: DIRECTOR ALSOP JOINED THE MEETING AFTER THE VOTE AN AGENDA ITEM 11 AND BEFORE THE VOTE ON AGENDA ITEM 12

- 12) Review of Board of Governors vacant position selection process –
RECEIVED AND FILED
Pelz-Berjis: 6 Ayes; 1 Absent - Brar

NOTE: DIRECTOR BRAR JOINED THE MEETING AFTER THE VOTE AN AGENDA ITEM 12 AND BEFORE THE VOTE ON AGENDA ITEM 13

- 13) Kern County Hospital Authority Financial report –
RECEIVED AND FILED
Sistrunk-McLaughlin; 7 Ayes
- 14) Kern County Hospital Authority Chief Executive Officer report –
RECEIVED AND FILED
Pelz-McLaughlin: 7 Ayes

- CA
15) Claims and Lawsuits Filed as of August 31, 2020 –
RECEIVED AND FILED
McLaughlin-Sistrunk: 5 Ayes; 2 Absent - Alsop, Brar

- CA
16) Miscellaneous Correspondence –
RECEIVED AND FILED
McLaughlin-Sistrunk: 5 Ayes; 2 Absent - Alsop, Brar

ADJOURNED TO CLOSED SESSION
McLaughlin-Berjis

CLOSED SESSION

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

- 19) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code Section 54956.9(d)(1)) Name of case: Kern County Hospital Authority, a public entity, and successor in interest to the County of Kern v. The United States of America, et al., United States District Court, Eastern District of California Case No. 1:19-cv-00474-DAD-JLT – SEE RESULTS BELOW
- 20) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Government Code Section 54956.9 (d)(4).) Number of cases: One (1) Based on existing facts and circumstances, the Board of Governors has decided to initiate or is deciding whether to initiate litigation – SEE RESULTS BELOW

RECONVENED FROM CLOSED SESSION
McLaughlin-Pelz

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

Item No. 17 concerning Request for Closed Session regarding peer review of health practitioners (Health and Safety Code Section 101855(j)(2)) – HEARD; BY A UNANIMOUS VOTE (MOTION BY DIRECTOR SISTRUNK, SECOND BY DIRECTOR PELZ); THE BOARD APPROVED ALL PRACTITIONERS RECOMMENDED FOR INITIAL APPOINTMENT, REAPPOINTMENT, REVIEW/RELEASE OF PROCTORING, VOLUNTARY RESIGNATION OF PRIVILEGES, AND AUTOMATIC TERMINATION OF PRIVILEGES; NO OTHER REPORTABLE ACTION TAKEN

Item No. 18 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. 19 concerning CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(d)(1)) Name of case: Kern County Hospital Authority, a public entity, and successor in interest to the County of Kern v. The United States of America, et al., United States District Court, Eastern District of California Case No. 1:19-cv-00474-DAD-JLT – HEARD; NO REPORTABLE ACTION TAKEN

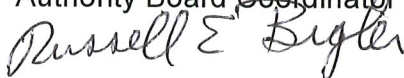
Item No. 20 concerning CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9 (d)(4).) Number of cases: One (1) Based on existing facts and circumstances, the Board of Governors has decided to initiate or is deciding whether to initiate litigation – HEARD; NO REPORTABLE ACTION TAKEN

ADJOURNED TO WEDNESDAY, OCTOBER 21, 2020, AT 11:30 A.M.

Sistrunk



/s/ Mona A. Allen
Authority Board Coordinator



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